

TOWN OF HASTINGS

--- SUBDIVISION REGULATIONS ---
(Amended 12/14/04)

January 1987

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
GENERAL REGULATIONS.....	1
Authority.....	1
Purpose.....	1
Official Name.....	1
Effective Date.....	1
Interpretation.....	1
Jurisdiction.....	2
Cooperation.....	2
Amendment.....	2
Waiver.....	2
Separability.....	3
Definitions.....	3
GENERAL ADMINISTRATION.....	4
Preapplication Procedure.....	4
Sketch Plan Conference.....	4
SUBDIVISION REVIEW PROCEDURE.....	5
Preliminary Plat.....	5
Filing.....	5
Approval.....	5
Review of Subdivision.....	5
SEQR Review.....	5
Action Upon Subdivision.....	6
Approval of Subdivision.....	6
Final Plat.....	6
General.....	6
Filing.....	6
Approval.....	7
THE PRELIMINARY PLAT SUBMISSION REQUIREMENTS.....	8
Form.....	8
Identification.....	8
Existing Conditions.....	9
Proposed Development.....	9
Supplementary Plans.....	10
FINAL PLAT SUBMISSION REQUIREMENTS.....	10
Form.....	10
Identification.....	10
Existings Conditions.....	10
Proposed Development.....	11
Supplementary Plans.....	11
Surveying Data and Monuments.....	11
SUBDIVISION STANDARDS.....	12
Road Right-of-way.....	12
DEAD END ROADS.....	13
Half Roads.....	13
Roads Constructions Standards.....	13
Dedication.....	14
Alleys.....	14

<u>Section</u>	<u>Page</u>
Road Signs.....	14
Trees.....	14
Lot Locations.....	14
Dimensions.....	14
Double Frontage Lots.....	14
Pedestrian Easements.....	14
Setbacks.....	15
Lot Lines.....	15
Corner Lots.....	15
Block Length.....	15
Width.....	15
Unique and Natural Features.....	15
Public Open Spaces and Sites.....	15
Unsuitable Land for Subdivisions.....	16
 BOND FOR THE INSTALLATION OF IMPROVEMENTS.....	 16
General.....	16
Conditions.....	17
Diagram “ Looped Roads.....	18
Extension of Time.....	19
Agreement Schedule of Improvements.....	19
Inspections.....	19
Acceptance.....	19

Subdivision Regulations
For the
Town Of Hastings, N.Y.

General Regulations

Authority

The Town Board by resolution has authorized and empowered the Planning Board To approve plats showing new streets or highways. This resolution has been adopted in accordance with Chapter 62, Article 16, Sec. 276, 277, 278 of the Consolidated Law as of the State of New York, otherwise known as the Town Law.

Purpose

The foregoing rules and regulations are adopted by the Planning Board to secure and provide for the future growth and development of the town and affording adequate facilities for the housing, transportation, distribution, convenience, comfort, safety, health and welfare of its population.

Official Name

These regulations shall be known and may be cited as the "Subdivision Regulations" for the Town Of Hastings, N.Y."

Effective Date

These regulations, after public hearing and adoption by the Planning Board have been approved on _____ by the Town Board and are effective this day of approval.

Interpretation

The provisions of these regulations shall be held to have been adopted fro the promotion of health, safety and welfare of the people of the town. These regulations are not intended to repeal, abrogate, annul, or in any manner

Interfere with any existing laws, covenants, or rules provided. However, where these regulations impose a greater restriction than is required by such existing laws, covenants or rules, the provision of the regulations shall govern.

JURISDICTION

The regulation shall apply to all subdivision of land herinafter made in the Town Of Hastings. Any subdivision which has been duly approved by the Town of Hastings Planning Board, or which has been filed in the office of the County Clerk, but which does not meet the standards for subdivisions as described in these regulations and which is not, as yet, developed shall be exempt from complying with such regulations for a period of two (2) years after the recording date of the subdivision plat. After two (2) years, any construction or development taking place in such subdivisions shall be subject to the regulations set forth herein. This shall include any subdivision with partially sold lots.

OSWEGO COUNTY DEPARTMENT OF HEALTH

Oswego County Department of Health approval is required for any subdivision containing five (5) or more lots.

Cooperation

The Planning Board may cooperate with any adjacent municipality in the review of subdivision within a distance of 500 feet from their boundary.

Amendment

The Planning Board may on its motion and after public hearing amend, supplement or change these regulations subject to the approval of the Town Board.

Waiver

When in the opinion of the Planning Board undue individual hardship may result from strict compliance with these regulations, it may modify these regulations so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the intent and purpose of General Plan or these regulations. In the case of a large scale development such as a neighborhood unit plan which would include provisions for housing, shopping, and recreation facilities, the Planning Board

may modify these regulations providing such development shall include covenants, restrictions, and other legal provisions necessary to guarantee full achievement of such a proposed plan.

Separability

If, for any reason, a clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof other than the part held invalid.

Definitions

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

Engineer – An individual duly qualified and licensed to perform engineering work in the State of New York.

Major Road – means a road intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties.

Minor Road – means a road intend to serve primarily as an access to abutting residential properties.

Major Subdivision – A subdivision containing five (5) or more lots, or any subdivision requiring a new road.

Minor Subdivision – A subdivision containing fewer then (5) lots, where all lots front on an existing dedicated public road.

Preliminary Plat – means the preliminary drawing or drawings indicating the proposed plan or layout of the subdivision to be submitted to the Planning Board for consideration.

Planning Board – means Town Planning Board

Subdivider – means any person, firm, corporation, partnership or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein either by himself or others.

Subdivision – means the division of any parcel or parcels of land whether or not contiguous, into two or more lots, plots, sites, or other division of land into twenty-five (25) acres of less, for the purpose, whether immediate or future, of transfer of ownership or building development, and shall constitute a subdivision upon the sale, rental, or offer or sale or lease of the second lot or plot.

Superintendent of Highways – means the Town superintendent of highways in charge of maintenance and construction of all town roads or highways.

The General Plan – means a comprehensive or master plan for the development of the town prepared by the Planning Board pursuant to Section 272-a of the Town Law.

Tract – means any body of land, including contiguous parcels of land, under one ownership or under common control of any group or persons acting in concert as part of a common scheme or plans.

Zoning Ordinance – means the officially adopted zoning ordinance of the town, together with any and all amendments thereof.

General Administration

Minor subdivisions shall be processed in the following stages:

1. Sketch Plan Conference
2. Submission of Application with fee to Town Clerk
3. Public Hearing
4. Final Plat approval

Major subdivisions shall be processed in the following stages:

1. Sketch Plan Conference
2. Submission of application with fee to Town Clerk
3. Public Hearing
4. Preliminary Plat approval
5. Optional Public Hearing
6. Final Plat approval

Pre-Application Procedure

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. He should study the site suitability and opportunities for development. With his licensed land surveyor, he should develop a plat in sketch form which in turn shall be submitted to the Planning Board for advice and assistance and should include an environmental assessment form (EAF).

Sketch Plan Conference

The Subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Secretary shall notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the program

as they relate to the General Plan, Design Standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save the subdivider both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision by the Planning Board as defined by these regulations. Subdivisions classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat which shall be required for a major subdivision. This step does not require formal application, fee or filing with the Planning Board.

SUBDIVISION REVIEW PROCEDURE

Preliminary Plat

Filing

The Subdivider shall prepare and file application on forms supplied by the Town Clerk for Preliminary plat approval with the following documents and maps presented to the Planning Board.

1. Three paper prints of preliminary plat.
2. One paper print of profiles and typical sections of all proposed streets
3. Evidence of legal ownership of property.
4. List of exceptions to regulations, codes, laws, ordinances, and specifications desired by subdivider.
5. Deed restrictions, existing and proposed, if any.
6. Draft environmental impact statement, if significant impact expected.

Such application, maps, and data shall be submitted at least ten (10) days prior to the meeting at which the subdivision is to be considered.

Approval

Review of Subdivision –

Following the review of the preliminary plat and supplementary material submitted for conformity to these regulations, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall within forty-five (45) days of the time of submission, hold a public hearing. The hearing shall be advertised at least once in the town's official newspaper at least five (5) days

before such public hearing. This hearing shall also fulfill the requirements of the SEQR act on the draft environmental impact statement. Within forty five (45) days from the hearing date, the Planning Board shall approve, approve with modifications, or disapprove the preliminary plat and state its reasons for disapproval. Failure of the Planning Board to hold a public hearing within the required time period shall be deemed to be the equivalent to the Planning Board approval of the preliminary plat.

SEQR Review –

The lead agency in the SEQR review process will be responsible for ensuring the completion of a final environmental impact statement, should it be required within forty-five (45) days from the public hearing. Statement of findings must accompany approval of plat.

Action Upon Subdivision-

The action of the Planning Board shall be noted on three copies of preliminary plat and reference made to any modifications determined. One copy shall be returned to the subdivider and the other two copies retained by Planning Board.

Approval of Subdivision –

Approval of the preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with these regulations and all requirements set forth by the Planning Board in the review of the preliminary play, and any other state or county health department requirements.

Final Plat

General-

The final plat shall conform essentially to the approved preliminary plat, and it may constitute only that portion of the approved preliminary plat the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of these regulations.

Filing-

The application for approval of the final plat shall be submitted in writing to the Planning Board on forms provided by the town clerk at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board. Such applications for final approval shall be filed within six (6) months from the date of the preliminary approval.

The following documents and maps should be submitted with the application to the Planning Board:

1. One original and two prints of the final plats.
2. One original and none print of typical cross sections and profiles of roads showing grades approved by the superintendent of highways.
3. If zoning change is involved, certification from the town clerk shall be required indicating that the change has been approved by the Town Board and is in effect.
4. Evidence of legal ownership of property if different from boundaries shown in preliminary plat.
5. Deed restrictions, existing and proposed in form for recording.
6. A certificate by the town engineer certifying that the subdivider has complied with one of the following alternatives:
 - a. all improvements deemed necessary by the Planning Board have been installed in accordance with requirements of these regulations and with the action of the Planning Board giving approval of the preliminary plat, or
 - b. a performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvements.
7. Statement of approval on the final plat by the New York State or Oswego County Health Department shall be secured by the subdivider before official submission of the final plat.
8. Certificate of approval from the town attorney as to the legal sufficiency of the officers of cession by the Subdivider of the areas for public use including streets.
9. Such other certificates, affidavits, endorsements or deductions as may be required by the Planning Board in the enforcement of these regulations.

Approval

A public hearing may be held by the Planning Board within forty-five (45) days after the time of submission of such plat for approval, or the hearing may be

waived if the plat is in substantial agreement with the preliminary plat approved earlier. The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval to the final plat within forty-five (45) days from and after the time of hearing, if one is held, otherwise said plat shall be deemed approved. The certificate of the town clerk as to the date of submission of the final plat for approval, and the failure to take action within such time shall be sufficient in lieu of endorsement or evidence of approval herein required. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including the reference to the regulation violated by the plat.

The subdivider shall be notified of the final action of the Planning Board and he shall record a copy of the final plat of section thereof in the office of Clerk of Oswego County, New York, within sixty (60) days after the date of approval, otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Oswego County, New York. No building permits may be issued for development within the proposed subdivision prior to the time that such a filing is made with the County Clerk.

THE PRELIMINARY PLAT SUBMISSION REQUIREMENTS

Form

The preliminary plat to be clearly and legibly drawn, at a scale of 100 feet to the inch unless otherwise required by the Planning Board. The sheet size shall be either 20" x 20" or 20" x 40".

Identification

1. The words "Preliminary Plat." The name of the subdivision.
2. The name of the owner of the subdivision.
3. The name and license number of the surveyor.
4. The location by state, county, town, or other recognized land division, and position within such division.
5. Date.

6. True north point and graphic scale.
7. Small scale orientation map 1"=2000' showing the location of the subdivision in relation to the surrounding areas.

Existing Conditions

1. The name of all owners of land adjacent to the proposed subdivision and/or the names of all subdivision adjacent to the proposed subdivision.
2. The zoning districts within and adjacent to the proposed subdivision.
3. Boundaries of the subdivision indicated by a heavy line, bearings, distances, and the approximate acreage.
4. Location, width and names of existing or platted roads, railroad rights-of-way, easements, parks, buildings, power lines, and any other non-residential use adjacent to or within the proposed subdivision.
5. Drainage channels, water courses, wetlands, flood plains, rock outcrops, wooded areas, isolated preservable trees on foot or more in diameter, and any other significant features should be shown.
6. Existing contours with intervals of not more than (5) feet where the slope is greater than 10%. Elevations are to be based on sea level datum.
7. Location and results of soil percolations tests on each lot at the site of the sanitary leach field, if individual disposal systems are proposed.
8. The Planning Board may require the location and results of tests made to ascertain subsurface soil, rock and ground water conditions indicated on the plat.
9. Location of any and all utilities on and adjacent to the tract including sewer, water, gas lines, fire hydrants, electric and telephone lines and street lights.
10. Provisions, as deemed appropriate or necessary by the Planning Board, for the purpose of interconnection to adjacent undeveloped and developed parcel of land. Such provisions may include, but not be limited to street extensions to be constructed as part of the proposed subdivisions, or the reservation of adequate street right of way(s) extending from proposed subdivision street(s) to the parcel boundary.

Proposed Development

1. The location and dimensions of all proposed roads, alleys, easements, lots, and approximate lot areas.
2. Lot numbers.
3. Proposed road names.
4. Proposed building setback lines.
5. All parcels of land proposed to be dedicated or reserved for public use, if any.
6. Proposed utilities within the subdivision.
7. Provisions for collecting and discharging surface drainage.
8. Provision as deemed appropriate or necessary by the Planning Board, for the purpose of interconnection to adjacent undeveloped and developed parcels of land. Such provisions may include, but not be limited to street extensions to be constructed as part of the proposed subdivision street(s) to the parcel boundary.

Supplementary Plans

The profile of each road indicating tentative grades of roadway surface sidewalks and sewers (even though they may not be contemplated in the immediate future) and storm drains; also a typical cross section of each road including sidewalks. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.

Final Plat Submission Requirements

Form

The final plat shall be clearly and legibly drawn in India Ink on mylar or transparent tracing cloth or be photographically copied on mylar or transparent tracing cloth. The size of the sheet shall be 20" x 20" or 20" x 40". The scale shall be 1" = 100' unless otherwise required by the Planning Board.

Identification

1. The words "Final Plat" and the name of the subdivision including section if a part of the entire proposed preliminary plat.
2. Name of the owners of the subdivision.
3. Certification of licensed surveyor that the plat is correct and made from an actual survey.
4. Location by state, county, town or other recognized land division and position within such division.
5. Date.
6. True north point and scale.

Existing Conditions

1. The name of record of all owners of land bordering on the proposed subdivision and/or the names of all subdivisions bordering on the proposed subdivision.

2. Boundary of the subdivision.
3. Location, width, and names of existing or platted roads or other public right – of – way, lots, railroads and water courses within and/or immediately adjacent to the subdivision.
- 4.

Proposed Development

1. The location and dimensions of all proposed roads, alleys, easements and lots.
2. Lot numbers.
3. Proposed road names.
4. Proposed building setback lines.
5. Accurate outlines of all parcels of land to be dedicated or reserved for public use, if any.
6. All easements fro right – of – way provided for public services or utilities and any limitations of such easements.
7. Provisions, and deemed appropriate or necessary by the Planning Board, for the purpose of interconnection to adjacent undeveloped and developed parcels of land. Such provisions may include, but not be limited to street extensions to be constructed as part of the proposed subdivision, or the reservation of adequate street right of way(s) extending from proposed subdivision street(s) to the parcel boundary.

Supplementary Plans

1. Roads – Plans shall be submitted showing the center line profile of proposed roads, with typical cross sections indicating proposed crown and shopes anticipated in meeting required road improvements. All drainage and drainage structures shall be indicated on the profile. All proposed grades shall be curb grades of the respective roads and shall be indicated in complete detail in the profile and referenced to the stationing shown on the plan.
2. Water Supply and Sewage Disposal – Plans shall be submitted showing soil conditions and results of soil tests when sewage facilities are not available to the subdivision, and a typical lot layout or layouts indicating the location and type of arrangement for sewage disposal and water supply shall be indicated.

The supplementary plans under number 1 and 2 of this section shall be certified by a licensed professional engineer and submitted to the Planning Board prior to the construction of all such improvements.

Surveying Data and Monuments

1. All plat boundaries with length of course to 1/100 foot and bearing to half minutes. When required, all calculations and field notes shall be submitted.
2. Bearing and distances to the nearest established road lines, sections, corners of other recognized permanent monuments, which shall be accurately described on the plat.

3. Length of all arcs, chord and chord bearings, radii, internal angles, points of curvature and tangent bearings.
4. All lot lines, with accurate dimensions in feet and hundredths, and with bearings or angles to road lines and approximate lot areas indicated.
5. Accurate location of all monuments. All permanent reference monuments shall be shown on plat by symbol "x" and all permanent lot corner markers shall be shown on the plat by symbol "o".

Subdivision Standards

Road Right of Way

Conformity with General Plan. The arrangement width, location and extent of major roads and all minor roads should conform and be harmony with the General Plan for the town. Roads not in the General Plan should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of land.

Arrangement. Residential minor roads shall be designed to discourage through traffic, whose origin and destination is not within the subdivision.

Location. When a proposed subdivision is adjacent to or contains a state highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and directions. The Planning Board may require a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential districts, or for commercial or industrial purposes. Such distance shall all be determined with due regard for the requirements of approach grades and future grade separation. Railroad right-of-way shall receive similar consideration.

Intersections. Roads intersect one another at angles as near to a right angle as possible, and no intersections of roads at angles less then 60 degrees shall be approved. Road intersections shall be rounded with a radius of 25 feet measured at right – of – way line when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve or radius acceptable to the Planning Board. Road jogs with centerline offset of less than 125 feet shall be avoided.

Dead End Roads

The maximum length of a permanent dead end road (ie. Cul-de-sac) shall be 800 ft., as measured from the centerline intersection of the dead end road with the through street, to the center of the cul-de-sac or flag type turnaround. The Planning Board, in consideration of benefit(s) to the Town, may increase the maximum stated length of a permanent dead end road by a distance of 200 ft., or in the case of potential impact(s) to the Town, may require shortening of the dead end road to less than the maximum proposed. All permanent dead end streets shall be provided with a permanent turnaround or cul-de-sac termination as per the current Town Highway Specifications.

In the case where the developer proposes a looped road (ie. "P" shaped) at the end of a dead end street, the roadway stem connecting the loop to the existing highway system shall be limited to a maximum of 500 ft., and the furthest point on the loop limited to another 500 ft. beyond the beginning of the loop road, as measured along the loop. Should the developer desire stem road longer than 500 ft., the stem roadway shall be constructed to a higher standard, involving a median that separates the inbound and outbound lanes. The exact dimensions of this boulevard type street are attached as Exhibit "A". In no case shall the stem roadway be greater than 1000 ft. in length. In the case of phased subdivision build-out, where the roadway length will extend over 1000 ft., the initial roadway to be constructed, if not completed in it's entirety, shall be considered a temporary dead end road. Temporary dead end roads may be constructed to a maximum length of 1000 ft., as measured from the centerline intersection of the dead end road with the through street, to the center of the flag type turnaround, complete with consideration fro storm drainage and temporary easement to the Town. All temporary dead end roadways shall be provided with a temporary flag type turnaround per the current Town Highway Specifications. Upon completion of the initial temporary roadway segment (all requirements met for roadway construction), the roadway may be further extended, using a maximum of 1000 ft. length, and completed in similar fashion as the first 1000 ft., until the roadway length is completed in it's entirety. In such case, the temporary turnaround shall remain until final completion of the roadway, to serve as a mid-point staging area for snow removal or emergency services.

Upon full completion of the roadway length, all temporary turnarounds shall be removed, and the temporary easement given back to the adjacent landowners.

Half Roads. Dedication of a half road shall be prohibited, except when essential to the reasonable development of the Subdivision in conformity with the other requirements of these regulations and where the Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half road is adjacent to a tract to be subdivided, the other half of the road shall be platted within such tract.

Road Construction Standards. All roads shall be constructed in conformance with the road specifications for the Town of Hastings and inspected and approved by the Town Highway Superintendent.

Dedication. Approval of a plat shall not be an acceptance by the public of the dedication of any road, highway, or other way shown upon the plat.

Alleys. Alleys shall not be permitted in residential areas. In commercial and industrial districts, definite and assured provision shall be made for service access such as off-street parking, loading and unloading consistent with and adequate for the uses proposed. The width of an alley shall not be less than twenty-four feet where permitted. Dead end alleys are prohibited.

Names and Numbers. Names of new roads shall not duplicate existing or platted streets. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the house numbering system now in effect in the town.

Road Signs. The subdivider shall provide and erect road signs of a type to be approved by the town board at all road intersections prior to acceptance of the constructed roads.

Tree's. Trees should be provided outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.

Lots

Locations. All lots shall abut by their full frontage on a public road.

Dimension's. The lot size, width, depth, shape, area, and minimum setbacks shall comply with the Town's Zoning Ordinance and Septic Tank Ordinance. In general, lots should not be of such depth as to encourage the later location of a second building lot at the front or rear.

Double Frontage Lots. Frontings on tow roads other than corner lots, shall be discouraged.

Pedestrian Easements. In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easement at least 20 feet wide may be required by the Panning Board. In heavy traffic areas, sidewalks may be required in addition.

Setback. The provisions of the Town's Zoning Ordinance shall apply regarding setback lines.

Lot Lines. Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots and except when indicated by topography, lot lines shall be straight.

Corner Lots. Lots for residential use shall have extra width to permit appropriate building set back form and orientation to both roads.

Block

Length. Block length shall not exceed 1,600 feet or be less then 400 feet.

Width. Block width shall be planned to provide two rows of lots.

Unique and Natural Features

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Topsoil moved during construction shall be replaced and stabilized by seeding and plantings. Damage to existing trees should be avoided.

Public Open Spaces and Sites

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the General Plan and be made available by one of the following methods:

1. Dedication to the town.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the town does not proceed with the purchase.

The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the town as water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

Unsuitable Land For Subdivisions

As a safety measure for the protection of the health and welfare of the people of the town, land which is found to be unsuitable for subdivision due to flooding, swamp, bad drainage and other harmful features, shall not be subdivided until adequate corrective methods are formulated by the subdivider and approved by the Planning Board and the town engineer. Before final approval, the subdivider shall in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

Bond for Installation of Improvements

General

In order that the town has the assurance that the construction and installation of such improvements as storm sewer, public water supply, road signs, sidewalks and roads surfacing will be constructed, the subdivider shall enter into one other the following agreements with the town:

1. construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to the final approval of the plat, or
2. in lieu of the completion of the improvements, furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the superintendent of highways, or
3. in lieu of completion of improvements, deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate

Conditions

Before the final plat is approved, the developer shall have executed a subdivider's contract with the town, and a performance bond or certified check deposited covering the estimated cost of the required improvement.

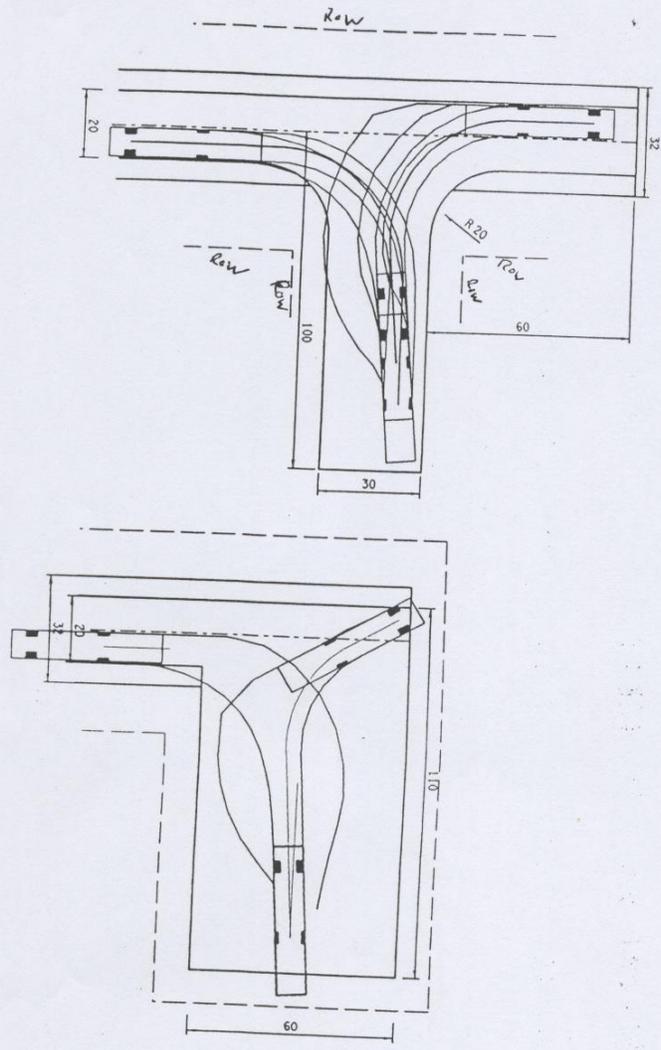
The value of the performance bond shall be determined by the Town Highway Superintendent or his designee (ie. Town Engineer, Town Attorney, etc) and upon review, officially set by the Town Board. The value of the performance bond shall represent the construction cost of all proposed public improvements along the roadway length (roadway, temporary/permanent turnarounds, storm drainage piping, storm water management such as detention facilities, potable water system, sanitary sewers, pump stations, etc. as applicable).

For projects that involve phased roadway construction, the developer shall provide the performance bond for 100% of all public improvements within the entire subdivision, regardless of length, number of access point to public highways, or number of phases.

Upon providing such full bond amounts, along with the other necessary items prescribed by the Planning Board, allows the Planning Board to take action on the final plat. Assuming the plat obtains final approval, the developer may then apply for individual lot building permits. All requirements for roadway construction inspections, Developer's Agreement, etc. must be complied with.

An alternative policy, involving a reduced performance bond amount, which reflects known quantities of completed roadway work within the subdivision that has received final approval, may be allowed by the Town Highway Superintendent. Valuation of the known quantities shall be done by the Town, in coordination with the developer, and shall correlate to the schedule of itemized work values established in the full performance bond determination.

This alternative method requires the issues of the Developer's Agreement, construction inspections that must still be complied with. The requirements of this alternative method are to be summarized in a policy that is to be periodically reviewed and updated by the Town Highway Superintendent and provided to the Town Board, with a current copy available t the Town Clerk's office. Diagram " Looped Roads " to be inserted as page 18.



OPTION #1

EXISTING

Extension of Time

If the construction or installation of any improvements or facilities, for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, is not completed within one year from the date of approval of the final plat, the subdivider may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the town will use as much of the bond or check deposit to construct the improvements as may be necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

Agreement – Schedule of Improvements

When a certified check or performance bond are made pursuant to the preceding section, the town and the subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider until all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract is completed, inspected, and accepted by the town.

Inspections

Periodic inspections during the installations of improvements shall be made by the Planning Board or their designee to insure conformity with the approved plans and specifications as contained in the subdivider's contract and these regulations. The subdivider shall notify the Planning Board or their designee when each phase of improvements is ready for inspection. Upon acceptance completion of installation and improvement, the Planning Board shall be sufficient evidence for the release by the town of the portion of the performance bond or check deposit as designated in the subdivider's contract to cover cost of such completed work.

Acceptance

When the Planning Board or their designee, following final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installation and improvements have been completed in accordance with the subdivider's contract, the Town Board may proceed to accept the facilities for which bond has been posted or check deposited.