

**SUBDIVISION REGULATIONS**

**TOWN OF DELHI, NEW YORK**

ADOPTED: MARCH 1968  
AMENDED: JULY 1981  
MARCH 1989

## SUBDIVISION REGULATIONS

Town of Delhi, New York

### SECTION 1 GENERAL PROVISIONS

- 1.1 These regulations, shall hereafter be known, cited and referred to as the Subdivision Regulations of the Town of Delhi.
- 1.2 *Policy.*
- (1) It is declared to be the policy of the town to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the town part for the orderly, planned, efficient, and economical development of the Town.
  - (2) 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 and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements, such as schools, parks, recreation facilities, transportation facilities and improvements.
  - (3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Map, and the capital budget and program of the town, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, Comprehensive Plan, Official Map and land use plan, and capital budget and program of the town.
- 1.3 *Purpose.*

These Regulations are adopted for the following purposes:

- (1) To protect the public health, safety and general welfare of the town by providing for adequate light and air, and security from fire, flood and other danger.
- (2) To guide the future growth and development of the town, in accordance with the Comprehensive Plan.

- (3) To protect and conserve the value of the land throughout the town.
- (4) To insure that public and private utilities and facilities are of sufficient capacity to serve the proposed subdivision.
- (5) To insure proper legal descriptions and monumenting of subdivided land.
- (6) To establish reasonable design standards and procedures for subdivisions and resubdivisions.
- (7) To prevent the pollution of air, water and land. To assure adequate drainage facilities; to safeguard water tables; and to encourage the preservation and management of natural resources in the town.
- (8) To encourage the use of open spaces through the design and layout of the land.
- (9) To insure that the natural contours of the land will be followed in the design and layout of subdivisions.

#### 1.4 *Authority.*

By the authority of the Resolution adopted by the Town Board on 14th day of April 1964, pursuant to the provisions of Article 16 of the Town Law, the Planning Board of the Town of Delhi has the power and authority to approve plans for subdivisions of land within that part of the Town of Delhi outside the limits of the incorporated Village.

#### 1.5 *Jurisdiction.*

- (1) These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the town.
- (2) No land shall be subdivided within the corporate limits of the town until
  - (a) the subdivider or his agent shall submit a sketch plat of the parcel to the Planning Board through its Administrative Assistant;
  - (b) obtain approval of the sketch plat and preliminary and final approval of the plat itself by the Planning Board; and
  - (c) the approved plat is filed with the County Clerk.

- (3) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations.

1.6 *Enactment.*

In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

1.7 *Interpretation, Conflict, and Separability.*

- (1) In their interpretation and application, the provisions of these regulations shall conform to the policy and purposes as stated in Section 1.2 and 1.3 of this regulation.

(2) *Conflict with Public and Private Provisions.*

(a) *Public Provisions.* The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(b) *Private Provisions.* These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or any other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or any other private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Board or the town in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

(3) *Separability.*

If any part or provision of these regulations contained or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction,

such decision shall be confined to the part, provision, or application directly involved in all controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Planning Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

1.8 *Saving Provision.*

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering

any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the town except as shall be expressly provided for in these regulations.

1.9 *Reservations and Appeals.*

Upon the adoption of these regulations according to law, the Subdivision Regulations of the Town of Delhi, adopted March 26, 1968, as amended, are hereby repealed, except as such sections expressly retained herein.

1.10 *Amendments.*

For the purpose of providing the public health, safety and general welfare, the Planning Board may, from time to time, amend the provisions imposed by these subdivision regulations. Public hearing on all proposed amendments shall be held by the Planning Board in the manner prescribed by law.

1.11 *Conditions.*

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this Town. The developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the town and to the safety and general welfare of the future plot owners in the subdivision and the community at large.

1.12 *Resubdivision of Land.*

A resubdivision, as defined herein, is subject to the same procedure, rules and regulations applicable to an original subdivision.

### 1.13 *Vacation of Plats.*

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

Such an instrument shall be approved by the Planning Board in like manner as plats of subdivisions. The Governing Body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or driveways.

Such an instrument shall be executed, acknowledged or approved and recorded and filed, in like manner as plats of subdivisions;

and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

### 1.14 *Waivers.*

#### (1) *General.*

Where the Planning Board finds that compliance with these Regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of the Regulations may be modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these Regulations.

No such modifications may be granted if it would have the effect of nullifying the intent and purpose of the Official Map, the Zoning Ordinance, the Comprehensive Plan or these Regulations.

#### (2) *Conditions.*

In approving waivers, the Planning Board may require such conditions as will, in its judgement, secure substantially the objectives of the policy and standards of these Regulations.

(3) *Procedure.*

A petition for any such waiver shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.15 (1) *General Enforcement, Violations, and Penalties.*

- (a) It shall be the duty of the Administrative Assistant to the Planning Board to enforce these regulations and to bring to the attention of the Town Attorney any violations or lack of compliance herewith.
- (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell

any such parcel before a plat of such subdivision has been approved by the Planning Board, in accordance with the provisions of these Regulations, and filed with the County Clerk.

- (c) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Regulations.
- (d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations.

(2) *Violations and Penalties.*

Any person, firm or corporation who fails to comply with, or violates any of these regulations shall be subject to a fine of not more than \$500, or imprisonment for a term not exceeding six (6) months or both. Each week's continued violation shall constitute a separate additional violation.

(3) *Civil Enforcement.*

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these Regulations, or prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises; and these remedies shall be in addition to the penalties described above.

## SECTION 2 SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

### 2.1 *General Procedure.*

Whenever any subdivision of land is proposed to be and before any part thereof is sold, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his duly authorized agent shall apply for and secure approval of such proposed subdivision in accordance with steps (2) through (5):

- (1) Initial Contact and Discussion (with Administrative Assistant to the Planning Board)
- (2) Sketch Plat Conference (with Planning Board)
- (3) Preliminary Plat Approval
- (4) Final Plat Approval



(5) Signing / Recording of Plat

2.2 *Initial Contact and Discussion.*

(1) *General.*

Before preparing the sketch plat for a subdivision, the applicant should discuss with the Administrative Assistant to the Planning Board the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters, as well as the availability of existing services. The Administrative Assistant shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

The Administrative Assistant will advise the applicant of sketch plat requirements and procedures. The Administrative Assistant will also advise the applicant of the State Environmental Quality Review Process and shall have the applicant fill out the necessary application forms.

(2) *Application Procedure and Requirements.*

Prior to subdividing land, an owner of the land, or his representative, shall file an application for approval of a sketch plat. The application shall:

- (a) Be made on forms available at the office of the Administrative Assistant to the Planning Board.
- (b) Include all contiguous holdings of the owner, including land in the same "ownership", as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings

of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Clerk's Office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date contract of sale was executed, and if corporations are involved, a complete list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock.

- (c) Be accompanied by a minimum of three (3) copies of the sketch plat as described in these regulations and complying in all respects with these regulations.

- (d) Be presented to the Administrative Assistant to the Planning Board in duplicate.
- (e) Be accompanied by a fee of Twenty-five Dollars (\$25).
- (f) The application shall include an address and telephone number of an agent located within the boundaries of the Town of Delhi who shall be authorized to receive all notices required by these regulations.

### 2.3 *Sketch Plat Conference*

#### (1) *Classification as Minor or Major Subdivision.*

Tentative classification of the sketch plat shall be made at this time by the Planning Board as to whether the subdivision is a major or minor subdivision as defined in these Regulations. After classification of the subdivision by the Planning Board and its report as required by Section 2.3 (3) of these regulations, the Administrative Assistant to the Planning Board shall place the matter on the next available meeting agenda for formal approval of the sketch layout. After such approval by the Planning Board, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat as provided in these regulations if classified as a minor subdivision; and, if classified as a major subdivision, the applicant must first file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

#### (2) *State Environmental Quality Review Act Requirements.*

##### (a) *Classification as Type I or Type II Action.*

At this time the Planning Board the Environmental Clearance Form and the Sketch Plat in order to classify the proposed action as Type I, Unlisted, Exempt, or Excluded.

(b) If Type II, Exempt, or Excluded, no further State Environmental Quality Review compliance is required.

(c) If Type I or Unlisted, a lead agency will be designated by agreement among involved agencies.

#### (3) *Sketch Plat Review.*

The Planning Board shall consider the sketch plat and may makes comments verbally or in writing concerning the Sketch

Plat. The Planning Board may, in addition, transmit the sketch plat for review to appropriate officials or agencies of the Town Government, adjoining municipalities or counties, school and special districts, and other official bodies as it deems necessary or as mandated by law prior to official approval of the sketch plat. The Planning Board shall request that all officials and agencies to whom a request for review has been made, submit and report to the Planning Board within thirty (30) days after receipt of the request. The Planning Board will consider all reports submitted by officials and agencies concerning the sketch plat and shall review such reports at the next available regular meeting. The Planning Board, in studying the sketch plat, shall take into consideration the requirements of the subdivision regulations and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relationship to the topography of the land, sewerage disposal, drainage, lot sizes and arrangement, the further development of adjoining lands, as yet unsubdivided, and the requirements of the Town Official Map and Town Comprehensive Plan adopted or as adopted in the future by the Town Board.

(4) *Field Trip.*

After the regular Planning Board meeting at which the sketch plat is first discussed, the Planning Board may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative. In order to facilitate field inspection and review of the site of the proposed subdivision, temporary staking along the centerline of all proposed roads in the subdivision will be required in time for such field trip, or if impractical, the Planning Board shall permit a suitable alternate procedure.

(5) *Approval of Sketch Plat.*

After reviewing and discussing the sketch plat, and the reports, the Planning Board will advise the applicant of the specific changes and additions, if any, it will require in the plat layout and the character and extent of required improvements and reservations which it will require as a prerequisite to approval of the subdivision plat. The Planning Board may require additional changes as a result of further study of the subdivision in final form. Approval shall constitute authorization to prepare and submit a preliminary plat in the case of a major subdivision. Such approval or disapproval shall be made by the Planning Board within 90 days after first receipt of all necessary documents in an approved form by the Administrative Assistant to the Planning Board.

(6) *Lead Agency Designation (if SEQR required).*

When a proposed action involves funding or approval from one or more other agencies, the Planning Board shall, as soon as possible, mail the completed Environmental Assessment Form and a copy of any application it has received to all involved agencies notifying them that within thirty (30) calendar days of the date the Environmental Assessment Form was mailed to them a lead agency must be designated by agreement among them.

When the Planning Board receives an application to approve an action over which no other agencies have approval authority, it shall be the lead agency and shall determine the significance of the action.

## 2.4 *Preliminary Plat.*

### (1) *Application Procedure and Requirements.*

Based upon the approval of the Planning Board of the sketch plat, the applicant should file in duplicate an application for approval of a preliminary plat. The application shall:

- (a) Be made forms available at the office of the Administrative Assistant to the Planning Board together with a fee of Five Dollars (\$5) per lot.
- (b) Include all land which the applicant proposes to subdivide, and all land immediately adjacent extending one hundred feet (100') therefrom, or of that directly opposite thereto, extending one hundred feet (100') from the street frontage of such opposite land, with the names of the owners as shown in the Assessor's files. this information may be shown on a separate current tax Map reproduction from the Assessor's Office showing the subdivision superimposed thereon.
- (c) Be accompanied by a minimum of four (4) copies of the preliminary plat as described in these regulations.
- (d) Be accompanied by a minimum of two (2) copies of construction plans as described in these regulations.
- (e) Comply in all respects with the sketch plat as approved.
- (f) Be presented to the Administrative Assistant to the Planning Board at least four (4) weeks prior to a regular meeting of the Board.
- (g) Not to be considered complete until there has been a determination of no significance or a draft environmental impact statement has been accepted by the Planning Board.

(2) *Referral and Response.*

When any proposed subdivision is located within five hundred feet (500') of any municipal boundary or the boundary of any state or county property or easement, a copy of the application for preliminary plat approval will be referred to the Delaware County Planning Board as is provided for under the provisions of Section 239-n of General Municipal Law.

In the instance of such referral, the County Planning Board shall have thirty (30) days in which to report its recommendations to the Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by that board.

If the County Planning Board recommends disapproval or modification of any matter referred to them, the Planning Board shall not approve such application, except by a majority plus one of all the members thereof and after the adoption of a resolution full setting forth the reasons for such contrary decision.

(3) *Determination of Environmental Significance and Environmental Assessment Form. (if SEQR required)*

The Planning Board shall determine the significance of the action and notify the applicant of such within fifteen (15) days of the Planning Board's being designated as "lead agency".

If action is found to be significant, the Planning Board shall notify the applicant that a Draft Environmental Impact Statement (D.E.I.S.) is requested of the applicant.

Upon receipt of the D.E.I.S., the Planning Board shall allow a thirty (30) day comment period and may set up a public hearing on the matter.

The Planning Board will make recommendations and shall request that applicant prepare Final Environmental Impact Statement (F.E.I.S.).

(4) *Public Hearing.*

The Planning Board shall hold a Public Hearing on the preliminary plat within forty-five (45) days. Such hearing shall be advertised in the same manner as the subsequent hearing, the applicant shall submit an affidavit stating that he has notified, by Certified Mail, Return receipt Requested,

each adjacent or opposite property owner within 100 feet of all property lines at least ten (10) days prior to the public hearing.

(5) *Preliminary Approval.*

After the Planning Board has reviewed the preliminary plat and construction plans, the report of other public officials, any town recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions for conditional approval. The Board shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days after the date of the regular meeting of the Board at which the public hearing on preliminary approval, including the adjourned date thereof, is closed. One (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Board approves a preliminary plat showing park reservation or land for other local government use proposed to be dedicated to the other local government, the Board shall obtain approval of the park or land reservation from the Town Board.

(6) *Public Improvements.*

The Planning Board may require that all public improvements be installed and dedicated prior to the signing of the subdivision plat by the Chairman of the Planning Board. If the Planning Board shall not require that all public improvements be installed and dedicated prior to signing of the subdivision plat by the Chairman of the Planning Board, the amount of the bond shall be established by the Planning Board based upon the recommendation of the local government engineer and/or Town Highway Superintendent which bond shall be submitted by the applicant at the time of application for final subdivision plat approval. The Planning Board shall require the applicant to indicate on the plat all the roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended and any other special requirements deemed necessary by the Planning Board in order to conform the subdivision plat to the Official Map and the Comprehensive Plan of the Town of Delhi.

(7) *Effective Period of Preliminary Approval.*

The approval of a preliminary plat shall be effective for a period of six (6) months, at the end of which time final approval on the subdivision must have been obtained from the Planning Board, although the plat need not yet be signed and filed with the County Clerk. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations.

(8) *Zoning Regulations.*

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the one year period.

(9) *Model Homes.*

For the purpose of allowing the early construction of model homes in a subdivision, the Planning Board in its discretion may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided said portion derives access from existing State, County or Town highway, and provided no future road or other improvement is anticipated where said lots are proposed. The Subdivision Plat for the "Minor" portion shall be submitted to the Planning Board simultaneously with the Preliminary Plat for the entire Major Subdivision. After preliminary approval, the model may be constructed, subject to such additional requirements that the Planning Board may require.

2.5 *Final Subdivision Plat.*

(1) *Application Procedure and Requirements*

Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Board an application for final approval of a subdivision plat. The application shall:

- (a) Be made on forms available at the office of the Administrative Assistant to the Planning Board.
- (b) Include the entire subdivision, or section thereof, which derives access from an existing State, County, or Town Highway.
- (c) Be accompanied by a minimum of four (4) copies of the subdivision plat and the construction plans, as described in these regulations.
- (d) Comply in all respects with the sketch plat or preliminary plat as approved, which ever is applicable, depending on the classification of the subdivision.
- (e) Be presented to the Administrative Assistant to the Planning Board at least four (4) weeks prior to a regular meeting of the Board in order that a public hearing may be scheduled and the required ten (10) days notice given. The date of the regular meeting of the Board at which the public hearing on final approval, including any adjourned date thereof, is closed shall constitute the official submission date of the plat for the purposes of these regulations.
- (f) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks and easements, in a form approved by the Town attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the Town of Delhi all streets, local government uses, easements, parks and required utilities shown within the subdivision plat and construction plans in accordance with an irrevocable offer dated \_\_\_\_\_ and recorded in the County Clerk's Office.

By \_\_\_\_\_  
(owner or representative)

Date \_\_\_\_\_

The applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the local government. The sum shall be determined by the Town attorney before signing of the final subdivision plat and shall not be less than \$10,000.

- (g) Be accompanied by the performance bond, if required, in a form satisfactory to the Town Attorney and in an amount



established by the Planning Board upon recommendation of the Town Board. It shall include a provision that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Planning Board and shall include, but not be limited to the performance of all required subdivision improvements. all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Town of Delhi free and clear of all liens and encumbrances on the premises.

- (h) Be accompanied by stamped No. 10 envelopes addressed to each owner of property immediately adjacent extending one hundred feet (100') therefrom, or of that directly opposite thereto extending one hundred feet (100') from the street frontage of such opposite property owners as correct within the knowledge of the applicant as shown on the latest tax assessment roll.
- (i) Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations and by written assurance from the public utility companies and improvement districts that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Board upon preliminary plat approval. The applicant shall also pay a One Hundred Dollar (\$100) fee for each street sign shown in the construction plans, which street signs shall be installed by the Town of Delhi.

(2) *Endorsement of Health Authorities.*

The final subdivision plat shall be properly endorsed by the State Health Department with respect to all sewer and water facilities and that same comply with all rules, regulations, and requirements of the Town of Delhi, regional, state, and national authorities.

(3) *Notice of Public Hearing.*

Upon receipt of formal application and all accompanying material, the Administrative Assistant to the Planning Board shall call a public hearing for the next scheduled meeting of the Planning Board to be held within 45 days of plat submission. The Administrative Assistant will submit a notice for publication in one (1) newspaper of general circulation in the town to be published at least ten (10) days prior to the public hearing and mail notices to all property owners, as specified in Section 2.5 (1) (h), and will maintain file copies of the plat and construction plans for public review to the hearing. The Administrative Assistant to the Planning Board shall furnish four (4) posters to the applicant to be

posted by the applicant on the four (4) closest public roads in visible locations surrounding the proposed subdivision property at least ten (10) days prior to the public hearing.

(4) *Review of Final Environmental Impact Statement.* (if required)

Within forty-five (45) days of final plat application, the applicant shall present the Final Environmental Impact Statement (F.E.I.S.) to the "lead agency" for review.

The Planning Board shall allow a thirty (30) day comment period as stated in Part 617, New York State Environmental Conservation Law.

The Final Environmental Impact Statement must be approved prior to Planning Board approval of the final subdivision plat.

(5) *Public Hearing and Determination.*

At the hearing, the applicant shall furnish an affidavit as to placement of posters required by Section 2.5 (3), and the Planning Board will give an opportunity to any interested persons to examine or comment upon the plat and construction plans. After the public hearing, the Planning Board shall, within thirty (30) days after the closing of the public hearing, approve, modify and approve, or disapprove the subdivision application by resolution which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In the final resolution, the Planning Board shall stipulate the period of time when the performance bond shall be filed or the required improvements installed, whichever is applicable. In the instance of conditional approval, the Clerk of the Board shall provide that certification of such approval be made within five (5) days of the Board's resolution. The Clerk shall mail such certified copy to the owner, stating the requirements which, when completed, will authorize the signing of the conditionally approved plat by the Planning Board. In no event shall a performance bond be submitted later than six (6) months from the date of final resolution, together with all required documents and completion of required procedures. In no event shall the period of time stipulated by the Planning Board for completion of required improvements exceed 180 days from the date of final resolution (except in particular circumstances which could warrant the Planning Board extending the time period for up to two additional periods of ninety days each). One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefor accompanying the plat.

(6) *Submission and Review.*

Subsequent to the resolution of the Planning Board, three (3) paper copies of the construction plans and one (1) copy of the original of the subdivision plat on reproduction mylar and four (4) copies of the subdivision plat on paper shall be submitted to the Administrative Assistant to the Planning Board for final review. A check payable to the County Clerk in the amount of the current filing fee shall be provided. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the resolution have been met.

(7) *Vested Rights.*

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Board. All requirements, conditions or regulations adopted by the Planning Board applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman of the Planning Board and Administrative Assistant to the Planning Board. Where the Planning Board has required the installation of improvements prior to signing of the final plat, the Planning Board shall not unreasonably modify the conditions set forth in the final approval.

2.6 *Signing and Recording of Subdivision Plat.*

(1) *Signing of Plat.*

- (a) When a bond is required, the Chairman of the Planning Board and the Administrative Assistant to the Planning Board shall endorse approval of the plat after the bond has been approved by the Town Board, and all conditions satisfied.
- (b) When installation of improvements is required, the Chairman of the Planning Board and the Administrative Assistant to the Planning Board shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Town of Delhi as shown by a certificate signed by the local government engineer and/or Town Highway Superintendent and the Town Attorney that the necessary dedication of public land and improvements has been accomplished.

(2) *Recording of Plat.*

- (a) The Chairman and Administrative Assistant will sign the tracing cloth or reproducible mylar original of the subdivision plat and two (2) sepia prints of the

subdivision plat. The sepia prints will be returned to the applicant's engineer.

- (b) It shall be the responsibility of the Administrative Assistant to the Planning Board to file the plat with the County Clerk's Office within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the Administrative Assistant to the Planning Board shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town Attorney.

(3) *Sectionalizing Major Subdivision Plats.*

Prior to granting final approval of a major subdivision plat, the Planning Board may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Planning Board may require that the performance bond be in such amount until the remaining sections of the plat are offered for filing. The developer may also file in irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Planning Board, shall be granted concurrently with final approval of the plat. In the event of approval of sectionalizing, the entire approved subdivision plat, including all sections, shall be filed within ninety (90) days after the date of final approval with the Administrative Assistant to the Planning Board and such sections as have been authorized by the Planning Board shall be filed with the County Clerk. Such sections must contain at least ten percent (10%) of the total number of lots contained in the approval plat. The approval of all remaining sections not filed with the County Clerk shall automatically expire unless such sections have been approved for filing by the Planning Board, all fees paid, all instruments and offers of dedication submitted and performance bonds approved and actually filed with the County Clerk within three (3) years of the date of final subdivision approval of the subdivision plat.

## SECTION 3 ASSURANCE OF COMPLETION AND MAINTENANCE OF IMPROVEMENTS

### 3.1 *Improvements and Performance Bond.*

#### (1) *Completion Of Improvements.*

Before the Plat is signed by the Chairman of the Planning Board, all applicants shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the Town Highway Superintendent, all the street, sanitary, and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, as approved by the Planning Board, and to dedicate same to the local government, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

#### (2) *Performance Bond.*

- (a) The Planning Board in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to signing of the subdivision plat, and that, as an alternative, the applicant post a bond at the time of application for final subdivision approval in an amount estimated by the Planning Board as sufficient to secure to the local government the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required by these regulations.
- (b) Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Board in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from the date of final approval.

Such bond shall be approved by the Town Board as to amount and surety and conditions satisfactory to the Town Board. The Planning Board may, upon proof of difficulty, recommend to the Town Board extension of the

completion date set forth in such bond for a maximum period of one (1) extra year.

The Town Board may at any time during the period of such bond accept a substitution of principal or sureties on the bond, upon recommendation of the Planning Board.

(3) *Temporary Improvements.*

The applicant shall build or pay for all costs of temporary improvements required by the Planning Board. Prior to construction of any temporary facility or improvement, the applicant shall file with the Town of Delhi a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.

(4) *Costs of Improvements.*

All required improvements shall be made by the applicant, at his expense, without reimbursement by the Town of Delhi or any improvement district therein.

(5) *Governmental Units.*

Governmental units to which these bonds and contract provisions apply may file in lieu of said contract or bond a certified resolution or ordinance from officers or agencies, authorized to act in their behalf, agreeing to comply with the provisions of this Article.

(6) *Failure to Complete Improvement.*

For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Planning Board in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Town of Delhi may thereupon declare the bond to be in default and require that all the improvements be installed, regardless of the extent of the building development at the time the bond is declared to be in default.

(7) *Acceptance of Dedicated Offers.*

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by resolution of the Delhi Town Board. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of Delhi of any street, easement, or park shown on said plat. The Planning Board may require

said plat to be endorsed with appropriate notes to this effect.

### 3.2 *Inspection of Improvements.*

#### (1) *General Procedure and Fee.*

The Planning Board shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the Town of Delhi an inspection fee of two percent (2%) of the amount of the performance bond or the estimated cost of required improvements, and the subdivision plat shall not be signed by the Chairman of the Planning Board unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the Town of Delhi and no building permits or certificates of occupancy shall be issued until all fees are paid. If the County Engineer and Town Highway Superintendent finds upon inspection that any of the required improvements have not been constructed in accordance with the Town of Delhi construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

#### (2) *Release or Reduction of Performance Bond.*

##### (a) *Certificate of Satisfactory Completion.*

The Delhi Town Board will not accept dedication of required improvements nor release or reduction of a performance bond, until the County Engineer and/or the Town Highway Superintendent has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has been certified to the County Engineer and/or the Town Highway Superintendent, through submission of detailed "as built" survey plat of the subdivision, including location, dimensions, materials, and other information required by the Planning Board or the County Engineer and/or the Town Highway Superintendent, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements shall have been completed, are ready for dedication to the Town of Delhi and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the delhi Town Board shall thereafter

accept the improvements for dedication in accordance with the established procedure.

(b) *Reduction of Performance Bond.*

A performance bond shall be reduced upon actual dedication of public improvements and then only to the ration that the public improvement dedicated bears to the total public improvements to the plat. In no event shall a performance bond be reduced below twenty-five percent (25%) of the principal amount.

3.3 *Escrow Deposits For Lot Improvements.*

(1) *Acceptance of Escrow Funds.*

Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Building Inspector may, nevertheless, issue a Certificate of Occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash escrow deposit in an amount to be determined by the Town Engineer and/or Town Highway Superintendent for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.

(2) *Procedures on Escrow Fund.*

All required improvements for which escrow monies have been accepted by the Building Inspector at the time of issuance of a Certificate of Occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the Certificate of Occupancy. In the event that the improvements have not been properly installed at the end of the time period, the Building Inspector shall give two (2) weeks written notice to the developer requiring him to install same; and, in the event the same are not installed properly in the discretion of the Building Inspector, the Building Inspector may request the Delhi Town Board to authorize the Town of Delhi to proceed to contract out the work for the installation of necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the Certificate of Occupancy for which escrow monies are being deposited with the Building Inspector, prior to obtaining the Certificate of Occupancy, a notarized statement from the purchaser or purchasers of the premises authorizing the Building Inspector to install the improvements at the end of the nine (9)-month period in the event the same have not been duly installed by the developer.

3.4 *Maintenance of Improvements.*



The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Town of Delhi. If there are any Certificates of Occupancy on a street not dedicated to the local government, the Town of Delhi may, on twelve (12) hours notice, plow the street or effect emergency repairs and charge same to applicant.

### 3.5 *Deferral or Waiver of Required Improvements.*

- (1) The Planning Board may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
- (2) Whenever it is deemed necessary by the Planning Board to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of future improvements to the Town of Delhi, prior to signing of the final subdivision plat, or the applicant may post a bond insuring completion of said improvements upon demand of the Town of Delhi.

### 3.6 *Issuance of Building Permits and Certificates of Occupancy.*

- (1) Where a performance bond has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to completion of the improvements and dedication of same to the Town of Delhi, as required in the Planning Board's final approval of the subdivision plat.
- (2) The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit. The developer shall, at the time of the dedication, submit monies in escrow to the Town of Delhi in a sum determined by the Town Highway Superintendent for the necessary final improvement of a street.
- (3) No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Planning Board for the plat have been fully completed and dedicated to the Town of Delhi.

### 3.7 *Consumer Protection Legislation and Conflicts of Interest Statutes.*

- (1) No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
- (2) With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the Town until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.
- (3) Any violation of federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" laws; state subdivision disclosure acts) or conflicts of interest statute, law or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 1.15 hereof.

## SECTION 4 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGNS

### 4.1 *General Improvements.*

The Planning Board, in considering an application for the subdivision of land, shall be guided by, but shall not be bound by the following considerations and standards, upon which the Planning Board shall be the determining agent. In general, these standards shall be deemed to be the minimum requirements, for the convenience, health, safety and welfare of the town.

#### (1) *Conformance With Applicable Rules and Regulations.*

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations.

- (a) All applicable statutory provisions
- (b) The local government zoning ordinance, building and housing codes, and other applicable laws.
- (c) Town Development Plan, Official Map, Public Utilities Plan, and Capital Improvement Plan.
- (d) The special requirements of these regulations and any rules of the Health Department and/or other appropriate State agencies.
- (e) The rules of the State Highway Department if the subdivision abuts a State Highway or connecting street.
- (f) Standards and regulations adopted by the Local Government Engineer and all boards, commissions, agencies, and officials of Local Government.
- (g) Plat approval may be withheld if a subdivision is not in conformity with the above guidelines or policy and purposes established in Section 1.4 of these Regulations.

#### (2) *Self-Imposed Restrictions.*

The applicant may place restrictions on any of the land contained within the subdivision which are greater than those required by the Planning Board and these Regulations. Such restrictions shall be indicated on the final subdivision plat.

(3) *Plats Straddling Municipal Boundaries.*

In general, a lot of minimum size as permitted by these Regulations shall not be divided by a municipal boundary. However, if it is necessary for a municipal boundary line to cross a lot, the Planning Board may require suitable legal agreements to assure that the portions of the lot will not be separated in the future and the portion(s) of the lot in the adjoining municipality will not be used for any purpose that would make it nonconforming if the entire lot were located within the town. Whenever a subdivision includes land in two or more municipalities, the location of the municipal boundary line shall be shown on the plat.

(4) *Monuments.*

Permanent monuments, to the minimum standard of one-half inch (1/2") steel rod, shall be required wherever deemed necessary by the Planning Board to enable all lines to be reproduced on the ground.

Monuments shall be located no more than 500 feet (500') apart on street lines and are required at all lot corners or at points of curvature or tangency on curved streets, and spaced to be within sight of one another along lines entirely within the street right-of-way.

Monuments shall be set vertically in solid ground three inches (3") above ground surfaces with accurate reference to a permanently identifiable fixed point and shall meet or exceed the construction requirements specified in town construction codes and specifications.

(5) *Character of Land.*

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other natural hazard. Land subject to such hazards shall not be subdivided nor developed for residential purposes, nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard. Such land may be set aside for uses as shall not involve such danger nor produce unsatisfactory living conditions.

(6) *Subdivision Name.*

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these Regulations.

#### 4.2 *Lot Improvements.*

##### (1) *Lot and Driveway Arrangement.*

The lot and driveway size, depth, width, shape, and arrangement shall be such that there will be no foreseeable difficulty, for reasons of topography or other conditions, in securing building permits to build on all lots in the subdivision in compliance with Town development regulations, if any, and the State Health Department regulations.

Driveway access from an approved street will be provided to buildings on such lots.

The Planning Board may require one or more off-street parking spaces at the base of any driveway with a portion exceeding a grade of ten percent (10%) to facilitate parking in inclement weather.

##### (2) *Lot Dimensions.*

Except as provided elsewhere in these regulations or otherwise permitted by the Town Board, lot area and dimensions should not be less than one (1) acre.

Minimum lot frontage should be 150 feet (150'), except when on turnarounds where the frontage may be reduced to seventy-five feet (75').

Where lots are double the minimum suggested area, the Planning Board may require that they be arranged so as to allow for further subdivision and the opening of future streets where necessary to serve potential lots. Where lots of larger than minimum size are required for purposes of proper drainage, water supply, waste disposal or the preservation of important ecological features, the Board may require such oversized lots as a condition of plat approval.

Setback requirements will be compatible with the size and shape of lots to accomplish varying setbacks.

Dimensions of all lots should be large enough to allow for erection of buildings observing a minimum of thirty-five feet (35') from all property lines. The thirty-five foot (35') setback requirement must so be recorded on the deed and plat of property.

In accordance with State standards all habitable structures must observe a one hundred foot (100') setback from the edge of all streams (as located on New York State Department of Environmental Conservation Map).

Side lot lines shall generally be at right angles to street lines (or radial to curving street lines) unless the Planning Board allows a variation from this rule will give a better street or lot arrangement.

(3) *Double Frontage Lots.*

Lots fronting on two streets, other than corner lots, shall be avoided except where deemed essential by the Planning Board in order to provide separation of residential development from major or collector roads, or to overcome problems of topography or orientation. The Planning Board may require greater lot depth, access limitations and/or buffer landscaping for such double frontage lots where the Board determines that such measures would be appropriate. The Planning Board shall determine the front lot line and all setbacks or yard dimensions.

(4) *Soil Preservation, Grading and Seeding.*

a) *Soil Preservation and Final Grading.*

Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, to retain the natural contours, to limit storm water runoff, and to conserve the natural vegetative cover and soil. No trees, top soil or excavated material shall be removed from its natural position except where necessary to the improvement of lots and the construction of streets and related facilities in accordance with the approved plan. Topsoil shall be restored to a depth of at least six inches (6') and properly seeded and fertilized in those disturbed areas not occupied by buildings or structures.

(b) *Lot Drainage.*

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

(5) *Debris and Waste.*

No cut trees, timber, debris, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or

deposited on any lots or street at the time of issuance of a certificate of occupancy. removal of same shall be required prior to such issuance.

(6) *Fencing.*

(RESERVED)

(7) *Water Bodies and Water Courses.*

If a subdivision contains a waterbody, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Board may determine such water body to be appropriate as part of a recreational land reservation area or approve an alternate plan whereby the ownership of and responsibility for the safe maintenance of the water body will not become a town responsibility. No more than twenty-five per cent (25%) of the minimum area of a lot may be satisfied by land under water.

Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for the installation of a bridge, culvert or other drainage facility, of design approved by the Planning Board, to provide satisfactory access across such water course for fire, police, and other emergency equipment.

(8) *Performance Bond To Include Lot Improvement.*

The performance bond shall include an amount to guarantee completion of all requirements contained in Section 4.2 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, and all other lot improvements required by the Planning Board.

Whether or not Certificate of Occupancy has been issued, at the expiration of the performance bond, the local government may enforce the provisions of the bond where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

(9) *Lot Averaging.*

If the subdivider can demonstrate to the satisfaction of the Planning Board that unusual and/or extraordinary topographic or other physical conditions exist, and/or where lot sizes of abutting properties are less than the minimum lot size

normally required, the Board shall, at the request of the subdivider made at the time of submission of the preliminary plat, considering averaging the density in accordance with Section 281 of Town Law and subject to the following:

- (a) The preliminary plat shall show the layout of lots in the entire development in a conventional subdivision complying with all requirements of these regulations.
- (b) For the purpose of computing the average size of lots, only land available for building lots shall be considered, and all other portions of the subdivision shall be excluded.
- (c) The applicant shall submit a written statement setting forth what he considers to be the public benefit from the use of Section 281.

#### 4.3 *Roads.*

##### (1) *General Requirements.*

###### (a) *Frontage of Improved Roads.*

The area proposed to be subdivided shall have frontage on and direct access to a street duly placed on the Official Map, and if such street is not improved to the satisfaction of the Planning Board, such improvements shall be a condition of subdivision approval.

###### (b) *Grading and Improvement.*

Streets shall be graded and improved with pavement, sidewalks, curbs, gutters, street lighting standards, street signs, street trees, watermains, sanitary sewers, storm drains, fire alarm signal devices, fire hydrants, and other utilities, except where waivers may be requested, and the Planning Board may waive such improvements as it considers are not requisite in the interest of the public health, safety, and welfare. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Except where waivers are granted all such grading and street improvements shall conform to these regulations and any town standards and specifications to streets.

###### (c) *Topography and Arrangement.*

Streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All



streets shall be arranged so as to obtain as many as possible of building sites at or above the grades of the streets. A combination of steep grades and curves shall be avoided.

(d) Proposed streets shall be extended to the boundary line of the tract to be subdivided, unless prevented by topography or other physical features.

(e) *Street Names.*

Street names shall be substantially different in sound and spelling from other street names in the town so as not to cause confusion. A street which is continuation of an existing street shall bear the same name.

(f) *Street Signs.*

Street signs, of the type approved by the Superintendent of Highways, including highway warning and directional signs, shall be provided by the applicant and placed at all locations, within the street right-of-way and in locations approved by the Planning Board.

(g) *Street Lighting Standards.*

Where required by the Planning Board, street lighting, of a design and location approved by the appropriate utility company and the Planning Board shall be provided and installed by the applicant.

(h) *Dead End Streets.*

Where a street does not extend to the boundary of a subdivision and its future continuation is not required by the board, it shall be separated from such boundary by a distance not less than the minimum required lot depth. The Planning Board may require the reservation of an easement to the boundary to accommodate utilities, drainage facilities, and/or pedestrian traffic. A circular turnaround shall be provided at the end of a permanent dead-end street.

(2) *Design Standards.*

(a) *General.*

In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate streets so as to compose a

convenient system and avoid undue hardship to adjoining properties, the following design standards for streets are hereby required. All roadway and related construction, whether to be offered for dedication or not, shall be the responsibility of the subdivider unless otherwise indicated and shall be in accord with these standards. (Refer to the Town of Delhi's Design Standards for Roads).

(b) *Road Surfacing and Improvements.*

After sewer and water utilities have been installed by developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Surfacing shall be of such character as is suitable for expected traffic and in harmony with similar improvements in the surrounding areas. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Town Board, and shall be submitted by the developer for plat approval. Bridges shall be at least 24 ft. inside measurement and conform to Delaware County Highway Department specifications. Bridges should carry maximum legal load allowable in New York State.

(c) *Intersections.*

Streets shall be laid out so as to intersect as nearly as possible at right angles. No intersection shall be at an angle of less than seventy-five degrees (75).

(d) *Tangents.*

A tangent of at least one hundred feet (100') in length shall be introduced between reverse curves on all proposed streets except minor residential.

(e) *Street Jogs.*

Street jogs with centerline offsets of less than one hundred and fifty (150') shall not be allowed.

(f) *Slope Right-of-Way.*

Where steep slopes beyond the street right-of-way may require maintenance, a right-of-way may be required for such purpose. Where the embankment slope is located on private land outside the subdivision, such right-of-way shall be permitted only where the appropriate rights

have been secured in a form satisfactory to the Town Attorney and suitable for recording in the office of the County Clerk.

(g) *Sight Easements.*

Sight easements shall be provided across all street corners, outside the street right-of-way, within the triangle area formed by the nearest edges of street pavement and a straight line between two points each seventy-five feet (75') back from the theoretical intersection of the edges of such pavement prolonged. The easements shall provide that the holder of fee title to the abutting streets shall have the right to enter the easement area for the purpose of clearing, pruning, or regrading so as to maintain a clear line of sight in either direction across such triangular area between an observer's eye 3.5 feet above the pavement surface on one street and an object one foot (1') above the pavement surface on the other. The initial establishment of clear sight lines within the sight easement area shall be the responsibility of the subdivider.

(3) *Road Dedications and Reservations.*

(a) *New Perimeter Streets.*

Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Board may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision.

(b) *Widening and Realignment of Existing Roads.*

Where a subdivision borders on an existing street which is narrower than the recommended right-of-way width as specified for such streets in these Regulations, or where a subdivision borders an existing street planned for widening or realignment in such a way as to require the use of some land in the subdivision, the Planning Board may require the subdivision plat to show such areas which shall be marked "Reserved for Street Realignment (or Widening) Purposes". Land reserved for such purposes may not be counted in satisfying yard or lot area requirements.

(c) *School Bus Pickup Areas.*

Where a subdivision contains or abuts a major or collector street, the Planning Board may require that the applicant reserve, clear, grade, pave or otherwise improve an area of such size and location as will provide a safe and suitable place for use by children awaiting school buses. In general, the size of such area shall not be less than one hundred (100') square feet nor more than two hundred (200) square feet, and no dimensions shall be less than ten feet (10'). Such area shall be included within the street right-of-way and shall be maintained by the holder of fee title to the street. The layout and design shall be subject to Planning Board approval.

#### 4.6 *Drainage and Storm Sewers.*

##### (1) *General Requirements.*

The Planning Board may require that the subdivider make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

##### (2) *Nature of Storm Water Facilities.*

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 road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the town construction standards and specifications.

##### (3) *Accessibility to Public Storm Sewers.*

(RESERVED)

##### (4) *Capacity.*

(i) Storm drainage facilities shall provide a clear and protected channel fully adequate to handle runoff from a fifty (50) year storm. The developer should keep in mind that more severe storms occur at less frequent intervals and, where feasible, so design subdivisions that especially heavy runoff, exceeding the capacity of the required channels, can be handled with the least possible damage to improvements and structures.

(ii) The rational method shall ordinarily be used in computing runoff, using the formula  $Q=CIA$  wherein:

Q = water reaching channel, culvert, bridge or storm sewer in cfs.

I = rainfall in inches per hour

C = coefficient of runoff suggested is as follows:

Areas primarily paved or in building (such as shopping centers) 85

Primarily residential areas with lots smaller than 7,500 sq. ft. or apartment areas .55

Primarily residential areas with lots 7,500 sq. ft. to 1/2 acre .40

Primarily residential areas with lots 20,000 sq. ft. or over .35

Cemeteries, park land, and other permanent open areas 30

A = Area in Acres

- (iii) Minimum pipe size shall be twelve inches (12')
- (iv) Bridges or culverts serving a drainage area of more than one square mile shall be approved by the New York State Department of Public Works.
- (v) In small drainage areas intended for residential development, the following rule of thumb may, if desired, be substituted where applicable.

For drainage areas less than one acre in area 12" pipe

For drainage areas one to two acres in area 15" pipe

For drainage areas two to four acres in area 18" pipe

(d) *Accommodation of Upstream Drainage Areas.*

Drainage areas shall in each case be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside the subdivision, based on a fifty (50) year storm. The applicant shall be responsible for submitting such computations to the Planning Board in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage installations. Concentrated drainage from lots onto the street right-of-way shall not be permitted.

(e) *Effect on Downstream Areas.*

The Planning Board may also require a study of the effects of the subdivision on existing downstream drainage facilities. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the owner of such downstream facility of such potential condition and may withhold approval of the subdivision until provision has been made for the correction of said potential condition.

(f) *Wetlands.*

Areas shown on DEC maps as official freshwater wetlands shall be regulated according to the provisions contained in Article 24 of the NYS Environmental Conservation Law, including subsequent amendments, which is adopted herein by reference.

(g) *Flood Plain Areas.*

Flood plain areas shall be those defined on the Official H.U.D. Flood Hazard Maps. These flood areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the Planning Board.

(3) *Dedication of Drainage Easements.*

(a) *General Requirements.*

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose.

(b) *Drainage Easements.*

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street right-of-way, perpetual unobstructed easements shall be provided for such across properties outside the street lines and with satisfactory access to the street. Drainage easements shall extend from the street to the water course or other drainage facility, and shall convey to the holder of fee title of the street, the perpetual right to discharge storm water runoff from the street and the surrounding area onto and over the affected premises by means of pipes, culverts, or ditches or a combination thereof, together with the right to enter said premises for

the purpose of making such installations and doing such maintenance work as the holder of such fee title may deem necessary to adequately drain the street and the surrounding area. Such easements shall be centered on rear or side lot lines. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured in a form satisfactory to the Town Attorney and suitable for recording in the Office of the County Clerk.

#### 4.5 *Water Facilities.*

##### (1) *General Requirements.*

Where a public water system is not available, the Planning Board may require the use of individual wells or a central water system provided that an adequate supply of potable water will be available to every lot in the subdivision.

##### (2) *Wells and Central Water Systems.*

Wells and central water systems must conform to Part 75 of the New York State Department of Health Regulations and other applicable regulations governing community water systems.

##### (3) *Water Mains and Fire Hydrants.*

Where required by the Planning Board, the subdivider shall install water mains and fire hydrants of the type and in a manner prescribed by the regulations of the appropriate water or fire district or other municipal agency having jurisdiction. Where the installation of water mains and fire hydrants is not immediately required, the Planning Board may require the installation of dry hydrants where it is determined that such hydrants are desirable and a satisfactory source of water supply can be made available in a reasonable future period of time. In situations determined appropriate by the Planning Board, it may require the construction or enlargement of a pond or other water body for the purpose of providing such water supply. Dry hydrant hose connections shall be located at suitable points along improved streets. Such dry hydrants shall be installed and constructed in accordance with specifications approved by the appropriate fire district.

#### 4.6 *Sewerage Facilities.*

##### (1) *General Requirements.*

The applicant shall install sanitary sewer facilities in a manner prescribed by the Town of Delhi, any instituted sewer district, and in accordance with the regulations of the New York State Health Department and New York City Board of Water Supply.

(2) *Standards.*

In accordance with Town standards all septic systems and leach fields must observe a one hundred foot (100') setback from the edge of all streams, rivers, or other water bodies.

(3) *Subsurface Disposal Sanitary Systems.*

A soils map will be required on all Major Subdivisions to assure protection of the area's soil and water resources. The Delaware County soil and Water Conservation District's soils mapping standards shall be adhered to in developing soils maps.

Where restricting soil conditions are identified on a soils map, deep test pits shall be required to insure a suitable building site in each lot. Deep test pits shall be done in accordance with the New York State Department of Health standards. Depth to high seasonal water table, depth to fragipan (hardpan), and depth to bedrock where present, will be located and documented in accordance with the standards set forth by the Delaware County Soil and Water Conservation District.

The Planning Board reserves the right to request soils mapping and deep test pits on Minor Subdivisions where conditions warrant.

Percolation tests will be required on all lots. In the event a deep test pit is required, a percolation test shall be done in the immediate area of the deep test pit. All deep test pits and percolation tests shall be located within the proposed buildable site.

4.7 *Sidewalks.*

(1) *Required Improvements.*

The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four feet (4') wide and four inches (4") thick shall be installed where required, as specified by the Planning Board. Such sidewalks shall be constructed with a wiremesh joint every four feet (4') and an expansion joint every fourth (4th) block.



(2) *Easements for Pedestrian Access.*

The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, public areas, streets or neighboring areas, the reservation of perpetual unobstructed easements for such purposes.

4.8 *Utilities.*

(1) *Location.*

In order to ensure greater safety and improved appearance, all utility lines and related equipment for providing electric power and communication services shall be installed underground in the manner prescribed by the regulations of the utility company having jurisdiction.

(2) *Easements.*

Where topography or other conditions are such as to make impractical the inclusion of utilities within street rights-of-way, perpetual unobstructed easements shall be provided for such utilities across properties outside the street lines and with satisfactory access to the street.

(3) *Fire Alarm Signal Devices.*

Where required by the Planning Board, the applicant shall install fire alarm signal devices, including necessary ducts, cables and other connecting facilities, of a type and in a manner and location prescribed by the appropriate fire district or other municipal agency having jurisdiction.

4.9 *Public Uses.*

All reservations shall be clearly indicated on the final subdivision plat, along with appropriate notations indicating the rights which exist with respect to each such reservation and/or easement. Title, if vested in interests other than the developer, shall be clearly indicated on all reservations for park and playground purposes.

(1) *Park Reservations.*

(a) *General Standards.*

Land shall be reserved for parks for playground or other recreational purposes in locations designated on the Town Development Plan or Official Map, or otherwise

where the Planning Board shall deem such reservation to be appropriate. Each reservation shall be of suitable size, location, dimension, topography and general character for a park for playground or other recreation purposes, and shall have adequate street access for the purpose. The area shall be shown and marked on the Plat as "Reserved for Park or Playground or Other Recreation Purposes". In no case shall the Planning Board require that more than 15% of the gross area of the subdivision be dedicated or reserved for recreation purposes. In calculating such percentage, the Board may give due credit for open areas reserved, by covenants in all deeds, for the common use of all property owners in the proposed subdivision.

(b) *Minimum Size.*

Except for parcels considered by the Planning Board to be ecologically significant, land in subdivisions dedicated or reserved for park and recreation purposes generally shall have an area, which the Planning Board deems adequate and suitable, or at least 3 acres. When a proposed subdivision is too small to require such an area, the Planning Board may require that the recreation area be located on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.

(c) *Ownership of Park Areas.*

The ownership of reservations for park purposes shall be clearly indicated on the plat and established in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.

(d) *Cash Payment in Lieu of Reservation.*

Where the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in a subdivision, or where such a reservation is otherwise not practical, the Board may require, as a condition to approval of any such plat, a payment to the Town of a sum determined for such cases by the Town Board. Such payments shall be deposited in a trust fund to be used by the Town Board exclusively for the acquisition and/or development of land for park purposes.

4.10 *Preservation of Natural Resources and Values.*

(1) *General.*

Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, to limit storm water runoff, and to conserve the natural vegetation cover and soil. No trees, topsoil, or excavated material shall be removed from its natural position except where necessary and incidental to the improvement of lots and the construction of streets and related facilities in accordance with the approved plan. Topsoil shall be restored as required by Section 4.2(4)(a) of these regulations. Existing natural features which are of ecological, aesthetic, or scenic value to residential development or to the Town as a whole, such as wetlands, water courses, water bodies, rock formations, stands of trees, historic spots, views and vistas, man made features indigenous to the area, such as stone walls and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision and where appropriate. The Planning Board may require the inclusion of such features in permanent reservations.

(2) *Shade Trees Planted by Developer.*

The Planning Board may require the planting of street trees in subdivisions which are lacking in trees or in which a substantial loss of trees will occur in the process of street construction. Such trees shall be of a variety indigenous to the neighborhood. Where they are required by the Planning Board, such trees shall be planted along both sides of the street within street right-of-way and spaced approximately sixty feet (60') on center.

(3) *Shade Tree Easement and Dedication.*

(RESERVED)

4.11 *Non-Single Family And Commercial Subdivisions.*

(1) *General.*

The applicant for approval of the subdivision, shall cause to be prepared and shall file with the application a plan showing that a development meeting all the above described standards, as well as other Town applicable development standards and requirements, is feasible on each of the lots in the proposed subdivision. The Planning Board shall approve such a plan, which approved plan shall be filed in the records of the Planning Board with the approved Subdivision Plat.

(2) *Standards.*

(a) *Vehicular Access.*

Each lot shall have adequate width of space between the street frontage giving it vehicular access and the portion or portions of the lot where parking and loading areas can be located, allowing for the location of a building or buildings on the lot. Such width of access to such parking and loading areas shall be adequate for two directions of vehicular travel, unless a one-way traffic flow is to be planned, in which case a notation to that effect shall be placed on the Subdivision Plat in a form satisfactory to the Planning Board and Town Attorney.

(b) *Traffic Flow.*

Areas planned for off-street parking and loading on adjoining lots in the subdivision shall be so located that movement of traffic between adjoining lots will be possible, thereby minimizing the number of necessary vehicular entrances and exits crossing the street sidewalk in the subdivision, increasing safety to pedestrians on the sidewalk and increasing convenience to those using the lots in the business or industrial buildings in the subdivision. An easement or easements, in form satisfactory to the Town Attorney, permitting such flow of traffic between parking areas on adjoining lots, shall be indicated on the Plat.

(c) *Sidewalks.*

Sidewalks, if deemed necessary and required, shall be at least four feet (4') in width, with a tree planting area of at least six feet (6') in width along the street curb.

(d) *Buffer Planting Areas.*

An area at least ten feet (10') in width, or more if required by the Planning Board as part of a development plan, shall be reserved along all boundaries of a lot adjoining residential areas. Where this part of the lot is on a slope, the buffer area shall be located at the top of each slope and shall be reasonably level to accommodate the buffer planting.

(e) *Parking Requirements.*

The Planning Board may require that paved off-street parking areas be provided for each dwelling or commercial unit in the subdivision to meet the needs of the occupants and their guests without interference with normal traffic.

Dimensions of parking areas must be adequate for convenient use of occupant parking.

## SECTION 5 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

### 5.1 *Sketch Plat.*

Sketch Plats submitted to the Planning Board, prepared in pen or pencil, shall be to a convenient scale of not more than one hundred feet (100') to one inch (1") and shall show the following information:

#### (1) *Name.*

- (a) Name of subdivision if property is within an existing subdivision.
- (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
- (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property locally known.)

#### (2) *Ownership.*

- (a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.
- (b) Citation of any existing legal rights-of-way or easements affecting the property.
- (c) Existing covenants on the property, if any.
- (d) Name and address, including telephone number, of the professional person(s) responsible for the subdivision design, for the design of public improvements, and for surveys.

#### (3) *Description.*

Location of property by lot, section, township and county, graphic scale, north arrow, and date.

#### (4) *Features.*

- (a) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, and existing wooded areas or trees eight inches (8") or more in diameter, measured four feet (4') above the ground level; width and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within five hundred feet (500') of any perimeter boundary of the subdivision.
- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.
- (c) Approximate topography, at the same scale as the sketch plat.
- (d) The approximate location and width of proposed streets.
- (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- (f) The approximate location, dimensions, and areas of all proposed or existing lots.
- (g) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use or for the use of property owners in the proposed subdivision.
- (h) The location of temporary stakes to enable the Planning Board to find and appraise features of the sketch plat in the field.
- (i) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred feet (200') to one inch (1"), a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

## 5.2 Preliminary Plat.

### (1) General.

The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one inch (1") equals one hundred feet (100'), may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing with in the office of the County Clerk, but shall not be larger than thirty-four by forty-four inches (34"x44"). It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar; preparation in pencil will make required changes and additions easier.

### (2) Features.

The preliminary plat shall show the following:

- (a) The location of property with respect to surrounding property and streets, the names and addresses of all adjoining property owners of record, or the names of adjoining development; the names of adjoining highways or roads.
- (b) The location and dimensions of all boundary lines of the property, to be expressed in feet and decimals of a foot.
- (c) The location of existing streets, easements, waterbodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, as determined by the Planning Board.
- (d) The location and width, of all existing and proposed highways and roads and easements, driveways and other public ways, and easement and proposed street rights-of-way and building setback lines.
- (e) The locations, dimensions, and areas of all proposed or existing lots.
- (f) The locations and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

- (h) The date of the map, approximate true north point, scale, and title of subdivision.
- (i) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground, the location of all proposed monuments.
- (j) Names of the subdivision and all new streets as approved by the Planning Board.
- (k) Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the subdivider.
- (l) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
- (m) All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
- (n) All information required on sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:
  - (i) Explanation of drainage easements, if any.
  - (ii) Explanation of site easements, if any.
  - (iii) Explanation of reservations, if any.
  - (iv) Endorsement of owner, as follows:
 

(owner)	(date)
---------	--------
- (o) Form for endorsement by Planning Board Chairman as follows:  
 Approved by Resolution of the Delhi Town Planning Board
 

(Planning Board Chairman)	(date)
---------------------------	--------
- (p) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.



### 5.3 Construction Plans.

#### (1) General.

Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch (1") equals fifty feet (50'), and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

- (a) Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred feet (100') of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
- (b) The Planning Board may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred foot stations shall be shown at five (5) points as follows: on a line at right angles to the centerline of the street, and said elevation points shall be at the centerline of the street, each property line, and points twenty-five feet (25') inside each property line.
- (c) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes and catch basins; the location of street trees, street lighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants; showing connection to any existing or proposed utility systems; and exact location and size of all water, gas or other underground utilities or structures.
- (d) Location, size, elevation and other appropriate description of any existing facilities or utilities, including, but not limited to existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Guide (Master) Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches (8") or more, measured four feet (4') above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the

distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high water mark of such waterways.

- (e) Topography at the same scale as the sketch plat with a contour interval of two feet (2'), referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
- (f) All specifications and references required by the Town's construction standards and specifications, including a site-grading plan for the entire subdivision.
- (g) Notation of approval as follows:

_____ (owner)	_____ (date)
_____ (Planning Board Chairman)	_____ (date)

- (h) Title, name, address and signature of professional engineer and surveyor and date, including revision dates.

#### 5.4 Final Subdivision Plat.

##### (1) General.

The final subdivision plat shall be presented in reproducible mylar, in ink, at the same scale and contain the same information, except for any changes or additions required by resolution of the Planning Board, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Planning Board's resolution. All revision dates must be shown as well as the following:

- (a) Notation of any self-imposed restrictions and locations of any building line proposed to be established in this manner, if required by the Planning Board in accordance with these regulations.
- (b) Endorsement of the Town Health Department
- (c) Lots numbered as approved by the Town Assessor
- (d) All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners, or other

points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per lineal foot of monuments.

(2) *Preparation.*

The final subdivision plat shall be prepared by a land surveyor licensed by the state.

SECTION 6 DEFINITIONS

6.1 *Usage.*

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms and words herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular, the word "herein" means "in these regulations"; the word "regulations" means "these regulations".
- (3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied".

6.2 *Words and Terms Defined.*

Actions

- (1) Projects or physical activities, such as construction or other activities, which change the use or appearance of any natural resource or structure which:
  - (a) are directly undertaken by an agency, or
  - (b) involve funding by an agency, or
  - (c) require one or more permits from an agency or agencies
- (2) planning activities of an agency that commit the agency to a course of future decisions;

(3) agency rule, regulation, procedure and policy making;  
and

(4) combination of the above.

NOTE: Capital projects commonly consist of a set of activities or steps (i.e., planning, design, contracting, construction and operation). For the purposes of this regulation, the entire set of activities or steps can be considered an action. If it is determined that an EIS is necessary, only one draft and one final EIS need be prepared on the action if the statements address each step at a level of detail sufficient for an adequate analysis of environmental effects. In the case of a project or activity involving funding or a permit from an agency, the entire project shall be considered an action, whether or not such funding or permit relates to the project as a whole or to a portion or component of it.

ADMINISTRATIVE ASSISTANT TO THE PLANNING BOARD - The officer as appointed by the Town Board to administer these Regulations and to assist administratively other Boards and Commissions. If no such officer shall be appointed, the Building Inspector shall also serve as Administrative Assistant.

ALLEY - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

APPLICANT - The owner of the land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises. Person making an application to an agency to grant an approval in connection with a proposed action.

BLOCK - A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

BOND - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Board. All bonds shall be approved by the Town Board wherever a bond is required by these regulations.

BUILDING - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

BUILDABLE SITE- A site able to support a habitable structure, sanitary system, and well, which meet the standards established under the New York State Board of Health "Waste Treatment Handbook for Construction of Individual Household Systems" and/or the standard established by the City of New York Department of Environmental Protection, Bureau of Water Supply, and meets all local ordinances.

BUILDING AND ZONING INSPECTOR - The person designated by the Town of Delhi to enforce the zoning ordinance. If no Administrative Assistant to the Planning Board is appointed to administer these regulations, the Building and Zoning Inspector shall administer these regulations.

CAPITAL IMPROVEMENTS PROGRAM - A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual town's operating expenses, for the purchase, construction or replacement of the physical assets for the community are included.

CENTRAL WATER SYSTEM - A private water company formed by a developer to serve a new community development in an outlying area. It includes water treatment and distribution facilities.

CENTRAL SEWERAGE SYSTEM - A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

COLLECTOR ROADS - A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

COMPREHENSIVE PLAN - A comprehensive plan for development of the town, prepared and adopted by the Planning Board, pursuant to State Law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

CONSTRUCTION PLAN - The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision

in accordance with the requirements of the Planning Board as a condition of the approval of the plat.

CUL-DE-SAC - A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DEVELOPER - The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

EASEMENT - Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

ENVIRONMENTAL ASSESSMENT FORM (EAF) - A form used by an agency to assist it in determining the environmental significance or nonsignificance of action.

ENVIRONMENTAL IMPACT STATEMENT (EIS) - A written document prepared in accordance with 617.14.

ESCROW - A deposit of cash with the Town in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Building and Zoning Inspector in a separate account.

FINAL PLAT - The map or plan of record of a subdivision and any accompanying material, as described in these regulations.

FRONTAGE - That side of a lot abutting on a highway, road, or way ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

FRONTAGE STREET - Any road to be constructed by the developer or any existing road in which development shall take place on both sides.

GRADE - The slope of a road, street, or other public way, specified in percentage (5) terms.

HEALTH DEPARTMENT AND HEALTH OFFICER - The agency and person designated by the Town Board to administer the health regulations of the town.

HIGH DENSITY - Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

HIGHWAY, LIMITED ACCESS - A freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

IMPROVEMENTS See LOT IMPROVEMENTS OR PUBLIC IMPROVEMENTS

INDIVIDUAL SEWAGE DISPOSAL SYSTEM - A septic tank, seepage tile sewage system, or any other approved sewage treatment device.

JOINT OWNERSHIP - Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

LEAD AGENCY - An agency principally responsible for carrying out, funding, or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action and for the preparation and filing of the statement if one is required.

LOCAL GOVERNMENT - For the purposes of these regulations, the Town of Delhi, authorized by law to enforce subdivision regulations.

LOCAL GOVERNMENT ATTORNEY See TOWN ATTORNEY

LOCAL GOVERNMENT ENGINEER See TOWN ENGINEER

LOCAL LAW - A resolution or ordinance placed before the Town Board which, before passage, requires a notice of public hearing and a public hearing before the Town Board.

LOCAL ROAD - A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

LOT - A tract, plot, or portion of a subdivision or other parcel of land intended, as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

LOT, CORNER - A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

LOT IMPROVEMENT - Any building, structure, place, work of art or other object, or improvement to the land on which

they are situated constituting a physical betterment of real property or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

LOW DENSITY - Those residential zoning districts in which the density is equal or less than one dwelling unit per 40,000 square feet.

MAJOR STREET PLAN See OFFICIAL MAP

MAJOR SUBDIVISION - All subdivisions not classified as minor subdivisions including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the Town facilities, or the creation of any public improvements.

MEDIUM DENSITY - Those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit.

MINOR SUBDIVISION - Any subdivision containing not more than three (3) lots fronting on an existing street, not including any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or these Regulations.

MODEL HOME - A dwelling unit used initially for display purposes which typifies the types of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Board, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivisions, as set out in Section 2.4 (9) of these regulations.

NEIGHBORHOOD PARK AND RECREATION IMPROVEMENT FUND - A special fund established by the Town Board to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision.

NON-RESIDENTIAL SUBDIVISION - A subdivision whose intended use is other than residential, such as commercial, industrial or recreational. Such subdivisions shall comply with the applicable provisions of these regulations.



OFF-SITE - Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant.

OFFICIAL MAP - The map established by the Town Board pursuant to law showing streets, highways, and parks and drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Town Board of additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

OFFICIAL COMPREHENSIVE PLAN - See Comprehensive Plan.

ORDINANCE - Any legislative action, however dominated, of a Town which has the force of law, including any amendment or repeal of any ordinance.

PERIMETER STREET - Any existing road to which the parcel of land to be subdivided abuts on only one (1) side.

PLANNING BOARD - The Town's Planning Board established in accordance with law.

PRELIMINARY PLAT - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for approval.

PRIMARY ARTERIAL - A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, major industrial areas, and similar traffic generators within the Town; and/or as a route for traffic between communities or large areas.

PUBLIC IMPROVEMENT - Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, off-street parking area, lot improvement, or other facility for which the Town may ultimately assume the responsibilities for maintenance and operation, or which may affect an improvement for which Town responsibility is established. All such improvements shall be properly bonded.

REGISTERED ENGINEER - An engineer properly licensed and registered in the State.

REGISTERED LAND SURVEYOR - A land surveyor properly licensed and registered in the State.

RE-SUBDIVISION - A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RIGHT-OF-WAY - Strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

ROADS, CLASSIFICATION - For the purpose of providing for the development of streets, highways, roads and rights-of-way in the Town, and for the future improvement, reconstruction, realignment and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the Town and classified therein. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts of the Town and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan of the Town. The required improvements shall be measured as set forth for each street classification on the Official Map.

ROAD, DEAD-end - A road or portion of a street with only one (1) vehicular traffic outlet.

ROAD RIGHT-OF-WAY WIDTH - The distance between property lines measured at right angles to the centerline of the street.

SALE OR LEASE - Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or

transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

SAME OWNERSHIP - Ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated association, in which as stockholder, partner or associate or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

SECONDARY ARTERIAL - A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices and/or designed to carry traffic from collector streets to the system of primary arterials.

SETBACK - The distance between a building and the street line nearest thereto.

SCREENING - Either (a) a strip of least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.

Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two (2) square feet in area, which shall be nonilluminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining nearby properties.

SHADE TREE - A tree in a public place, street, special easement or right-of-way adjoining a street as provided in these regulations.

SKETCH PLAT - Sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and

expense in reaching general agreement with the Planning Board as to the form of the plat and the objectives of these Regulations.

SUBDIVIDER - Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) 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 (3) 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 (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

SUBDIVISION - Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestate, lease, map, plat, or other recorded instrument.

SUBDIVISION AGENT - Any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

SUBDIVISION PLAT - The final map or drawing described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be submitted to the County Clerk for filing.

TEMPORARY IMPROVEMENT - Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

TOWN ATTORNEY - The licensed attorney designated by the Town Board to furnish legal assistance for the administration of these regulations.

TOWN BOARD - The body of the local government having the power to adopt ordinances.

TOWN ENGINEER - The licensed engineer designated by the Town Board to furnish engineering assistance for the administration of these regulations.

TYPE I ACTION - An action or class of actions listed in 617.12.

TYPE II ACTION - An action or class of actions listed in 617.13.

UNLISTED ACTION - All actions not excluded or exempt, not listed as a Type I or Type II action in this part, or in the case of a particular agency action not listed as Type I or Type II actions in the agency's own SEQR procedures. If an action is an unlisted action, the limited procedural requirements of 617.7 apply to it.

VACATION OF PLAT - The provision in Section 1.13 of these regulations which provides for the legal voiding of a plat.

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