

SUBDIVISION ORDINANCE

November 4, 1996

ARTICLE I POLICY, WAIVERS, VARIANCES, DEFINITIONS

- Section 110 Declaration of Policy
- Section 120 Waivers and Variances
- Section 125 Administration and Enforcement
- Section 130 Application of Regulations
- Section 140 Definitions

ARTICLE II SUBDIVISION REVIEW AND APPROVAL PROCEDURE

- Section 201 Official Submission Date
- Section 202 Information Required on All Plan Submissions
- Section 210 Sketch Plan Procedure
- Section 220 Minor Subdivision Final Plat Approval Procedure
- Section 230 Major Subdivision Preliminary Plat Procedure
- Section 240 Major Subdivision Final Plat Approval Procedure
- Section 250 Information Required on Construction Drawings
- Section 252 Endorsement by State Health Department
- Section 253 Legal Data
- Section 255 Performance Bond
- Section 257 Public Acceptance of Streets, Reservations, and Improvements
- Section 260 Planning Board Decision on Final Plat
- Section 261 Filing of Approved Final Plat

ARTICLE III DESIGN DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS FOR
SUBDIVISION OF LAND

- Section 305 Planning and Design Standards
- Section 310 Required Improvements
- Section 320 Streets - Design Standards
- Section 321 Streets - Planning Standards
- Section 330 Blocks - Planning and Design Standards
- Section 331 Lots - Planning and Design Standards
- Section 340 Required Land for Public Recreation Purposes
- Section 345 Required Trees
- Section 347 Required Easements for Access, Utilities, and Drainage
- Section 350 Required Public Utility Improvements
- Section 360 Required Storm Water Drainage Improvements
- Section 370 Required Water Supply Improvements
- Section 380 Required Sewage Disposal Improvements
- Section 382 Minimum Distances Between Walls and Possible Contaminants
- Section 385 Minimum Residential Lot Sizes in Areas Without Public Sewer and Water Systems
- Section 390 Required Street Construction Standards
- Section 395 Required Sidewalk Construction Standards

ARTICLE I: DECLARATION OF POLICY, WAIVERS, VARIANCES, DEFINITIONS

Section 110 Declaration of Policy

By authority of resolution of the Town Board of the Town of Minetto, adopted pursuant to provisions of Article 16 of the Town Law, the Planning Board has been authorized and empowered to approve plans for subdivisions within the Town. The Planning Board is authorized and empowered to:

1. Approve plats showing lots, blocks, sites, with or without streets.
2. Approve preliminary plats with such conditions the Planning Board shall require be meet.
3. Pass and approve development of entirely or partially undeveloped plats already filed in the office of the County Clerk.

It is declared to be the policy of the Town to consider land subdivisions as part of a plan for the orderly, efficient and economical development.

These regulations shall be known as the Town of Minetto Subdivision Regulations.

Section 120 Waivers and Variances

1. Where the Planning Board finds that due to special circumstances of a particular plat, or because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical site features, in its judgment provision of certain requirements is not requisite in the interest of 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 or vary such requirements subject to appropriate conditions.
2. In granting waiver or variance, the Planning Board shall require such reasonable conditions as will, in its judgment, secure substantially objectives of requirements so waived or varied.
3. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Zoning Ordinance, Comprehensive Plan, Official Map or these Subdivision Regulations.

Section 125 ADMINISTRATION AND ENFORCEMENT

1. These Subdivision Regulations shall be administered by the Planning Board and the Enforcement Officer.
2. No building permit or certificate of occupancy shall be issued by the Enforcement Officer except where all the provisions of these Regulations have been complied with.
3. No building permit shall be issued unless a street giving access to such proposed structure is an existing street or unless such street appears on a recorded plat approved by the Planning Board.

4. No building permit shall be issued unless such street has been suitably improved or where a performance bond has been posted to cover the full cost of such improvements.

SECTION 130 APPLICATION OF REGULATIONS

No building permits shall be issued to any person for the construction of a structure on any lot located within a proposed subdivision, until the subdivider shall file a written application with the Town Clerk for subdivision approval, and said application shall have received final approval from the Planning Board.

Section 140 Definitions

As used in these Regulations the following words shall have these meanings:

BOND: A performance bond issued by a bonding or surety company approved by, and with security acceptable to the Board or a performance bond duly issued by the developer-obligor accompanied by security in the form of cash, certified check or U.S. Government bonds.

ENGINEER: Engineer employed by or assigned to the Planning Board.

IMPROVEMENTS, PERMANENT: Any installation, structure, device or part thereof such as sanitary sewer pipe, curb, gutter, storm sewer pipe, manhole, catch basin, bridge, water pipe, valve, pump, culvert or other facility which is located on public property or could become public responsibility.

PLAN, SKETCH: Sketch of proposed subdivision to enable the subdivider and Planning Board to reach general agreement as to the subdivision meeting objectives of these Regulations.

PLAT, PRELIMINARY: Preliminary layout showing salient features of the proposed subdivision in sufficient detail, indicating the approximate layout as a basis for study and consideration by the Planning Board.

PLAT, FINAL: Final drawing showing the exact plan of subdivision, containing all information required by law and these Regulations submitted to the Planning Board for approval.

STREET: Public way for vehicular traffic which affords principal means of access to abutting properties.

STREET, COLLECTOR: Streets which carry traffic from minor street to a system of arterial highways.

STREET, MINOR: Street used primarily for access to abutting properties.

SUBDIVISION: Division of any parcel of land into two or more lots, blocks or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term subdivision includes re-subdivision. A subdivision shall not include division of land for agricultural purposes into

two or more lots, each five acres or more in area, and which does not involve creation of a new street.

SUBDIVISION, MAJOR: Subdivision containing five or more lots or any subdivision requiring a new street or extension of municipal facilities.

SUBDIVISION, MINOR: Subdivision containing no more than four lots fronting onto an existing street and not requiring a new street or extension of municipal facilities.

ARTICLE II SUBDIVISION REVIEW AND APPROVAL PROCEDURE

Section 201 Official Submission Date

Application for approval of the subdivision plat, complete with all requirements, shall be filed with the Town Clerk at least fifteen days prior to date of the regular monthly Planning Board meeting, which date shall be the official submission date.

Section 202 Information Required on All Plan Submissions

The following information shall be submitted with application:

1. Subdivision name, address at which it is located, scale, north point, date, and site location map.
2. Names and addresses of subdivider and professional advisers, license numbers and seals.
3. Drawing sheet size either 8 1/2 by 11 inches, or some multiple of eleven by 17 inches. Scale to be: one inch to 50, 100 or 200 feet.
4. Subdivision boundaries, and names of contiguous property owners.
5. Existing restrictions on use of land; easements, covenants and zoning.
6. Existing and proposed streets, structures, public facilities and utilities; water courses, marshes, wooded areas, and other significant physical features in and near subdivision.
7. Proposed pattern of lots, including typical lot width and depth, street layout, open space, systems of drainage, sewerage, and water supply within the subdivided area.
8. Total acreage of subdivision; number of lots proposed, building types, approximate size and cost.
9. Topographical survey, or an enlargement of U.S.:G.S. quadrangle sheet, scale at least 1 inch to 200 feet.)
10. Location of existing federal and state wetlands and National flood Insurance Program flood hazard areas.
11. Current survey of entire area of subdivision.

Section 210 Sketch Plan Procedure

1. Subdivider shall submit a sketch plan of a proposed subdivision to the Town Planning Board via the Town Clerk.
2. Sketch Plan should be on a topographical survey, or an enlargement of U.S.:G.S. quadrangle sheet, scale at least 1 inch to 200 feet.
3. Subdivider shall attend meeting.

4. Planning Board shall classify proposed subdivision as Major or Minor Subdivision.
5. Board shall study Sketch Plan to determine whether it conforms to, or is in conflict with: Zoning Ordinance, Town Plan, developments proposed by any public agency, existing private and public development, facilities and services; and any special problems that may be encountered.
6. The Board shall determine whether the Sketch Plan meets purposes of these Regulations and may make specific written recommendations for changes.
7. Where the subdivider submits a proposed Planned Residential Development requirements of Section 281 of Town Law shall be met, in addition to requirements of these Regulations.

Section 220 Minor Subdivision Final Plat Approval Procedure

Subdivider shall file an application, six copies of drawings and required fee.

1. Final Plat shall conform to Sketch Plan layout shown plus any recommendations made by Planning Board.
2. Public hearing shall be held within 62 days from time of submission of Final Plat for approval.
3. Subdivider shall attend the public hearing.
4. The Board shall within 62 days after the public hearing approve, modify and approve, or disapprove the Final Plat. Grounds for disapproval shall be stated in the Board minutes.
5. If the Plat is approved, six copies shall be endorsed by the Board in accordance with Section 260.
6. If the Plat is approved, it shall be filed in accordance with Section 261.

Section 221 Minor Subdivision Final Plat Data

A Minor Subdivision Final Plat application shall include:

1. Information required under Section 202 updated and accurate.
2. If required, contour intervals of not more than five feet, and grating plan.
3. Survey of tract boundary lines, giving bearings and distances, certified by land surveyor.

Section 230 Major Subdivision Preliminary Plat Procedure

Subdivider shall file an application, four copies of drawings and required fee.

1. Preliminary Plat shall comply with requirements of these Regulations except where a waiver may be authorized by Planning Board.
2. Subdivider shall attend Board's preliminary hearings.
3. The Board shall review Preliminary Plat for conformity to these Regulations.

4. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
5. A preliminary plat application shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
6. The time within which the planning board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings required under the Environmental Conservation Law.
 - (a) If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing on the preliminary plat application shall be held within 62 days after the receipt of a complete preliminary plat application.
 - (b) If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft statement.
7. When granted Preliminary Plat approval, the Board shall state conditions to:
 - a. Specific changes it may require.
 - b. Character and extent of required improvements for waivers.
 - c. Improvements, or amount of bonds it will require.
8. Action of the Board, plus any conditions, shall be noted on three copies of Preliminary Plat. One copy shall be returned to subdivider, one to Town Board.
9. Approval of a Preliminary Plat shall not constitute approval of subdivision, and prior to approval of Final Plat, the Board may require additional changes.

Section 231 Major Subdivision Preliminary Plat Data

The following information shall be submitted with a Major Subdivision Preliminary Plat:

1. Information required under Section 202 updated and accurate.
2. Contours with intervals of not more than five feet. Contours with intervals of not more than two feet shall be shown where grade is less than five percent. Datum plans shall be that of U.S.:G.S. Grading plan if contours are to be changed.
3. Survey of tract boundary lines and deed description giving bearings and distances, certified by land surveyor.
4. Location, width and approximate grade of proposed streets.
5. Location, dimensions, area and number of lots and blocks, and of property to be dedicated for public use.
6. Location of proposed easements.
7. Location of existing and proposed sewers, water mains, storm drains, culverts with pipe sizes and direction of flow.
8. Location of existing and proposed gas lines, fire hydrants, electric and telephone facilities, street lights and sidewalks as applicable.

Section 240 Major Subdivision Final Plat Approval Procedure

Subdivider shall file application and six copies of drawings for Final Plat approval (in accordance with the provisions of the Town Law), and meet the following requirements:

1. Application shall:
 - a. Be accompanied by construction drawings.
 - b. Be endorsed by the Oswego County Health Department.
 - c. Include offers of cession to streets and public areas.
 - d. Include other information required by the Planning Board.
2. Public hearing shall be held within 62 days of official submission of Plat.
3. Subdivider shall attend hearing.
4. Final Plat shall conform to approved Preliminary Plat, plus any recommendations made by the Board.
5. The Board may permit the Final Plat to be divided into parts comprising of at least twenty percent of total number of lots on the Plat, subject to conditions necessary to assure orderly development.
6. A performance bond must be submitted and approved by the Board and Town Attorney as to form, sufficiency, manner of execution and surety, for completion.
7. Offers of cession of all land to be dedicated for streets, easements, open space and other facilities shall be in a form certified satisfactory by Town Attorney.
8. Deposit a certified check in the amount of one percent of required improvement cost, or an amount to be determined by the Planning Board to meet inspection costs.
9. Submit drawings, certified by an engineer or land surveyor, showing location.

Section 241 Major Subdivision Final Plat Data

The following information shall be submitted with Final Plat:

1. All information required on Preliminary Plat updated and accurate.
2. Sufficient data to determine readily the location, bearing and length of all street, lot and boundary lines, referenced to established monuments.
3. Location, dimensions and names of all sited for residential, commercial, industrial, public, non-public, dedicated and reserved uses.
4. Location, material and size of monuments.

Section 250 Information Required on Construction Drawings

Preliminary Plat shall be accompanied by construction drawings which are subject to Planning Board approval.

1. Plans and profiles showing existing and proposed elevations along center lines of streets within the subdivision.
2. Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catch basins and culverts.
3. Plans showing location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants; and

location and size of water, gas, electricity and other utilities or structures.

Section 251 Soil Percolation Tests

Soil percolation tests shall be conducted in proposed subdivisions where no public sewers are available, in accordance with the County standards. Soil percolation test results and their locations shall be shown on Final Plat.

Section 252 Endorsement by Oswego County Health Department

Subdivider shall submit the Plat to the County to secure their endorsement and approval of sewer and water facility proposals.

Section 253 Legal Data

Subdivider shall submit the following data to Planning Board before any Final Plat can be approved; before acceptance, the Town Attorney shall certify their legal sufficiency:

1. Deed description, abstract if title, and survey of tract boundary made and certified by a land surveyor, tied to established boundary monuments.
2. Offers of cession dedicating streets, rights of way and sites for public use.
3. Copies of agreements showing the manner in which areas reserved by subdivider are to be maintained.
4. Any other data required by the Board.

Section 254 Offers of Cession and Release

1. Subdivider of all streets, rights of way and sites for public use shall present to the Planning Board prior to Final Plat approval formal offers of cession.
2. Required easement or release agreements shall be recorded on the Final Plat.

Section 255 Performance Bond

1. Where a performance bond is required by the Planning Board, the subdivider shall file a bond in an amount sufficient to provide for, and secure to the public the full cost of completion of all streets and required improvements, and their maintenance for a period of two years.
2. The Board shall specify the time period within which required improvements must be completed, but in no case longer than three years. The time period shall be expressed in the bond.
3. If any required improvements have not been installed or maintained as provided within the terms of such bond, it shall be forfeited and the Town shall install or maintain such improvements.

Section 256 Inspection of Required Improvements

1. Code Enforcement Officer shall inspect all required improvements prior to acceptance to ascertain whether they have been completed satisfactorily.
2. Subdivider shall inform the Code Enforcement Officer at least 48 hours before inspection is required, and shall not cover any part of an improvement until written approval has been granted.
3. Drawings showing location of all required improvements as-built shall be certified by an engineer or land surveyor and filed with Planning Board prior to acceptance. Until as-built plans have been filed, no performance bond guaranteeing completion of improvements shall be released.

Section 257 Public Acceptance of Streets, Reservations and Improvements

1. Every street shown on a plat filed shall be deemed to be a private street until such time as it has been formally accepted by the Town.
2. The Town shall not construct any utility or improvement in any street until it has become a public street.
3. Approval of Final Plat shall not be deemed to constitute or imply acceptance of any street or public area shown on the plat.
4. Planning Board shall require a written agreement between the subdivider and the Town covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any open space.
5. Upon the completion of construction and installation of required improvements, the subdivider shall deliver to the Town deeds, abstracts and easements for streets, water lines, storm sewers, sanitary sewers and other improvements.
6. Prior to public acceptance of any improvements, the subdivider shall submit an affidavit stating that all bills and accounts for material and labor used in construction of improvements have been paid in full.

Section 258 Public Hearing

Before any plat is approved, a public hearing shall be held by the Planning Board in accordance with Section 276 of the Town Law.

Section 260 Planning Board Decision on Final Plat

1. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within 62 days from the close of the public hearing.
2. If the Final Plat is disapproved, grounds for such action shall be stated in the Board minutes.
3. If the Final Plat is approved, the Board officers shall sign the Plat.
4. Plat is void if changes are made to it after the Board has endorsed it.

5. Every Final Plat shall carry the following endorsement:

APPROVED BY RESOLUTION OF THE TOWN OF MINETTO PLANNING BOARD
ON THE _____ DAY OF _____ 19__ SUBJECT TO ALL REQUIREMENTS
AND CONDITIONS OF SAID RESOLUTION.

CHAIRMAN

SECRETARY

Section 261 Filing of Approved Final Plat

When Final Plat is approved, the subdivider shall file approved copies with each of the following:

1. Town Clerk, within 90 days from date of approval, or approval of plat will be void. This copy to be drawn in ink or mylar. After filing with Town Clerk, the plat shall become part of the Official Map.
2. Town Board and Assessor before building permits are made available.
3. County Clerk, within 60 days from date of approval by Planning Board.

ARTICLE III: DESIGN DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISION OF LAND

Section 305 Planning and Design Standards

1. Subdivider shall be guided by the minimum planning and design development standards in design of subdivision.
2. Subdivisions shall conform to the Zoning Ordinance, Official May and be in harmony with the Comprehensive Plan.
3. Land to be subdivided for building purposes shall be such that it can be used safely without danger to health, peril from flood or other menace.
4. Where the Planning Board finds that because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character surrounding development, the minimum standards specified herein would not reasonably protect or provide for public health, safety or welfare, a higher standard shall be required.

Section 310 Required Improvements

1. Required improvements shall be installed to the satisfaction of the Planning Board prior to Final Plat approval, or alternatively the subdivider shall post a performance bond.

2. The following are required improvements: monuments, streets, sidewalks, street signs, street lights, curbs, gutters, water mains, sanitary sewers, storm drains, fire hydrants and trees; except where the Board may waive or vary such improvements.

Section 320 Streets - Design Standards

	Collector	Minor
Minimum Right of Way Width	66'	50'
Minimum Graded Width	42'	36'
Minimum Pavement Width	30'	24'
Maximum Grade	4%	8%
Minimum Grade	0.5%	0.5%
Minimum Radius of Curves, Inner Street Line	500'	250'
Minimum Tangent Length Between Reverse Curves	150'	100'
Maximum Grades Within 100' of Center Line Intersections	2%	3%
Minimum Braking Sight Distance	300'	200'
Minimum Distance Between Center Line Offsets	300'	200'
Angle at Intersections of Street Center Lines	85-95	85-95

Cul-de-sac: Maximum length 600 feet, turn around radius 70 feet, minimum outside radius at curb 60 feet.

Section 321 Streets - Planning Standards

1. Streets shall be suitably located to accommodate prospective traffic and to afford satisfactory access to fire fighting, snow removal and road maintenance equipment.

2. Streets shall be coordinated so as to compose a convenient system and arranged as to cause no undue hardship to adjoining properties.

3. Arrangement, width and grade of all streets shall be considered in relation to existing and planned streets, topographic conditions, utilities, public convenience and safety, and in their appropriateness to proposed land uses.

4. Minor streets shall be planned so their use by through traffic will be discouraged.

5. Grades of streets shall conform as closely as possible to original topography and be arranged so that building sites are at or above street grade. Steep grades and sharp curves shall be avoided.

6. Where the subdivision borders on an existing street and the Comprehensive Plan or Official Map indicates plans for realignment or street widening that would require reservation of some land of the subdivision, the Board shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes."

7. Minimum building setback on a collector street shall be 70 feet from the center line of such street.
8. Cross street intersections shall be avoided, except at important traffic intersections. A distance of at least 200 feet shall be maintained between offset intersections. Within 100 feet of an intersection right of way, streets shall be approximately at right angles.
9. Half streets and privately owned reserve strips controlling access to streets or adjacent property are prohibited.
10. A turn around approved by the Highway Superintendent shall be provided at the end of a cul-de-sac.
11. If adjacent property is undeveloped and a street must have a dead-end temporarily, right of way and improvements shall be extended to the property line. A temporary circular turn around shall be provided on all dead-end streets, with notation on the plat that land outside the street right of way shall revert to abutting lots whenever the street is extended.
12. This shall be approved according to the specification adopted by the Town Board on October 9, 1989.

Section 330 Blocks - Planning and Design Standards

1. Length, width and shape of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to special needs of use contemplated.
 - b. Zoning requirements as to lot sizes and dimensions.
 - c. Need for convenient access, circulation; control and safety of street traffic.
 - d. Limitations and opportunities of topography.
2. Irregularly shaped and oversized blocks indented by cul-de-sacs or loop streets and containing interior parks will be acceptable when properly designed under provisions of Planned Residential Development.
3. Block lengths shall not exceed 1200 feet, nor be less than 600 feet; blocks abutting major streets shall not be less than 1000 feet and may exceed 1200 feet.
4. Long blocks may be required to have a 20 foot wide crosswalk easement to facilitate pedestrian access.
5. Minimum block width of lots shall be 200 feet, or twice the minimum depth specified in Zoning Ordinance.

Section 331 Lots - Planning and Design Standards

1. Lot size and shape shall comply with the Zoning Ordinance, and shall be arranged so that there will be no foreseeable difficulties in securing building permits and gaining access to buildings from streets.
2. Each lot shall be provided with satisfactory access to a public street; driveway grades shall not exceed 10 percent.
3. Double and reverse frontage lots should be avoided.

4. Side lot lines shall be at right angles to street lines, unless a variation will give a better lot plan.
5. Corner lots shall have at least 10 feet more than minimum lot width specified in Zoning Ordinance to permit compliance with building setback requirements.
6. Planning Board may require that streets and lots be laid out to permit future re-subdivision where a tract is subdivided into lots much larger than minimum zoning district requirements.

Section 335 Required Monuments

1. Monuments shall be stone or concrete with a one inch diameter metal pipe two feet long set in the center, located at final grade level, and indicated on the Final Plat.
2. Permanent monuments shall be set at all corners and angle points of subdivision boundaries; and at all street intersections and points of curve.
3. Lot corner markers shall be located.

Section 336 Required Street Name Signs

1. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to Planning Board approval.
2. Street names shall be submitted to and approved by the Town Board.

Section 340 Required Land for Public Recreation Purposes

1. Before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall show, when required by the planning board, a park or parks suitably located for playground or other recreational purposes.
2. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision plat will contribute.

3. In the event the Planning Board makes a finding pursuant to paragraph 2 of this subdivision that the proposed subdivision plat presents a proper case for requiring a park or parks suitable located for playground or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or additional facilities in the immediate neighborhood. Any monies required by the pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

Section 341 Recreation Land Trust Fund

1. In cases where the Planning Board determines that suitable public recreation area cannot be properly located in a subdivision, it may waive the requirement. In this event the Board shall require as a condition of Final Plat approval, a payment to the Recreation Land Acquisition and Improvement Trust Fund.
2. Such payment shall be determined by the Town Board in accordance with an equitable and standard fee schedule related to either: gross area of the subdivision; or number of dwelling units proposed. Payment shall be made at time of Final Plat approval.
3. The Recreation Land Acquisition and Improvement Trust Fund shall be used: either for acquisition of land suitable for public recreation purposes; or for improvement of existing recreation areas.

Section 345 Required Trees

On a residential lot where no trees exist, three new trees shall be planted at least five feet from lot lines.

Section 346 Preservation of Natural Features and Trees

1. Outstanding natural features of the site, trees, water courses and similar assets shall be preserved as far as possible by harmonious design.
2. Trees shall be preserved where possible unless they are within the right of way of a proposed street.
3. Topsoil removed during grading shall be replaced, except in proposed street, driveway and building locations.

Section 347 Required Easements for Access, Utilities and Drainage

1. The Planning Board may require easements for pedestrian access to schools, public open space or streets, and a paved walk to be installed.
2. Where it is impractical to locate utilities or drainage facilities within street rights of way, easements shall be provided centered on rear or side lot lines.
3. Easements shall be at least twenty feet wide and indicated on Final Plat.

Section 350 Required Public Utility Improvements

The following public utility improvements shall be installed unless waived by Section 310:

1. Fire Protection: Hydrants to be of size, type and location specified by the New York Fire Insurance Rating Organization.
2. Street Lights: Poles, brackets and lights to be of size, type and location approved by power company.
3. Electricity: Poles and power lines to be approved by power company.
4. Utility Services: Shall be located at the rear property lines or six to eight feet from the street property line to center line of utility service between sidewalk and curb line.

Section 360 Required Storm Water Drainage Improvements

1. Adequate storm water drainage systems shall be required in subdivisions, designed by an engineer, to be approved by the Planning Board.
2. Rights of way for storm water drainage must be sufficient to handle discharge anticipated from the property being subdivided and run-off that will occur when property at a higher elevation in the drainage basin is developed, based on ten year storm conditions.
3. The subdivider's engineer shall study the effect of the subdivision of existing drainage facilities downstream. Where it is anticipated that runoff incident to development of the subdivision will overload existing drainage facilities during a ten year storm, the Board shall not approve the subdivision until provision has been made for improvement of the downstream facility.
4. Where a subdivision is traversed by a water course or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the 25-year flood area of such water course, which easement shall be indicated on the Final Plat. (Said water course or drainage way shall also be in accordance with the Flood Plains maps of the area.)
5. Land unsuitable for residential occupancy due to flood hazard shall be set aside for such uses as are not endangered by periodic inundation.
6. Storm drainage system shall be installed and constructed by the subdivider in accordance with procedures and standards of State Department of Health.

Section 370 Required Water Supply Improvements

A public water supply system shall be installed at the expense of the subdivider with approval to the Town Engineer, as follows:

1. Water mains of approved materials at least six inches in diameter laid at least five feet below finished grade. Larger pipes may be required where needed to provide an adequate system.
2. The system shall be designed and installed to standards and procedures of the County.
3. Action shall be taken by the subdivider to enable the Town to create or extend a water supply district.

Section 371 Alternative Water Supply Improvements

If, in the opinion of the Planning Board, service to each lot by a public water supply system is not feasible, the Board may allow individual wells to be used, Subdivider shall provide proof that there is adequate water supply for the area.

1. Minimum lot sizes shall be 20,000 square feet in area, or in accordance with requirements of Section 385, whichever is greater.
2. The water supply system shall be designed and installed to standards of the County.

Section 380 Required Sewage Disposal Improvements

A sanitary sewer system shall be installed at the expense of the subdivider to approval of the Town Engineer, as follows:

1. Tile pipes of approved material, minimum internal diameter eight inches, laid at such depths below finished grade to provide adequate sewage facilities to every dwelling and other structure. Larger pipes may be required where needed to provide an adequate system.
2. The system shall be designed and installed to standards of the county.
3. Action shall be taken by the subdivider to enable the Town to create or extend a sanitary sewer district.

Section 381 Alternative Sewage Disposal Improvements

If in the opinion of the Planning Board service to each lot by a sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used. Subdivider shall provide proof of adequate percolation of soil.

1. Minimum lot sizes shall be in accordance with requirements of Section 385.
2. Sewage disposal system shall be approved by the County.

Section 382 Minimum Distances Between Wells and Possible Contaminants as Set Forth by the County Health Department

The following minimum distances shall be maintained between wells and sources of pollution.

Section 385 Minimum Residential Lot Sizes in Areas Without Public Sewer and Water Systems

The following are minimum single family residential lot sizes in areas without public sewage disposal and/or water supply system:

1. Where the average slope of lot does not exceed fifteen percent

Absorption time for 1" Fall in Minutes	Public Water & Septic Tank	Private Wall & Septic Tank	
0 - 10	30,000 sq ft	40,000 sq ft	(lot area)
11 - 20	35,000	45,000	
21 - 30	40,000	50,000	
31 - 40	45,000	55,000	
Over 40	50,000	Not Permitted	

2. Where the average slope of lot exceeds fifteen percent

Absorption time for 1" Fall in Minutes	Public Water & Septic Tank	Private Wall & Septic Tank	
0 - 10	35,000 sq ft	45,000 sq ft	(lot area)
11 - 20	40,000	50,000	
21 - 30	45,000	55,000	
31 - 40	50,000	60,000	
Over 40	55,000	Not Permitted	

Section 390 Required Street Construction Standards

1. Street improvements shall be installed at the expense of the subdivider.
2. Streets must be constructed to comply with the detail specifications of the Planning Board.

Section 395 Required Sidewalk Construction Standards

1. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
2. Sidewalks must be constructed to comply with the detail specifications of the Planning Board.
3. Sidewalks shall be concrete, and have a minimum width of four feet in residential areas, and five feet in commercial and industrial areas.