

TOWN OF ARIETTA
HAMILTON COUNTY, NEW YORK
LAND SUBDIVISION REGULATIONS

1981



TOWN OF ARIETTA
SUBDIVISION REGULATIONS

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ARTICLE I

DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of Arietta, adopted on Dec. 29, 1975, pursuant to the provisions of Article 16 of the Town Law, the Planning Board of the Town of Arietta is authorized and empowered to approve Plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary plats, within the Town of Arietta. It is declared to be the policy of the Planning Board to consider land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists and shall be properly related to the proposals shown on the Master Plan, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Land Subdivision Regulations of the Town of Arietta" have been adopted by the Planning Board on Aug. 24, 1981 and approved by the Town Board on Sept. 7, 1981

ARTICLE II

DEFINITIONS

When used in these regulations, the following words shall have the following meanings:

CLASS A REGIONAL SUBDIVISION - means a subdivision which is classified as a Class A regional project in Section 810 of the Adirondack Agency Act, and set out in Appendix A hereof.

CLASS B REGIONAL SUBDIVISION - means a subdivision which is classified as a Class B regional project in Section 810 of the Adirondack Park Agency Act and set out in Appendix B hereof.

CLUSTER DEVELOPMENT - means a planned development in which lots are platted with less than the minimum lot size and dimension requirements, but which have access to common open space which is a part of the overall development plan approved by the Planning Board.

COLLECTOR STREET - Means a street which serves or is designated to serve as a traffic way for a neighborhood or as a feeder to a major street.

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

EASEMENT - means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER - means a person licensed as a professional engineer by the State of New York

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

MAJOR SUBDIVISION - means any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

MASTER OR COMPREHENSIVE PLAN - means a comprehensive plan, prepared by the Planning Board pursuant to Section 272-a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

MINOR STREET - means a street intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION - means any subdivision containing not more than four lots fronting on any existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision of the Master Plan, Official Map, or Land Use Ordinance or these regulations.

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

PLANNING BOARD - means the Planning Board of the Town.

PRELIMINARY PLAT - means a drawing or drawings clearly marked "preliminary Plat" showing the layout of a proposed subdivision, as specified in Article V, Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SECRETARY OF THE PLANNING BOARD - means that person who shall be designated to perform the duties of the Secretary of the Planning Board for all purposes of these regulations.

STREET- means and includes streets, roads, avenues, lanes or other traffic ways, between right-of-way lanes.

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

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

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

SUBDIVISION - means the same as definition in Land Use Ordinance.

SUBDIVISION PLAT OR FINAL PLAT - means the drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

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

TOWN ENGINEER - means the duly designated engineer of the Town.

ARTICLE III

PROCEDURE IN FILING SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures and before commencement of roads, utilities and other subdivision improvements.

A. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least ten days prior to the regular meeting of the Board two copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article V, Section I, for the purposes of classification and preliminary discussion. (P. 15)

B. Discussion of Requirements and Classification

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

Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Minor or Major Subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for the protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article III, Sections 2 and 6 of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III, Sections 3, 4, 5, 6, 7, and 8.

C. Study of Sketch Plan

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

SECTION 2. APPROVAL OF MINOR SUBDIVISION

A. Application and Fee

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for re-classification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article V, Section 2-A.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee of twenty-five dollars.

B. Number of Copies

Five (5) copies of the Subdivision Plat shall be presented to the Secretary of the Planning Board at the time of Submission of the Subdivision Plat.

C. Subdivider to Attend Planning Board Meetings

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

D. When Officially Submitted

The time of submission of the Subdivision Plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and all data required by Article V, Section 2 of these regulations, has been filed with the Clerk of the Planning Board.

E. Public Hearing

A public hearing shall be held by the Planning Board within forty-five days (45) from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing. At such time as the Town Of Arietta Land Use program is approved by the Adirondack Park Agency, the Planning Board may waive the public hearing prior to its approval of minor subdivision.

F. Action on Subdivision Plat

The Planning Board shall, within forty - five (45) days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the Plat.

Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Secretary of the Planning Board as conditionally approved, a copy shall be filed in his office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

SECTION 3. PRELIMINARY PLAT FOR MAJOR SUBDIVISION

A. Application and Fee

Prior to filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in Article V, Section 3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law, and Article V, Section 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board.

The application for approval of the preliminary plat shall be accompanied by a fee of twenty-five dollars, plus five (\$5) dollars per lot for each lot over twenty (20) lots in the proposed subdivision.

B. Number of Copies

Five copies of the Preliminary Plat shall be presented to the Secretary of the Planning Board at the time of submission of the Preliminary Plat.

C. Subdivider to Attend Planning Board Meeting

The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

D. Study of Preliminary Plat

The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map and Zoning Regulations, if such exist.

E. When Officially Submitted

The time of submission of the Preliminary Plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, Section 3 of these regulations has been filed with the Secretary of the Planning Board.

F. Approval of the Preliminary Plat

Within forty-five days (45) after the receipt of such preliminary plat by the Secretary of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Within forty-five (45) days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat, and the ground of modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat the Planning Board shall state in writing modifications if any, as it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such preliminary plat, it shall be certified by the Secretary of the Planning Board as granted preliminary approval and a copy filed in his office, a certified copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute approval of the preliminary plat.

When granting approval to the preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare. (3) The amount of improvement or the amount of all bonds therefore which it will require a prerequisite to the approval of the Subdivision Plat. Approval of a Preliminary Plat shall constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior 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 or as a result of new information obtained at the public hearing.

A. Application for Approval and Fee

The subdivider shall, within six months after the approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final form, using the approved application blank available from the Secretary of the Planning Board. All applications for Plat approval for Major Subdivisions shall be accompanied by a fee of \$25.00 dollars. If the final plat is not submitted within six months after the approval of the Preliminary Plat, the planning Board may refuse to approve the final plat and require re-submission of the preliminary plat.

B. Number of Copies

A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Secretary of the Board with a copy of the Application and three (3) copies (one copy in ink on linen or an acceptable equal) of the Plat, the original and one true copy of all offers of cession, covenants, and agreements and two (2) prints of all construction drawings.

C. When Officially Submitted

The time of submission of the Subdivision Plat shall be considered to be the date on which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V, Section 4 of these regulations, has been filed with the Secretary of the Planning Board.

D. Endorsement of State and County Agencies

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by the State Department of Health shall be secured by the subdivider before official submission of the Subdivision Plat.

E. Public Hearing

Within forty-five (45) days of the submission of a plat in final form for approval a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing, provided however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Section 3 of this article, and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

F. Action on Proposed Subdivision Plat

The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within forty-five (45) days of its receipt by the Secretary of the Planning Board if no hearing is held, or in the event a hearing is held, within forty-five (45) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution the plat shall be certified by the Secretary of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such

requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of the final plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances for not to exceed two additional periods of ninety (90) days each.

SECTION 5. REQUIRED IMPROVEMENTS

A. Improvements and Performance Bond

Before the Planning Board grants final approval of the Subdivision Plat, the Planning Board may require the subdivider to follow the procedure set forth in either sub-paragraph (1) OR sub-paragraph (2) below:

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

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

(3) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to subparagraph (2), then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph (1), such bond shall not be released until such a map is submitted.

B. Modification of Design of Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may upon approval by a previously delegated member of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

C. Inspection of Improvements

At least five (5) days prior to commencing construction of required improvements the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper Installation of Improvements

If the town engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector, and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

SECTION 6. FILING OF APPROVED SUBDIVISION PLAT

A. Final Approval and Filing

Upon completion of the requirements in Sections 2, 4 and 5 above and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within sixty (60) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

B. Plat Void if Revised After Approval

No changes, erasures, modifications or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

SECTION 7. PUBLIC STREETS, RECREATION AREAS

A. Public Acceptance of Streets

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Recreation Areas

When a park, playground, or other recreation area shall have been shown on a Plat, the approval of said Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of the grading, development, equipment, and maintenance of any such recreation area.

SECTION 8. APPLICATION OF SECTION 281 OF THE TOWN LAW (CLUSTERING)

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

A. Request by Subdivider

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

B. Sketch Plat

A subdivider shall present along with a proposal in accordance with provisions of Section 281, a standard sketch plat which is consistent with all the criteria established by these Subdivision Regulations including, but not limited to, streets being consistent with the Street Specifications, and lots being consistent with the Zoning Ordinance.

C. Park, Recreation, Open Space or other Municipal Purposes

If the application of this procedure results in a plat showing land available for park, recreation, open space, or other municipal purposes, directly related to the plat, then conditions as to ownership, use and maintenance of such lands as are necessary to assure the preservation of such lands for their intended purposes shall be set forth by the Planning Board.

D. Plat Submission

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

E. Filing, Notation on Zoning Map

On the filing of a plat in the Office of the County Clerk in which Section 281 has been used, the subdivider shall file a copy with the Town Clerk who shall make appropriate notations and reference thereto in the Town Zoning Ordinance map. The Secretary of the Planning Board shall notify the Building Inspector when such a plat is filed.

ARTICLE IV

GENERAL REQUIREMENTS AND DESIGN STANDARDS

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

SECTION 1. GENERAL

A. Character of the 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 menace.

B. Conformity to Official Map and Master Plan

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Master Plan, if such exists.

C. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Town specifications which may be obtained from the Town Engineer.

Section 2. STREET LAYOUT

A. Width, Location and Construction

Streets shall be of a sufficient width, suitably located, and adequately constructed to conform with the Master Plan, if such exists, and to accommodate the perspective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

B. Arrangement

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Minor Streets

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

D. Special Treatment Along Major Arterial Streets

When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Provision for Future Resubdivision

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

F. Dead-End Streets

The creation of dead end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of normal traffic circulation in the area. In the case of dead end streets, where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at

least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on any approved Subdivision Plat for which a bond has been filed.

G. Block Size

Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20 foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4-foot wide paved foot path be included.

H. Intersections With Collector or Major Arterial Roads

Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.

I. Street Jogs

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

J. Angle of Intersection

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

K. Relation to Topography

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

SECTION 3. STREET DESIGN

A. Widths of Rights-of-Way

Streets shall have the following widths. (When not indicated on the Master Plan or Official Map, if such exists, the classification of streets shall be determined by the Board):

	Minimum Right-of-Way	Minimum Gravel or Crushed Stone
Major Streets	66 feet	22 feet
Collector Streets	60 feet	22 feet
Local Streets	50 feet	22 feet

B. Improvements

Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs and street trees except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Engineer. Such grading and improvements shall be approved as to design and specifications by the Town Engineer.

(1) Street Lighting Facilities. Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town electrical inspector.

C. Utilities in Streets

The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider

shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

D. Utility Easements

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

E. Grades

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

F. Changes in Grade

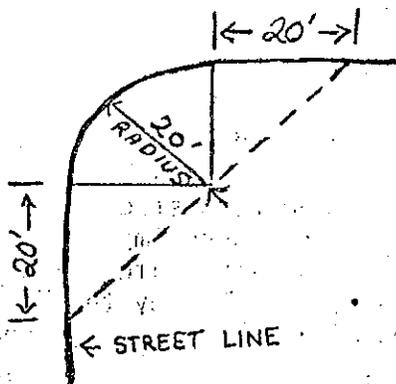
All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

G. Curve Radius at Street Intersections

All street right-of-way lines at intersections shall be rounded by curves of at least 20-foot radius and curbs shall be adjusted accordingly.

H. Steep Grades and Curves; Visibility of Intersections

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded on Sketch A shall be cleared of all growth, (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.



SKETCH A

I. Dead-End Streets (Cul-De-Sacs)

Where dead end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length, and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead end streets, a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

J. Watercourses

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Engineer, and in no case less than 20 feet in width.

K. Curve Radii

In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

L. Service Streets or Loading Space in Commercial Development

Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

M. Free Flow of Vehicular Traffic Abutting Commercial Developments

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

SECTION 4. STREET NAMES

A. Type of Name

All street names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.

B. Names to be Substantially Different

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

SECTION 5. LOTS

A. Lots to be Buildable

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

B. Side Lines

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

C. Corner Lots

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

D. Driveway Access

Driveway access and grades shall conform to specifications.

E. Access from Private Streets

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

F. Monuments and Lot Corner Markers

Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the Subdivision Plat.

G. Revegetation of Disturbed Soil Areas

- 1) All cleared areas with the exception of roads, drives, shoulders, building sites and parking areas shall be planted or otherwise stabilized to minimize erosion. Planting efforts are to be inspected six months or more after planting. If corrective measures are to be made, they must begin within 15 days after the inspection.
- 2) Revegetation shall be completed within five to ten day period after final grading.

SECTION 6. ~~DRAINAGE IMPROVEMENTS~~

A. Removal of Spring and Surface Water

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

B. Drainage Structure to Accomodate Potential Development Upstream

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

C. Responsibility from Drainage Downstream

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

D. Land Subject to Flooding

Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, not for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

SECTION 7. OPEN SPACES AND NATURAL FEATURES

A. Recreation Areas Shown on Town Plans

Such area or area may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

B. Information to be Submitted

In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, three prints (one on cloth) drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

- a. The boundaries of the said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
- b. Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.
- c. Existing, and, if applicable, proposed changes in grade and contours of said area and of area immediately adjacent.

C. Reserve Strips Prohibited

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

ARTICLE V

DOCUMENTS TO BE SUBMITTED

SECTION 1. SKETCH PLAN

A. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information;

- (1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- (2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
- (3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- (4) The tax map sheet, block and lot numbers, if available.
- (5) All the utilities available, and all streets which are either proposed, mapped or built.
- (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply (see Section 2-A3) within the subdivided area.
- (7) All existing restrictions on the use of land including easements, covenants, or zoning lines.

SECTION 2. MINOR SUBDIVISION PLAT

A. In the case of Minor Subdivision ONLY, the Subdivision Plat application shall include the following information;

- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (2) An actual field survey of the boundry lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the Plat.
- (3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Department of Health, and the Land Use Ordinance and a note to this effect shall be stated on the Plat and signed by a licensed engineer.
- (4) Proposed subdivision name, name of the Town and County in which it is located.
- (5) The date, north point, map scale, name and address of record owner and subdivider.
- (6) The Plat to be filed with the County Clerk shall be printed upon linen or be clearly drawn in Indian Ink upon tracing cloth or otherwise in accordance with the requirements of the County Clerk.

SECTION 3. MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for approval:

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

- (1) Proposed subdivision name, name of Town and County in which it is located, date true north point, scale, name and address of record owner, subdivider and engineer and surveyor, including license number and seal.
- (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
- (3) Zoning District, including exact boundary lines of district, if more than one district and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided.
- (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (5) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of 8 inches or more as measured 3 feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property.
- (6) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- (7) Contours with intervals of 5 feet or less as required by the Board, including elevations on existing roads, approximate grading plan if natural contours are to be changed more than 2 feet.
- (8) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.

- (11) Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins, and underground conduits.
- (12) Preliminary designs of any bridges or culverts which may be required.
- (13) The proposed lot lines with approximate dimensions and area of each lot.
- (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
- (15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and sitances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the Plat.

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

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

SECTION 4. MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for Plat approval:

A. The plat to be filed with the County Clerk shall be printed upon linen or be clearly drawn in Indian Ink upon tracing cloth or otherwise in accordance with the requirements of the County Clerk. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the true or magnetic north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Plat shall show:

- (1) Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.
- (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- (3) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.

- (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.
- (5) The Plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
- (6) All offers of cession and covenants governing the maintenance of unneeded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- (7) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
- (8) Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Town Engineer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the Plat.
- (9) All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least three-quarter (3/4) inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.
- (10) Monuments of a type approved by the Town Engineers shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

B. Construction drawings including plans, profiles, and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catchbasins and other facilities.

ARTICLE VI - REGIONAL SUBDIVISIONS*

Section 1. Applicability of this Section

When a proposed subdivision is a regional subdivision, the provisions of this section shall apply in addition to all other provisions of these regulations. For the purpose of these regulations, if a subdivision constitutes both a Class B regional subdivision and a Class A regional subdivision, it shall be deemed a Class A regional subdivision in its entirety.

Section 2. Special Requirements for Approval of Class B Regional Subdivision

* The provisions under Article VI-Regional Subdivisions does not take effect until such time as the Town of Arietta has an APA approved land use program.

A. When a proposed subdivision is a Class B Regional subdivision, the Planning Board shall not render approval or conditional approval under Article unless the Board first determines that the subdivision would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision. In making this determination, the Planning Board shall consider those factors pertinent to the subdivision and in so doing, the Planning Board shall be guided by the development objectives and general guidelines set forth in Appendices B and C of these regulations.

B. When the Planning Board renders final approval of a Class B regional subdivision the board shall issue a permit authorizing the subdivider to undertake the subdivision in accordance with any terms and conditions set forth therein. The Planning Board, in conjunction with its approval of any Class B regional subdivision, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means to insure that guidelines as to intensity of development as provided in the zoning ordinance shall be respected and the imposition of reasonable conditions to insure that the subdivision will be adequately supported by services and improvements made necessary thereby and to insure that the subdivision will be completed in accordance with the terms of the approval and permit. In addition, the Planning Board may incorporate any such requirements and conditions in the permit issued with regard to such Class B regional subdivisions.

Section 3. Special Additional Procedures Regarding Class B Regional Subdivisions

When a proposed subdivision is a Class B regional, within ten (10) days following receipt of the completed application the Planning Board shall furnish the Adirondack Park Agency a copy of the application and plat together with such pertinent information as the Agency may deem necessary. The Planning Board shall also mail a copy of the notice of public hearing on the subdivision to the Agency at least five (5) days before such hearing. The Agency shall be a full party in interest with standing to participate in the hearing and other proceedings pursuant to the section relative to Class B Regional Subdivisions.

Section 4. Criteria and Certain Procedures for Adirondack Park Agency Review of Class A Regional Subdivisions

A. The Adirondack Park Agency's review of Class A regional subdivisions within the territory of the town pursuant to and in accordance with Section 809 (9) of the Adirondack Park Agency Act, shall be governed by the criteria and certain procedures hereinafter set forth, as well as those set forth in the Act and the applicable Agency rules and regulations.

B. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A regional subdivision, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the application and formulating advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the town land use program. Not later than thirty (30) days following receipt by the Planning Board from the Agency of such notice of application completion with regard to a Class A regional subdivision, or such shorter period as may be agreed upon in writing by the Agency and the town, the Planning Board shall, by certified mail, provide to the Agency its advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the town land use program. Should the Planning Board fail to provide such recommendations within such thirty day or otherwise agreed upon period, the Agency may make its finding without receipt of such recommendations.

C. The Adirondack Park Agency shall not approve a Class A regional subdivision unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the subdivision that the subdivision would comply with all the pertinent requirements and conditions of the town land use program.

D. In making the determination required by Section 809 of the Adirondack Park Agency Act as to the impact of a proposed Class A regional subdivision upon the resources of the Adirondack Park, including the ability of all levels of government to provide supporting facilities and services made necessary by the subdivision, the Agency shall consider those factors pertinent to the Subdivision, in so doing, shall make a net overall evaluation of the subdivision in relation to the development objectives set forth in Appendix C.

ARTICLE VII

WAIVERS

Section 1.

Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare of or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan, or the Land Use Ordinance if such exists.

Section 2.

In granting waivers, the Planning Board shall require such conditions as well, in its judgement, secure substantially the objectives of the standards or requirements so waived.

ARTICLE VIII

SEPERABILITY

SECTION 1.

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

APPENDIX A

CLASS A REGIONAL SUBDIVISIONS

- A. HAMLET AREAS
 - 1. All subdivisions of land involving wetlands.
 - 2. All subdivisions of land involving one hundred or more residential lots, parcels, or sites.
- B. MODERATE INTENSITY USE AREAS.
 - 1. All subdivisions of land located in the following critical environmental areas:
 - A. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - B. Involving wetlands;
 - C. within one-eights mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
 - 2. All subdivisions of land involving seventy-five or more residential lots, parcels or sites.
- C. LOW INTENSITY USE AREAS
 - 1. All subdivisions of land located in the following critical environmental areas:
 - A. within one-quarter mile of rivers navigable by boat designated to be studies as wild, scenic or recreational in accordance with the Enfronmental Conservation Law during the period of such designation;
 - B. involving wetlands;
 - C. within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
 - 2. All subdivisions of land involving thirty-five or more residential lots, parcels or sites.
- D. RURAL USE AREAS
 - 1. All subdivisions of land located in the following critical environmental areas:
 - A. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - B. involving wetlands;
 - C. within one-eights mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands;
 - D. within one-hundred-fifty feet of the edge of the right-of-way of federal or state highways;
 - E. within one-hundred-fifty feet of the edge of the right-of-way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight-hundred-nine of the Adirondack Park Agency Act, as major travel corridors by the agency.
 - 2. All subdivisions of land involving twenty or more residential lots, parcels or sites.
- E. RESOURCE MANAGEMENT AREAS
 - 1. All subdivisions of land involving two or more lots, parcels or sites.

APPENDIX B
CLASS B REGIONAL SUBDIVISIONS

A. MODERATE INTENSITY USE AREAS.

1. Subdivision of land (and all land uses and development related thereto) involving fifteen or more but less than seventy-five lots, parcels or sites, other than subdivisions of land involving mobile homes.
2. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds fourteen.
3. Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.
4. Subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal building per linear mile or proportionate fraction thereof, as provided for in these regulations.
5. Subdivisions of land within one-half mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

B. LOW INTENSITY USE AREAS.

1. Subdivisions of land (and all land uses and development related thereto) involving ten or more but less than thirty-five lots, parcels or sites, other than subdivisions of land involving mobile homes.
2. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.
3. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
4. Subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in these regulations.
5. Subdivision of land within one-half mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

C. RURAL USE AREAS

1. Subdivisions of land (and all land uses and development related thereto) involving five or more but less than twenty lots, parcels or sites, other than subdivisions of land involving mobile homes.
2. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceed four.
3. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
4. Subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in these regulations.

5. Subdivisions of land within one-half mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

APPENDIX C

DEVELOPMENT OBJECTIVES FOR USE IN REVIEW OF ALL SUBDIVISIONS

The principal natural and public resource aspects of a proposed subdivision site to be considered in connection with the review of all subdivisions, together with representative means for avoiding undue adverse impact thereupon include the following:

(a) Soils

(i) Soils, General

OBJECTIVE: Prevent accelerated soil erosion and the potential for earth slippage.

GENERAL GUIDELINE: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

(ii) Agricultural Soils

OBJECTIVE: Conserve viable agricultural soils

GENERAL GUIDELINE: Avoid activities on Class I and Class II agricultural soils presently in agricultural service which would diminish or preclude continuing use thereof for agricultural purposes.

(b) Topography

OBJECTIVE: Minimize topographic alterations.

GENERAL GUIDELINES: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

(c) Surface Waters

(i) Water Quality and Eutrophication

OBJECTIVE: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

GENERAL GUIDELINE: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

(ii) Surface Drainage

OBJECTIVE: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

GENERAL GUIDELINE: Minimize alterations to existing drainage patterns and drainage courses; preserve drainageways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

(iii) Flood Plains

OBJECTIVE: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

GENERAL GUIDELINES: Avoid the placement of buildings intended for human habitation, commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites; and within any floodway fringe special zoning district conform all development plans to the floodplain regulations contained in Article VII hereof.

(d) Ground Water

OBJECTIVES: Preserve quality, infiltration rate, and levels of ground water.

GENERAL GUIDELINES: Comply at a minimum with applicable governmental water pollutant discharge restrictions; particularly to avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifers and aquifer recharge area; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

(e) Shoreline

OBJECTIVES: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

GENERAL GUIDELINES: Comply at a minimum with applicable governmental shoreline restrictions; minimize construction or development of any kind near or on the shorelines; avoid physical modifications along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

(f) Mineral Resources

OBJECTIVE: Conserve existing known mineral resources.

GENERAL GUIDELINE: Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

(g) Air Quality

OBJECTIVE: Maintain or enhance existing air quality.

GENERAL GUIDELINE: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

(h) Noise Levels

OBJECTIVE: Limit additions to noise levels.

GENERAL GUIDELINES: Adhere at a minimum to applicable governmental noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

(i) Wetlands

OBJECTIVE: Preserve the hydrologic, wildlife, vegetational, aesthetic, educational, open space and recreational values of wetlands.

GENERAL GUIDELINES: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

(j) Aquatic Communities

OBJECTIVE: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

GENERAL GUIDELINE: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones, minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat launching facilities, and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

(k) Terrestrial Vegetation

(i) Vegetation, General

OBJECTIVE: Preserve or quickly restore terrestrial vegetation.

GENERAL GUIDELINE: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

(ii) Rare and Endangered Terrestrial Plant Species

OBJECTIVE: Preserve rare and endangered terrestrial plant species.

GENERAL GUIDELINE: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

(iii) Productive Commercial Forest Land

OBJECTIVE: Conserve productive forest lands.

GENERAL OBJECTIVE: Avoid impairment of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

(l) Terrestrial Wildlife

(i) Terrestrial Wildlife, General

OBJECTIVE: Maximize the preservation of terrestrial wildlife species.

GENERAL GUIDELINE: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

(ii) Rare and Endangered Terrestrial Wildlife Species

OBJECTIVE: Preserve rare and endangered terrestrial wildlife species.

GENERAL GUIDELINE: Locate and development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

(m) Aesthetics

(i) Aesthetics, General

OBJECTIVE: Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

GENERAL GUIDELINES: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

(ii) Scenic Vistas

OBJECTIVE: Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

GENERAL GUIDELINE: Avoid visibility of buildings and other development and land use alterations generally from vistas by employment of vegetative screening, existing topography, and careful siting methods.

(iii) Travel Corridors

OBJECTIVE: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

GENERAL GUIDELINE: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alterations.

(n) Open Space

(i) Open Space, General

OBJECTIVE: Maintain the open space character of the project site, adjacent land, and surrounding areas.

GENERAL GUIDELINE: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross-country skiing trails as well as trailbike, jeep, all-terrain vehicle and horse trails, playgrounds, picnic areas, campgrounds, parks, beaches and similar uses.

(o) Adjoining and Nearby Land Use

(i) Surrounding Land Uses, General

OBJECTIVE: Minimize incompatibility of new development with the character of adjoining and nearby land uses.

GENERAL GUIDELINE: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

(ii) Adjacent State Land

OBJECTIVE: Preserve the wild and natural character of adjacent state lands designated as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

GENERAL GUIDELINE: Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audial impact in these wilderness-like areas, thereby insuring the continued compatibility of State and private types of ownership.

(p) Wild, Scenic and Recreational Study Rivers

OBJECTIVE: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

GENERAL GUIDELINE: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and preserve the free-flowing character of such rivers.

(q) Historic Sites

OBJECTIVE: Protect archeological sites, historic sites, and unique historical structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

GENERAL GUIDELINE: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

(r) Special Interest Areas

OBJECTIVE: Preserve special interest areas such as unique natural features and their surrounding environs.

GENERAL GUIDELINE: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

(s) Government Considerations

(i) Service and Finance

OBJECTIVE: Fully explore and assure the ability of governmental services and facilities made necessary by the project.

GENERAL GUIDELINE: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible, the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability for the government to provide services and facilities.

(ii) Regulation

OBJECTIVE: Conform development activities to all applicable governmental rules and regulations.

GENERAL GUIDELINE: Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Departments of Health and Environmental Conservation, and the Adirondack Park Agency.

(t) Public Utilities and Community Resources

OBJECTIVE: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

GENERAL GUIDELINE: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; and avoid necessity for major uncompensated increase in community services and activities such as recreational facilities, social, cultural and health services, and transportation facilities.

(u) The principal development activities associated with a subdivision to be considered in connection with the determination referred to in Article VI Section 2 (-) and 4 (d) respectively.

(1) Streets and Roads

OBJECTIVE: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

GENERAL GUIDELINE: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

(2) Siting and Construction of Buildings

OBJECTIVE: Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

GENERAL GUIDELINE: Blend buildings with existing topography and their surrounding environs; avoid steep slopes; minimize grade alterations; and avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

(3) Sewage Disposal

OBJECTIVE: Select, design, and locate sewage disposal systems to provide adequate treatment of effluent and to avoid contamination of surface or ground water.
GENERAL GUIDELINE: Comply with all State and local health standards, adhere at a minimum to the Adirondack Park Agency Act's setback requirements for water bodies, employ proven design criteria and for sewage disposal systems in proper working order.

(4) Storm Drainage

OBJECTIVE: Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydroelectric effects.
GENERAL GUIDELINE: Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainage ways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands, bogs, and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

(5) Water Supply

OBJECTIVE: Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage patterns.
GENERAL GUIDELINES: Comply with all State and local health standards with regard to the design, location, construction and maintenance of water supply systems.

(6) Solid Waste Disposal

OBJECTIVE: Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water, and visual pollution and in a manner which will not create hazards to the health and welfare of people and wildlife.
GENERAL GUIDELINE: Comply with all applicable State and local standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well drained soils and at sufficient distances from water bodies so as to prevent contamination thereof; and avoid locating disposal areas on steep slopes.

(7) Pesticides and Herbicides

OBJECTIVE: Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.
GENERAL GUIDELINE: Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

(8) Shoreline Development

OBJECTIVE: Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

GENERAL GUIDELINE: Adhere at a minimum to the shoreline restrictions of the Adirondack Park Agency Act and the provisions of the Environmental Conservation Law and all local laws; maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

(9) Noise

OBJECTIVE: Minimize noise insofar as practicable.

GENERAL GUIDELINE: Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for buffering effect; adhere at a minimum to applicable governmental noise level standards.

(10) Signs

OBJECTIVE: Avoid signage that detracts from aesthetic and scenic qualities.

GENERAL GUIDELINES: Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man made travel corridors, and of signs containing moving parts or flashing lights.

(11) Utilities

OBJECTIVE: Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

GENERAL GUIDELINE: Locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetation cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have environmental impacts on terrestrial and aquatic ecosystems.