

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of .....FREMONT.....  
~~Town~~  
~~Village~~

Local Law No. ..... 1 ..... of the year 19 <sup>94</sup> .....

A local law ..... ENACTING LAND SUBDIVISION REGULATIONS FOR THE TOWN OF FREMONT .....  
(Insert Title)

Be it enacted by the ..... TOWN BOARD ..... of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of ..... FREMONT ..... as follows:  
~~Town~~  
~~Village~~

SECTION 1 GENERAL PROVISIONS

1 AUTHORITY, ENACTMENT, AND SHORT TITLE

rsuant to provisions of Article 16 of the Town Law, Article 9 Section 334 of the Real  
roperty Law, and Article 2 Section 10 of the Municipal Home Rule Law, of the State of New York:

) From the effective date hereof, no land shall be subdivided in the Town of Fremont outside  
the limits of any incorporated village therein, except in conformity with the Regulations  
hereby adopted.

The Planning Board of the Town of Fremont is hereby authorized and empowered:  
(a) to approve Plats showing lots, blocks or sites, with or without streets or highways;  
(b) to approve Preliminary Plats; and  
(c) to administer procedures and standards that shall govern the preparation, review,  
approval, and development of Subdivision Plats in the Town of Fremont as set forth  
in these Regulations.

These Regulations shall be known, and may be cited, as the Town of Fremont Land  
Subdivision Regulations.

SUPERSESION

These Regulations supersede, for the Town of Fremont, the provision of Article 16,  
Section 276 of the Town Law that a final Plat shall contain all information required to  
appear on a Preliminary Plat. Instead, these Regulations provide that a final Plat shall  
include only information necessary for proper filing or recording in the office of the  
County Clerk.

These Regulations supersede, for the Town of Fremont, the provision of Section 265-a  
of the Town Law that lots in a duly approved and filed subdivision that includes one  
or more new roads shall be exempt, for three years following such filing, from provisions  
of an amendment of the Land Use Regulations increasing the dimensional requirements appli-  
cable to such lots. These Regulations provide that such three-year period of exemption  
shall be applicable to lots in any subdivision duly approved and filed or recorded, inclu-  
ding a subdivision without a new road.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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APPENDIX

### 1.3: POLICY AND PURPOSE

It is declared to be the policy of the Town of Fremont to consider Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Town. In furtherance thereof, it shall be the purpose of these Regulations to ensure that:

- (a) proposed roads shall for a convenient system conforming to the Official Map, when it exists; and shall be of such width, grade and location as to accommodate the prospective traffic, and to facilitate access of appropriate vehicles for road maintenance, and of fire fighting and other emergency vehicles; and
- (b) proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties, and to be in conformity with requirements of the Land Use Regulations; and
- (c) proper provision shall be made for: road access; drainage and storm water run-off; open space for recreational use and for environmental protection; and other needed improvements.

### 1.4: INTERPRETATION

- (1) Provisions of these Regulations are hereby declared to be the minimum requirements necessary and appropriate for the purpose hereof, adopted to protect the public health, safety, and general welfare, and shall be so interpreted and applied.
- (2) Notwithstanding the foregoing, whenever a provision of these Regulations is at variance with a requirement of another lawfully adopted regulation, standard, or rule, the more restrictive provision or the one that sets the higher standard shall govern.
- (3) No approval or certificate respecting a Plat or Preliminary Plat, duly issued pursuant to these Regulations, shall imply or be deemed evidence of compliance with any other regulation, standard, or rule of the Town, Steuben County, New York State, or the United States, or any agency thereof, that may be applicable to the land represented by such Plat or Preliminary Plat, except as may be expressly provided otherwise herein. Compliance with any such other applicable regulation, standard, or rule shall be a separate duty of the subdivider.

## 1.5: ADMINISTRATION

### 1.5.1: The Planning Board

These Regulations shall be administered by the Planning Board, with its office for this purpose in the Town Hall.

### 1.5.2: The Town Clerk

The Clerk shall perform the duties prescribed herein. The Clerk shall prepare forms, checklists, and other materials necessary or useful in the efficient administration of these Regulations, and shall provide them on request.

### 1.5.3: Certification to the County Clerk

Promptly when these Regulations become effective, the town clerk shall certify to the Steuben County Clerk that, pursuant to Section 276 of the Town Law, the Planning Board has been duly authorized to approve plats showing lots, blocks, or sites, with or without streets or highways, and to approve preliminary plats, within the Town of Fremont. The town clerk's certification also shall state that these Regulations constitute the rules and procedures duly adopted by the Planning Board for exercising such authority.

## 1.6: ENFORCEMENT

- (1) When any roads or other improvements are constructed, or land is subdivided, or a Plat is filed or recorded in the office of the Steuben County Clerk, in violation of these Regulations, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to correct, prevent, restrain, or abate such violation, and may seek monetary penalties therefor.
- (2) Upon the failure or refusal of the proper local officer or body of the Town to institute any such appropriate action or proceedings for a period of ten (10) days after written request by a resident taxpayer of the Town so to proceed, any three resident taxpayers of the Town, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceedings in like manner as such local officer or body of the Town is authorized to do.

## 1.7: WAIVERS

- (1) Where the Planning Board finds that, due to specified circumstances of a particular Plat, the provision of certain required improvements or adherence to certain specified standards is not requisite in the interest of the public

health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements at the subdivider's request, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, when it exists, the Town Plan, or the Land Use Regulations.

- (2) In granting waivers, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived. Waiver may be granted only by a duly adopted Resolution of the Planning Board, specifying the justification thereof.

#### 1.8: EXEMPTION FROM AMENDMENT OF THE ZONING REGULATIONS

- (1) During the three years after a Plat has been filed or recorded according to these Regulations, the lots shall be exempt from the effects of an amendment of the Land Use Regulations increasing the required minimum lot area or lot dimensions for the district in which that subdivision is located.
- (2) During that three-year period, the lots may be built upon in conformity with the Land Use Regulations in effect on such date of filing or recording, without a variance from such conflicting provision. Thereafter, such provision shall apply fully to the lots in the subdivision.

#### 1.9: COURT REVIEW

- (1) A person, or persons jointly or severally, aggrieved by a decision of the Planning Board concerning a Plat, or an officer, department, board or bureau of the town, may have the decision reviewed by a special term of the Supreme Court in the manner provided by Article Seventy-eight of the Civil Practice Law and Rules, provided that the proceeding is commenced within thirty (30) days after the filing of such decision in the office of the Board.
- (2) Should a section or provision of these Regulations 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 a part thereof other than the part so declared to be invalid. This provision shall apply equally to these Regulations as enacted and to any duly enacted amendment thereof.

**1.10: EFFECTIVE DATE**

This Local Law, and amendments that may be enacted by the Town Board from time to time, shall take effect upon proper filing in the office of the New York State Secretary of State, duly acknowledged.

**1.11: REPEAL OF PRIOR LAW**

Local Law No. 1 of the Year 1981 of the Town of Fremont, entitled the "Town of Fremont Land Subdivision Regulations" is hereby repealed.

## SECTION 2 MEANING OF TERMS

### 2.1: CUSTOMARY USAGE

Except as stated in Section 2.2 and 2.3, all terms used in these Regulations shall have their customarily recognized meanings.

### 2.2: INTERPRETATION OF CERTAIN TERMS

Certain terms shall be interpreted as stated below, except where otherwise required by the context:

- (1) The word "shall" designates a mandatory action or condition, while "may" is permissive.
- (2) Masculine pronouns include feminine pronouns. Words used in the present tense include the future tense. Singular words include their plural forms, and vice versa.
- (3) The words "a" and "an" include the words "any" and "every".

### 2.3: DEFINITIONS

The following terms are hereby defined as stated:

**BOARD or PLANNING BOARD:** The duly appointed Planning Board of the Town of Fremont.

**CLERK:** The duly elected Town Clerk of the Town of Fremont.

**CODE ENFORCEMENT OFFICER:** The duly appointed official charged with administering the Land Use Regulations.

**DRIVEWAY:** A way for vehicular access extending from a road into an abutting lot.

**EAF, FULL:** A "Full Environmental Assessment Form", as specified in 6 NYCRR Part 617, Section 617.21, Appendix A; it is part of an Application for Approval of a Preliminary Plat for a subdivision deemed likely to have a significant effect on the environment. (see also: SEQR.)

**EAF, SHORT:** A "Short Environmental Assessment Form", as specified in 6 NYCRR Part 617, Section 617.21, Appendix C; it is part of an Application for Approval of a Preliminary Plat for a subdivision deemed not likely to have a significant effect on the environment.

**EASEMENT:** A grant of rights by a property owner for use of a designated part of his property by the Town or by others specified, for a particular purpose.

**ENGINEER:** A person licensed as a professional engineer by the State of New York.

**LAND USE PERMIT:** A permit issued pursuant to the Land Use Regulations, authorizing the applicant to begin a development.

**LAND USE REGULATIONS:** Local Law No. 1 of the Year 1991 of the Town of Fremont, entitled "The Town of Fremont Land Use Regulations", as amended.

**LOT:** A separately delineated parcel of land, whether or not a lot of record, described by metes and bounds or survey map, or shown on a Plat or Preliminary Plat.

**LOT OF RECORD:** A lot shown on a Plat, or described in a property deed, duly filed or recorded in the office of the Steuben County Clerk.

**OFFICIAL MAP:** The map, when established by the Town Board pursuant to Section 270 of the Town Law, showing roads, parks, and drainage systems, as laid out, adopted, and established by law.

**PLAT or SUBDIVISION PLAT:** A drawing of a proposed subdivision in final form for filing or recording, containing all information specified in Section 5.3.

**PRELIMINARY PLAT:** A drawing or drawings of sufficient detail to apprise the Planning Board of the layout of a proposed subdivision, as specified in Section 5.2.

**ROAD:** A way for vehicular use by the general public, and which is the principal means of access to abutting lots; may be called a road, highway, street, avenue, lane, or other term. Following are related terms:

**DEAD-END ROAD:** A road or a portion thereof with only one vehicular traffic outlet.

**EXISTING ROAD:** Any public road, and any private road other than a new or proposed road.

**NEW or PROPOSED ROAD:** A road indicated on a Sketch Plan, Preliminary Plat, or Subdivision Plat prior to its construction and approval pursuant to these Regulations; and, any road indicated on a subdivision plat filed or recorded at the office of the Steuben County Clerk prior to the effective date of these Regulations but not yet constructed or improved so as to allow normal public use thereof.

**PRIVATE ROAD:** A road owned by either the owners of abutting lots individually, or an association of such owners, or a single lot owner.



**PUBLIC ROAD:** A road owned by either the Town, or the County, or the State.

**ROAD PAVEMENT:** That part of a road comprising the surface designed to be used by vehicular traffic.

**ROAD WIDTH:** The width of road right-of-way, measured at right angles to the center line of the road.

**SEQR:** The acronym for State Environmental Quality Review; refers herein to reviews and related procedures provided for by 5 NYCRR Part 617. (See also EAF, FULL AND EAF, SHORT.)

**SKETCH PLAN:** A sketch of a proposed subdivision showing the information specified in Section 5.1.

**SUBDIVIDER:** A person, firm, corporation, partnership or association, who causes to be laid out a subdivision or part thereof.

**SUBDIVISION:** The division of a parcel of land in the following ways:

- (a) into any number of lots for residential purposes with a new road; or
- (b) into any number of lots for residential purposes without a new road in any three (3) year period, when two or more are less than two acres in area.
- (c) New or existing roads must be built to or brought up to Town of Fremont specifications (see section 4.2. road layout, Subdivision Ordinance)
- (d) Beyond this, New York State Health Codes requirements Public Health Law Section 1115 will also be met.

**SUPERINTENDENT or HIGHWAY SUPERINTENDENT:** The superintendent of Highways of the Town of Fremont.

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

**TOWN BOARD:** The governing body of the Town of Fremont.

**SECTION 3            PROCEDURES FOR PLAT APPROVAL**

**3.1:            GENERAL PROVISIONS**

- (1) When these Regulations are in effect, no Plat of a subdivision in the Town of Fremont shall be filed or recorded in the office of the Steuben County Clerk unless it has been approved by the Planning Board.
- (2) Where land is to be divided into lots in a way not defined as a subdivision in **Section 2.3**, the Clerk when asked by the developer shall certify to the County Clerk that pursuant to these Regulations such lots do not constitute a subdivision, and the plat may be filed or recorded in the office of the County Clerk notwithstanding paragraph (1) above. The Clerk shall maintain a file of such certifications.

**3.2:            SKETCH PLAN**

**3.2.1:           Submittal of Sketch Plan**

A subdivider shall submit to the Clerk, at least ten (10) days before a regular meeting of the Board, two (2) copies of a Sketch Plan of a proposed subdivision, in accordance with **Section 5.1**. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the proposal and the requirements of these Regulations.

**3.2.2:           Review and Decision**

- (1) Within thirty-five (35) days the Planning Board shall determine whether a Sketch Plan seems to conform with Town policy and otherwise meets the purposes of these Regulations. The Board may make specific recommendations to guide the subdivider in preparing a Preliminary Plat. One copy of the Sketch Plan and recommendations shall be returned promptly to the subdivider by the Clerk, and one copy retained in the Board's files.
- (2) Approval of a Sketch Plan shall lapse six (6) months from the date of approval, unless by then the applicant has submitted a Preliminary Plat for approval.

### 3.3 PRELIMINARY PLAT

#### 3.1.1: Application

- (1) An application for approval of a Preliminary Plat shall conform with requirements in **Section 5.2**. A Preliminary Plat shall conform with the layout shown on an approved Sketch Plan and recommendations made by the Planning Board.
- (2) A Preliminary Plat shall be deemed to have been submitted as provided in paragraph (6) of **Subsection 3.3.2**.

#### 3.3.2: Environmental Quality Review

- (1) **Policy:** In accordance with State Environmental Quality Review (SEQR) regulations, it is hereby declared to be a policy of the Town that protection and enhancement of the environment be given appropriate weight with social and economic considerations, and that those factors be considered together by the Planning Board in reaching a decision on a proposed subdivision. Accordingly, a proposed Preliminary Plat shall be reviewed as provided for in this Subsection, to determine whether the development would be likely to have a significant effect on the environment and, if so, how potential adverse effects might be prevented or mitigated.
- (2) **Standards:**
  - (a) The following classes of subdivisions are hereby declared likely to have a significant effect on the environment:
    - (i) a subdivision comprising fifty (50) or more lots; and
    - (ii) a subdivision comprising more than twelve (12) lots, located within an agricultural district created pursuant to Article 25-AA of the NYS Agriculture and Markets Law.
  - (b) Except as stated above, a subdivision comprising fewer than fifty (50) lots is hereby declared unlikely to have a significant effect on the environment.
- (3) **Determination of Significance:** An Application for Approval of a Preliminary Plat shall include an Environmental Assessment Form (EAF) in accordance with

**Subsection 5.2.4(4).** The Planning Board shall promptly complete Part II of the EAF and therefrom determine whether the subdivision could have a possibly significant effect on the environment. Part III of the EAF also shall be completed when necessary.

- (4) **Negative Declaration:** When the Board identifies no significant environmental effect that could result from a proposed subdivision, it shall so specify by resolution, and the Clerk shall prepare and certify a "Negative Declaration", which shall be duly filed pursuant to **Section 617.10 of 6 NYCRR Part 617.** Review of the Preliminary Plat shall thereupon continue pursuant to these regulations.
- (5) **Positive Declaration:** When the Board identifies at least one significant environmental effect that could result from a proposed subdivision, it shall so specify by resolution, and the Clerk accordingly shall prepare and certify a "Positive Declaration", which shall be duly filed pursuant to **Section 617.10 of 6 NYCRR Part 617.** The subdivision shall thereupon be reviewed in accordance with SEQR regulations.
- (6) An Application for Preliminary Plat Approval shall be deemed to have been submitted on the date of either the Board's "Negative Declaration" or the Board's "Notice of Completion of Draft EIS". In the latter case, review shall proceed concurrently under these Regulations and SEQR; public hearings, as necessary, shall be combined whenever possible.
- (7) **Decision:** No final determination or decision respecting a Preliminary Plat shall be reached by the Planning Board before the date of its "Negative Declaration", or of its "Findings Statement" duly issued upon completing SEQR review.

### **3.3.3: Public Hearing Shall be Held**

- (1) **Notification:**
  - (a) Within forty-five (45) days after a Preliminary Plat was submitted, the Board shall hold a public hearing thereon. The hearing date shall be set by the Board, and the Clerk shall promptly inform the subdivider thereof. The hearing shall be advertised by the Clerk at least once in a newspaper of general circulation in the town at least ten (10) days before such hearing, and in any other manner the Board deems appropriate.

### 3.4.3: Review by the Planning Board

The Board shall carefully consider a Plat and supplemental information submitted, together with all information gained at a public hearing, if held.

### 3.4.4: Time Within Which Decision Must be Reached

The Planning Board shall reach its decision within forty-five (45) days after an Application was submitted, or after the close of a public hearing. The period for decision may be extended by agreement of the subdivider and the Board. Failure of the Board to decide within such period shall be deemed approval of the Plat, and the town clerk, at the request of the subdivider, shall so certify.

### 3.4.5: Providing for Proper Completion of Improvements

The Planning Board shall not finally approve a Plat until the subdivider shall have satisfied the provisions of either paragraph (1) or paragraph (2), below, as stated in Subsection 5.2.4(1).

- (1) The subdivider shall complete all required improvements in accordance with Section 3.6; or,
- (2) (a) In an amount set by the Planning Board, the subdivider shall file with the town clerk a certified check or a performance bond to cover the full cost of required improvements. Such bond or other security shall comply with requirements of Section 277 of the Town Law and shall be approved by the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.
  - (b) After such approval, the town clerk shall notify the subdivider and the Code Enforcement Officer, who shall issue a Land Use Permit for the required improvements. A period of from one year to three years, as the Board shall determine, shall be set forth in the bond and certificate, within which the required improvements shall be completed.

### 3.4.6: Decision

- (1) The Board shall set forth its decision, including its reasons therefor and any required conditions and modifications, in a duly adopted Resolution. The Clerk shall mail a certified copy to the subdivider within five (5) days.

- (2) When a Plat is disapproved, the original or mylar duplicate of the Plat shall be returned by the Clerk to the subdivider. A print of the Plat shall be filed in the Board's records.
- (3) When a Plat is finally approved, the Plat original or mylar duplicate and one print shall be so certified by the Clerk and signed by a duly designated officer of the Board. The print shall be filed in the Board's records; the original or mylar duplicate shall be returned to the subdivider by the Clerk.
- (4) (a) When a Plat is given conditional approval, the Board shall designate an officer to sign the Plat after the subdivider satisfies the conditions stated in its Resolution. Two prints of the Plat shall be so certified by the Clerk; one print shall be filed in the Board's records, and one sent to the subdivider. When modifications are required by the Board, the Plat original or mylar duplicate also shall be returned to the subdivider for the necessary changes.  
  
(b) After the developer has complied with the conditions, the Plat original or mylar duplicate and one print shall be certified by the Clerk and signed by the designated officer of the Board. The print shall be filed in the Board's records; the original or mylar duplicate shall be returned to the subdivider.

#### 3.4.7: Lapse of Conditional Approval

Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the Resolution granting such approval unless compliance with the Board's conditions shall have been certified by the Clerk within that period. The Board may extend such period for compliance, when it finds such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

#### 3.5: FILING AN APPROVED PLAT

##### 3.5.1: Plat Void When Not Filed or Recorded in Time

When a subdivider fails to file or record a Plat in the office of the Steuben County Clerk within sixty (60) days after it was approved and signed by the designated officer of the Board, or after a certificate in lieu thereof was issued by the town clerk upon the Board's failure to act, the Plat shall be deemed void and shall not thereafter be accepted by the office of the County Clerk.

**3.5.2: Plat Void When Changed After Approval**

No erasures, revisions, or other changes shall be made to a Plat (including endorsements or certifications thereon) after approval by the Planning Board, unless the Plat is first resubmitted to the Board and duly approved. When a Plat is recorded in violation of this requirement, it shall be deemed null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

**3.5.3: Notifications Required; Lot Sales Allowed**

After an approved Plat has been filed or recorded in the office of the Steuben County Clerk, the subdivider shall file one certified print each with the Planning Board, the town clerk, and the Steuben County Real Property Tax Service Agency. Lots may then be offered for sale.

**3.6: PROVIDING FOR REQUIRED IMPROVEMENTS**

**3.6.1: Required Improvements**

- (1) A subdivision shall be properly monumented in accordance with Subsection 5.3.4(2). Proper driveway access to each lot shall be provided in accordance with Subsection 4.4.2. Erosion control measures and storm run-off facilities shall be in accordance with Section 4.5.
- (2) When a subdivision includes a new road, it shall be laid out, designed, and constructed in accordance with standards and specifications of the Superintendent, and the requirements of Sections 4.2 and 4.3.

**3.6.2: Optional Improvements**

A subdivider may choose to construct or install improvements that are not required, such as sidewalks, street lights, and shade trees. Such improvement shall comply with applicable standards and regulations of the Superintendent or other approving agency, or with generally accepted standards and practices.

**3.6.3: Required Improvements Shall be Inspected**

At least five (5) days before beginning a required improvement, the subdivider shall notify the Superintendent in writing when he proposes to begin, so that the Superintendent may inspect or cause the work to be inspected.

#### **3.6.4: Required Improvements May be Modified**

When the Superintendent finds that it would be preferable to modify the planned location or design of a required improvement, he may authorize appropriate modifications, upon approval by a previously delegated member of the Planning Board. Such modifications shall not include waiver or substantial alteration of the function of any improvement. The Superintendent's authorization shall be in writing and a copy thereof shall be received by the Planning Board at their next regular meeting.

#### **3.6.5: Faulty Improvements Shall Not be Approved**

- (1) **Notification:** When the Superintendent finds that any required improvement was not constructed in accordance with approved plans and specifications, he shall so inform the subdivider, Town Board, and Planning Board.
- (2) **No Approval:** When construction undertaken pursuant to paragraph (1) of **Subsection 3.4.5** is found to be faulty, the Board shall not approve the Plat until such faults have been corrected to the Superintendent's satisfaction, or the Town Board is otherwise satisfied.
- (3) **Forfeiture:** When construction undertaken pursuant to paragraph (2) of **Subsection 3.4.5** is found to be faulty, the Town Attorney shall notify the subdivider and, if necessary, the bonding company, that the Town Board shall take all steps necessary to preserve the Town's rights under the bond or other financial security provided.

#### **3.6.6: Improvements Shall be Deemed Complete Upon Approval**

- (1) **Completion:** Required improvements shall be deemed complete when approved by the Superintendent. He shall then so certify to the Board and to the town clerk.
- (2) **Release of Security:** The Superintendent's certification shall authorize release of a subdivider's bond or certified check by the town clerk, where the subdivider chose to proceed according to paragraph (2) of **Subsection 3.4.5**.
- (3) **Plat Approval:** Where a subdivider chose to complete all required improvements according to paragraph (1) of **Subsection 3.4.5**, the Superintendent's certification shall authorize final Plat Approval by the designated Planning Board Officer.



### 3.7: STATUS OF ROADS AND OPEN AREAS

#### 3.7.1: Roads and Easements

A road or easement shown on a Plat shall be deemed to be private until it shall have been formally offered for cession to the public and formally accepted by resolution of the Town Board or, alternatively, until it shall have been condemned by the Town for public use.

#### 3.7.2: Open Areas

Plat approval shall not be deemed to constitute or be evidence of acceptance by the Town of a recreation area or other open space shown on such Plat. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect.

### 3.8: FEES

#### 3.8.1: Application Fees

- (1) No Application for Approval shall be complete until a subdivider pays the Clerk the appropriate fee, as stated in a Schedule of Application Fees which shall be established, and from time to time may be changed, by a duly adopted resolution of the Town Board.
- (2) The Clerk shall accurately account for such fees, and shall transmit them to the Town Supervisor monthly, or at such other interval as may be set by the Town Board from time to time.

#### 3.8.2: Inspection Fee

At least five (5) days before starting work on a required improvement, the subdivider shall pay to the town clerk an inspection fee according to a schedule established by a duly adopted resolution of the Town Board upon the Superintendent's recommendation. Such schedule may be changed from time to time by resolution of the Town Board.

## SECTION 4 SUBDIVISION DEVELOPMENT STANDARDS

### 4.1: GENERAL REQUIREMENTS

#### 4.1.1: Character of Land

Land to be subdivided shall be suitable for development in terms of topography, drainage, and soil conditions.

#### 4.1.2: Standards

- (1) Roads shall be constructed in compliance with standards and specifications provided by the Superintendent, and applicable provisions of this Section.
- (2) Measures to control storm water run-off and soil erosion shall comply with standards and practices recommended by the District Conservationist, Steuben County Soil and Water Conservation District.
- (3) Permanent monuments to permit the accurate location of all property lines and improvements shall be as required by the Superintendent and/or the NYS Department of Transportation.

### 4.2: ROAD LAYOUT

#### 4.2.1: General Considerations

- (1) New or proposed roads shall be suitably located, of sufficient width, and adequately constructed to accommodate expected normal traffic and to allow access for snow removal, road maintenance, and emergency equipment.
- (2) The road layout of a proposed subdivision shall be related logically to topography of the property, so as to minimize grading. Roads shall be arranged so that as many of the building sites as possible will be at or above the road grade.
- (3) Road names in a proposed subdivision shall be subject to approval by the Planning Board. In general, roads shall have names and not numbers or letters. The subdivider shall choose road names that will not be confused in sound or spelling with present names, but a proposed road that extends or is in alignment with an existing road shall bear the same name.

#### 4.2.2: Special Treatment Along Major Roads

Where a subdivision abuts or contains a County or State road, the Board may require reverse frontage lots with screen planting in a non-access strip along such County or State road right-of-way, or other treatment to protect residential properties from adverse effects of through traffic.

#### 4.2.3: Reserve Strips Prohibited

Reserve strips of land used to control road access from a proposed subdivision to a neighboring property or to lands within the subdivision itself, shall be prohibited except as provided in Subsection 4.2.2.

#### 4.2.4: Dead-End Roads

A dead-end road shall not be the sole means for access to more than ten (10) lots, nor exceed five hundred (500) feet in length.

#### 4.2.5: Block Size

In general, blocks shall be between four hundred (400) feet and twelve hundred (1,200) feet long, and not less than twice the normal lot depth.

#### 4.2.6: Intersections

- (1) In general, intersections of new or proposed roads with existing roads shall be not less than five hundred (500) feet apart. However, where two new roads will intersect another road from opposite directions, either they shall form a four-way intersection or their center lines shall be offset to form two "T" intersections at least one hundred twenty-five (125) feet apart.
- (2) In general, roads shall be laid out so that, for a distance of at least one hundred (100) feet from an intersection, each road is approximately at right angles to the other.
- (3) Road lay-out shall provide adequate visibility for traffic safety at intersections. That portion of a corner lot lying within the triangular area bounded by the road right-of-way lines and a line connecting points thereon fifty (50) feet from their projected intersection, shall be cleared free of obstructions higher than two and one-half (2.5) feet above the level of the road center lines.

#### 4.3: ROAD STANDARDS

##### 4.3.1: Width

- (1) **Standard:** No new road shall be less than fifty (50) feet wide. No new road pavement shall be less than twenty-eight (28) feet wide if designed for two-way traffic, nor less than eighteen (18) feet if designed for one-way traffic.
- (2) **Substandard Roads:** Where a proposed subdivision is traversed or bounded by a road of substandard width, the Planning Board may require the subdivider to reserve land for the future widening of such right-of-way.
- (3) **Dead-End Roads:** A permanent dead-end road shall terminate in a circular turnaround having a right-of-way radius of not less than ninety (90) feet and pavement outside radius of not less than seventy-five (75) feet. At the end of a temporary dead-end road, a temporary turnaround with a roadway radius of not less than seventy-five (75) feet shall be provided, unless the Planning Board approves a "tee" or other arrangement.

##### 4.3.2: Grades

- (1) **Standard:** Finished road grades shall not be less than one-half percent (.5%) nor more than fifteen percent (15%), and shall not exceed three percent (3%) within fifty (50) feet of any intersection.
- (2) **Changes:** Changes in road grade shall be connected by vertical curves that shall provide clear visibility for motorists in both directions for not less than one hundred fifty (150) feet. A combination of steep grades and sharp horizontal curves shall be avoided.

##### 4.3.3: Curves

- (1) **Standard:** In general, where road center lines deflect by more than ten (10) degrees, they shall be connected by a curve with radius of not less than one hundred (100) feet; right-of-way lines shall be curved accordingly.
- (2) **Intersection:** At intersections, road right-of-way lines shall be rounded by curves of at least twenty (20) feet radius, and curbs, where provided, shall be adjusted accordingly.

4.4: LOTS

4.4.1: Lots Shall be Suitable for Buildings

Lots shall be laid out so that buildings can be constructed thereon without foreseeable difficulties due to topography, drainage, or other natural conditions. (See also Subsection 4.2.6(3)).

4.4.2: Driveway Access Shall be Provided

A subdivision lot shall front on and be accessible from an existing road or a new road complying with these Regulations. For a lot fronting on an existing road, driveway access, including a culvert if necessary, shall be provided to the road right-of-way line by the subdivider. The subdivider shall obtain a permit where required for access to a State or County or Town road. Driveway access to new or proposed roads shall be provided by the subdivider. All work by the subdivider shall be subject to inspection and approval by the Superintendent. Driveways shall comply with the provisions of Sec. 7.4.2 of the Land Use Regulations.

4.4.3: Side Lines

In general, side lines of lots shall be at right angles to straight road lines, and radial to curved road lines.

4.4.4: Corner Lots

In general, corner lots shall be larger than others to provide for proper building setback from both roads and to provide a desirable building site.

4.4.5: Provision for Future Re-subdivision

Where a subdivision includes unusually large or irregular lots, the Board may require that it be laid out to permit future re-subdivision into smaller or more regular lots conforming with the minimum size allowed by the Land Use Regulations, and with the requirements of Subsection 4.4.1.

4.5: DRAINAGE AND EROSION CONTROL

4.5.1: Policy

Hazards posed by storm water run-off and soil erosion are hereby declared to be a significant threat to the public health, safety, and general welfare. Accordingly, subdivisions shall be designed and improved so as to mitigate or prevent such adverse effects, as herein provided.

#### 4.5.2: Watercourses

- (1) Where land to be subdivided is traversed by a watercourse or seasonal drainage way, the Town shall be granted a drainage easement. Generally, such an easement shall be not less than twenty (20) feet in width. Lots shall be laid out so that lot lines follow the center of such easements, to avoid creating unbuildable lots.
- (2) A subdivider may be required by the Board to provide drainage for spring or surface water on the site; drainage ways shall be located in a road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

#### 4.5.3: Run-off From Upstream Areas

- (1) **Standard:** Required drainage facilities shall accommodate potential run-off from the upstream drainage area, including the area outside the subdivision. The Superintendent shall approve design and size based on anticipated run-off from a "ten year" storm, assuming maximum development of the watershed as permitted by the Land Use Regulations.
- (2) **Hydrologic Study:** A subdivider may be required by the Board to provide a hydrologic study of the watershed, certified by an engineer. Results of such a study, when required, shall be reflected in a storm water run-off control plan prepared pursuant to **Subsection 4.5.5**.

#### 4.5.4: Grading Plan

- (1) **Plan Required:** A grading plan shall be submitted with a Preliminary Plat where a new road is proposed. A grading plan may be required by the Board in other cases.
- (2) **Contents:** A grading plan shall be designed to minimize foreseeable problems arising from storm water run-off and soil erosion. It shall clearly depict the proposed finished ground surface throughout the subdivision, with graded areas properly tied back into areas of upgraded land. The plan shall distinguish cut from fill, and existing from proposed contour lines; contours shall be depicted at vertical intervals not greater than two (2) feet unless the Board specifies otherwise. The grading plan also shall reflect the requirements of **Subsections 4.5.5 and 4.6**.

**4.5.5: Run-off and Erosion Control Plan**

- (1) **Plan Required:** A grading plan shall be accompanied by a related plan for controlling storm water run-off and soil erosion. A run-off and erosion control plan may be required by the Board in other cases.
- (2) **Run-off Facilities:** The plan shall include drawings and descriptions to clearly show proposed facilities to manage the course and rate of water run-off from and through the development, in order to prevent such water from being channeled onto lower adjacent properties in a manner likely to inflict substantial damage. Proposed temporary (construction) measures shall be distinguished from permanent measures.
- (3) **Erosion Control Measures:** The plan shall identify proposed measures to prevent soil movement from the site, both during the construction period and following completion, keyed to the proposed construction schedule.
- (4) **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 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.

**4.6: OPEN SPACE AND NATURAL FEATURES**

- (1) **Policy:** It is hereby declared to be in the interest of the public health, safety, and general welfare, for the Planning Board, where appropriate, to require protection of significant landscape features that are unsuitable for development, or would enhance the attractiveness of residential development, or otherwise would protect environmental quality of the community. These features may include large trees or groves, wetlands, streams, falls, steep slopes, cliffs, historic sites, and scenic views.
- (2) **Standard:** No tree with a circumference of thirty-six (36) inches or more, four and one-half (4.5) feet above the ground, shall be removed unless the Board shall have approved its removal. No ground cover shall be removed from, but may be augmented on, slopes of sixty percent (60%) or steeper, and

within an area extending twenty-five (25) feet from the banks of a perennial stream or from the boundary of a wetland regulated pursuant to Article 24 of the Environmental Conservation Law.

- (3) **Grading Considerations:** The purposes of this Section shall be observed by the divider in a subdivision layout, and specifically in a grading plan prepared pursuant to Subsection 4.5.4. The Board may require a grading plan to be modified in order to protect particular valuable features.



SECTION 5 DOCUMENTS TO BE SUBMITTED

5.1: SKETCH PLAN

5.1.1: Graphic Standard

A Sketch Plan shall be based on tax map information or other comparably accurate base map at a scale allowing the entire tract to be shown on one sheet; mapping shall extend not less than five hundred (500) feet beyond the property to be subdivided. Two (2) copies shall be submitted.

5.1.2: Contents

A Sketch Plan shall show, or be accompanied by, the following information:

(1) Identification:

- (a) The name of the owner of property to be subdivided, and the owners of adjoining property.
- (b) The location of the portion of a subdivider's property that is to be subdivided, in relation to his entire holding; the distance to the nearest existing road intersection (if such intersection lies off the area covered by the map).
- (c) Steuben County tax map sheet, block and lot numbers.

(2) Existing Conditions:

- (a) Existing buildings and other structures, wooded areas, streams, wetlands, and other significant physical features, within the property to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, contours shall be shown at vertical intervals not greater than ten (10) feet.
- (b) Approximate location of property lines; existing restrictions on the use of land including easements, and covenants; Land Use district lines; and areas of 100-year flood as shown on current Flood Insurance Rate Map for the Town.
- (c) Utilities available to the site; existing roads.

- (3) **Proposed Development:** The proposed pattern of lots (including lot width and depth), proposed road layout, reserved areas, generalized systems of storm water drainage.

**5.2: PRELIMINARY PLAT**

**5.2.1: Application**

An Application for Approval of a Preliminary Plat shall include a Form prescribed by the Clerk, a Preliminary Plat and supplemental materials as prescribed below, and an Application Fee as prescribed in **Section 3.8**.

**5.2.2: Graphic Standard for Preliminary Plat**

A Preliminary Plat shall be marked clearly "Not to be Recorded". It shall be prepared at a scale of not more than one hundred (100) feet to the inch. If more than one sheet is required to show the entire proposal, sheets shall be of the same size, and an index shall of that size shall be included. Four (4) prints shall be submitted, together with as many copies of the required supplementary materials as the Clerk deems necessary.

**5.2.3: Contents of Preliminary Plat**

A Preliminary Plat shall show:

(1) **Identification:**

- (a) Proposed subdivision name, and notation that it lies in the Town of Fremont and County of Steuben; name and address of the property's record owner and subdivider; a general location diagram; the date, true north point and graphic scale.
- (b) An actual field survey of the boundary of the tract, giving complete descriptive data by bearings and distances, made and certified to by a surveyor; existing property lines, rights-of-way, and easements.
- (c) Names of adjacent subdivisions, and/or names of owners of record of adjacent unsubdivided property.
- (d) Land Use District in which located.

(2) **Existing Site Conditions:**

- (a) Buildings and other structures; water courses, marshes, rock outcrops; wooded areas, large trees; other significant existing features within the proposed subdivision and adjacent property.
- (b) Location of existing sewers, water lines, culverts, ditches, and utility lines on the property, with pipe sizes and direction of flow.

(3) **Proposed Development:**

- (a) The width, location, profiles and typical cross-sections of proposed roads.
- (b) Grading plan, pursuant to Subsection 4.5.4.
- (c) The proposed lot lines with approximate dimensions and area of each lot.
- (d) Lands proposed to be dedicated to public use and the purposes of such dedication, including the boundaries of proposed easements for drainageways, utility lines, or other purposes.

5.2.4: **Supplemental Materials**

- (1) Preliminary Plat shall be accompanied by a certificate executed by the subdivider, stating that when the Preliminary Plat is approved he shall provide for proper completion of required improvements as a prerequisite to final Plat Approval, and stating which of the options prescribed in Subsection 3.4.5 he shall choose.
- (2) **Run-off and Erosion Control:** A Preliminary Plat shall be accompanied by a storm water run-off and erosion control plan, pursuant to Subsection 4.5.5. When required by the Board, there shall be submitted one copy of an engineer's hydrologic study prepared pursuant to Subsection 4.5.3.
- (3) **Proposed Restrictions:** An Application shall include a draft of offers of dedication, covenants, maintenance agreements or deed restrictions intended to cover all or parts of the tract.
- (4) **Environmental Assessment Form:** An Application shall include one of the following, as appropriate:

- (a) a Full EAF with Part I duly completed by the subdivider, in the case of a proposed subdivision having fifty (50) or more lots; or
- (b) a Full EAF with Part I duly completed by the subdivider, in the case of a proposed subdivision of more than twelve (12) lots located within an agricultural district created pursuant to Article 25-AA of the NYS Agriculture and Markets Law; or
- (c) a Short EAF with Part I duly completed by the subdivider, in the case of a proposed subdivision having fewer than fifty (50) lots, other than as stated in subparagraph (b), above.

**5.3: SUBDIVISION PLAT**

**5.3.1: Application**

An Application for Approval of a Plat shall include a Form prescribed by the Clerk, a Plat and supplemental materials as prescribed below, and an Application Fee as prescribed in Section 3.8.

**5.3.2: Graphic Standards for a Plat**

- (1) A final Plat shall be the original, on linen or acceptable equal material, or a mylar duplicate thereof. Each sheet shall be not less than 8-1/2 inches by 11 inches nor greater than 34 by 44 inches, including a margin for binding of two (2) inches, outside of the border along the left side, and a margin of one inch outside of the border along the remaining sides.
- (2) A Plat shall be drawn at a scale of not greater than one hundred (100) feet to the inch and oriented with the north point toward the top of the map. If more than one sheet is required, all shall be of the same size and shall be covered by an index sheet of the same size showing to scale the entire subdivision with map sheet lines and subdivision block letters clearly legible. A Plat original or mylar duplicate and two (2) prints shall be submitted together with the required supplemental materials as specified below. The Clerk may require additional copies to be submitted.

### 5.3.3: Contents of a Plat

#### (1) Identification:

- (a) The subdivision name or identifying title, with notation that it lies in the Town of Fremont and County of Steuben; the name and address of the owner of record and subdivider; a general location diagram, graphic scale, and true north point.
- (b) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances. The surveyor with his seal shall certify thereon the dates on which he completed the survey and the Plat of the subdivision.

#### (2) Contents:

- (a) Proper road right-of-way lines, pedestrian ways; road names; lots and blocks, numbered and lettered in numeric and alphabetical order, respectively; reservations, easements and areas to be dedicated to public use.
- (b) Sufficient data, acceptable to the Superintendent, to make it possible to determine readily and to reproduce upon the ground all roads, lots, easements and reservations. The length of radii and curves, the central angles of all curves, and tangent bearings shall be given for each road line. Dimensions shall be shown in feet and decimals of a foot. The survey shall be tied to reference points previously established by a public authority.
- (c) A certificate by the Town tax collector that all due property taxes have been paid on the lands to be subdivided.
- (d) A certificate of approval by the district office, NYS Department of Health, when the subdivision includes five (5) or more lots each not larger than five (5) acres, in addition to any larger lots that it may include.

### 5.3.4: Supplemental Materials

- (1) **Deeds/Covenants:** The Plat shall be accompanied by the original and one true copy of all offers of cession and deeds of proposed town roads and other public spaces; one copy of all covenants, agreements, or other instruments

governing the use and maintenance of unceded reserved spaces. The Town Attorney shall have approved the same as to form and legal sufficiency.

- (2) **Monuments:** Permanent monuments of a type approved by the Superintendent shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and such other points as shall be required by the Superintendent. Their locations shall be noted upon the Plat or supplement thereto. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation.
- (3) **Construction Drawings:** Two prints of construction drawings shall be submitted. These shall include, as required by the Superintendent, plans, profiles and typical cross-sections, showing the proposed (or, as-built) location, size, and type of: roads (pavement and base), and permanent storm run-off facilities and erosion control measures.

APPENDIX

- A. Subdivision Review Process  
Town Law, Sections 276-282
  
- B. Examples: Sketch Plan  
Preliminary Plat  
Subdivision Plat

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