



Town of Cairo

Local Law Regulating the Subdivision of Land

Adopted January 1, 1990

Updated February 27, 2006
Fees to be set by resolution by TB

Updated November 15, 2006
Approve to increase the minimum lot
Size to 1 ¼ acres for the Subdivision
Regulation

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Article 1

General Provisions

SECTION 1. AUTHORITY

The Town Board of the Town of Cairo hereby authorizes and empowers the Town of Cairo Planning Board to review and approve plats for the subdivision of land in the Town of Cairo subject to the requirements of this Local Law.

SECTION 2. JURISDICTION

Land within the Town of Cairo may be subdivided into lots, blocks, or sites, with or without roads or highways, only if approved by the Planning Board in accordance with the procedures and requirements as set forth in this Local Law, and only if the approved plat is duly filed in the Office of the County Clerk of Greene County, New York. Construction, excavation, filling, regarding, clearing of vegetation or other similar activities shall not begin within any area proposed or intended for subdivision until said subdivision shall have been approved, or conditional approval, by the Planning Board.

SECTION 3. POLICY

It is the declared policy of the town to consider subdivisions as part of a plan for the Town's orderly, efficient, and economic development. This means:

- A. 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, and without resulting in significant and/or irreparable damage to the ecology of the area in which it is located;
- B. That proper provisions shall be made for surface drainage, water supply, sewage and other needed improvements;
- C. That all proposed lots shall be so laid out and of such size as to not cause any adverse effects, such as erosion, on neighboring properties or roads;
- D. That roads shall width, grade and location sufficient to accommodate the prospective traffic, to facilitate fire protection and to follow the natural contours of the land.

SECTION 4. COMPLIANCE WITH STATE ENVIRONMENTAL QUALITY REVIEW (SEQR.)

Notwithstanding any provisions of this local law or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law Section 8-0013, Part 617, hereinafter referred to as "SEQR" regulations shall be complied with.

SECTION 5. WAIVERS

When 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 or is 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 nullify that intent and purpose of the Master Plan or the Zoning Law, if such exist.

SECTION 6. APPEALS

An appeal of a decision of the Planning Board may be made to the Town Board within thirty (30) days of the date of notification of the Planning Board determination. The appeal will be made by filing a notice, in writing, stating the aggrieved party's position on the issues. The Town Board will then conduct a hearing within thirty (30) days of the date of receipt of the Notice of Appeal allowing both the appellant and the Planning Board an opportunity to present arguments. After the hearing, the Town Board will have thirty (30) days to render a decision which shall be final.

SECTION 7. AMENDMENTS

This Local Law may be amended by the Town Board after public hearing on such amendments. Any proposed subdivision which has not received sketch plan approval prior to the effective date of an amendment, or any conditionally approved preliminary subdivision plat where an application for final plat approval has not yet been received within six (6) months of the date of conditional approval, shall fully comply with any amendment to this Local Law.

SECTION 8. PENALTIES

Any person or corporation or other association or responsible person thereof who violates any provision of this Local Law shall be guilty of an offense against this Local Law which shall be a violation and not a crime and shall be subject to a fine of not more than two hundred fifty (250) dollars (\$250) or imprisonment for a period not to exceed fifteen (15) days or both fine and imprisonment. In addition the violator shall be responsible for all costs, including Attorney's fees, incurred by the Town in prosecuting any violation of this Local Law in any Court. Each and every day that any such violation continues shall constitute a separate offense. Penalties shall be collected and violations of this Local Law shall be prosecuted in the proper manner prescribed by law. The application of the above penalty or the prosecution of the violation of the provisions of this Local Law shall not be held to prevent the taking of such other action as may be authorized by law.

SECTION 9. SEPARABILITY

Should any section or provision of this Local Law or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect

the validity of this Local Law as a whole or any part thereof other than the part so declared to be invalid.

SECTION 10. EFFECTIVE DATE

This Local Law shall take effect at 12:01 AM on March 1, 1990. Subdivisions created prior to March 1, 1990 shall be deemed as preexisting and shall

ARTICLE II

DEFINITIONS

Except where specifically defined, all words used in this Local Law shall carry their customary meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural, unless the context clearly indicates otherwise. The word "shall" is always mandatory. The word "may" is permissive. "Building or "structure" includes any part thereof. The word "person" includes an individual person, a firm, a corporation, a co-partnership, and any other agency of voluntary action.

For the purpose of this Local Law, certain words and terms used herein are defined as follows:

CLERK OF THE PLANNING BOARD: that person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of this Local Law.

DEAD-END ROAD OR COL-DE-SAC: a road or a portion of a road with only one vehicular traffic outlet.

DRIVEWAY: a private right-of-way providing access into a single lot with said driveway used for personal use only.

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

ENVIRONMENTAL ASSESSMENT FORM (EAF): a form used by the Planning Board in the State Environmental Quality Review process to assist in determining the environmental significance or non-significance of an action or project.

ENVIRONMENTAL IMPACT STATEMENT (EIS): a written document required for each subdivision which the Planning Board determines may have a significant effect on the environment.

LICENSED ENGINEER: an engineer who is retained by the Town at the expense of the subdivider. Whenever appropriate, the Town Highway Superintendent, members of the Planning Board or another appropriate responsible individual shall be designated to act as or substitute for the licensed engineer upon specific authorization by the Planning Board.

MASTER OR COMPREHENSIVE PLAN: a comprehensive plan, prepared by the Planning Board pursuant to Article 16 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.

PARCEL: tracts of land either unsubdivided or consisting of two or more contiguous lots recorded in a plat or deed under one ownership.

PERFORMANCE BOND: a bond as required by Section 277 of the Town Law to assure the full and satisfactory completion of all required subdivision improvements as specified in the Planning Board Resolution.

PLANNING BOARD OR BOARD: The Planning Board of the Town of Cairo.

PRELIMINARY PLAT: a drawing or drawings clearly marked "Preliminary Plat" showing the layout of a proposed subdivision, as specified in Article V, Section 3 of this Local Law, 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.

PROPOSED SUBDIVISION: when two or more structures intended to be occupied as residences are constructed on a single parcel of land, said parcel shall be considered to be a proposed subdivision requiring an application for subdivision approval to be filed prior to the sale of said structures.

RESUBDIVISION: means a change in a map of an approved or recorded subdivision plat if such change affects any road layout on such map or any lot line or if it affects any map or plan legally recorded prior to the adoption of this Local Law. Any resubdivision of a subdivision that will create a total of five (5) or more lots shall be classified as a major subdivision.

ROAD: streets, roads, avenues, lanes or other traffic ways, between right-of-way lines. The term "road" does not include driveways.

ROAD PAVEMENT: the wearing or exposed surface of the roadway used by vehicular traffic.

ROAD WIDTH: the width of right-of-way, measured at right angles to the centerline of the road.

SKETCH PLAN: a sketch of a proposed subdivision showing the information specified in Article V, Section 1 of this Local Law to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this Local Law.

SUBDIVISION: the division of any parcel of land into two or more lots, blocks or sites, with or without roads, including resubdivision.

MAJOR SUBDIVISION: 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 road or extension of municipal facilities.

MINOR SUBDIVISION: any subdivision containing not more than four lots fronting on an existing road, not involving any new 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 or portion of the Master Plan, Zoning Ordinance, or this Local Law.

SUBDIVISION PLAT OR FINAL PLAT: a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this Local Law to be presented to that Planning Board for approval, and which if approved, may be duly filed and recorded by the applicant in the Office of the County Clerk.

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

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

TOWN STANDARDS: the standards and specifications adopted by the Town Board for the construction of new roads and related improvements.

TRACT: any body of land including, but not requiring, contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

ARTICLE III

SUBDIVISION APPROVAL PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sales 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 will be granted, the subdivider or his duly authorized agent shall have received final approval of such proposed subdivision in accordance with the following procedures.

SECTION 1. SKETCH PLAN

A. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Clerk of the Planning Board at least ten (10) days prior to the regular meeting of the Board seven copies of a Sketch Plan of the proposed subdivision which shall comply with the requirements of Article V, Section 1 for the purposes of classification and preliminary discussion.

B. Discussion of Requirements and Classification

The subdivider, of his duly authorized representative, shall attend a meeting of the Planning Board to discuss the requirements of these regulations for road improvements, drainage, sewerage, water supply, fire protection, the locations and

number of deep hole and soil percolation tests required 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 this Local Law. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision complies 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 4 of this Local Law. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III, Sections 3 and 4.

C. Sketch Plan Review

The Planning Board shall determine whether the Sketch Plan meets the purposes of this Local Law 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.

D. State Environmental Quality Review (SEQR) Determination

After reviewing the Sketch Plan, the Planning Board will have the subdivider complete a preliminary SEQR document. This document is either an Environmental Assessment Short Form or an Environmental Assessment Long Form. General guidelines to decide which document should be completed are:

1. Environmental Assessment Short Form - Use if the subdivision is less than ten lots and if no unusual environmental circumstances exists such as freshwater wetlands, agriculture districts, sites which are on or eligible to be on the National Register of Historical Places, and land adjacent to public lands.
2. Environmental Assessment Long Form - Use if the subdivision involves more than ten lots or has special environmental concerns. These special environmental concerns include the examples mentioned above and any other concerns that the Planning Board considers special.

SECTION 2. APPROVAL OF MINOR SUBDIVISION PLAT

A. Application Requirements

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 a Minor Subdivision Plat using the application available from the Clerk of the Planning Board. Failure to submit an application within this time period shall require resubmission of the Sketch Plan to the Planning Board for reclassification. 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 of this Local Law.

1. Fee- All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee of one hundred (100)dollars.
2. Number of Copies- Seven copies of the Minor Subdivision Plat shall be presented to the Clerk of the Planning Board.
3. Official Submission Date- The time of submission of the Subdivision Plat shall be considered to be the first regular Planning Board meeting following 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 this Local Law has been filed with the Clerk of the Planning Board.
4. Planning Board Meeting- The subdivider, or his duly authorized representative, shall attend a meeting of the Planning Board to discuss the Minor Subdivision Plat.

B. Public Hearing

The Planning Board shall hold a public hearing within forty-five (45) days from the official submission date of the Minor Subdivision Plat. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing. In addition, the subdivider shall notify all adjacent property owners of the proposed subdivision and the time, date and location of the public hearing at least five (5) days before such hearing. The subdivider shall submit a copy of such notice and a certified copy of the list of property owners who have been sent such notice to the Planning Board at the public hearing.

C. Action on Minor Subdivision Plat

The Planning Board shall, within forty-five (45) days from the date of the public hearing, approve, modify and approve, or disapprove the Subdivision Plat. When approving the plat, the Planning Board shall state in writing, any modifications it deems necessary. Within five (5) days of the approval of such Minor Subdivision Plat, the Clerk of the Planning Board shall certify that the grant has been granted approval. A copy will be retained in the Clerk's office, a certified copy will be mailed to the owner, and a copy will be forwarded to the Town Board. Failure of the Planning Board to act within such forty-five- (45) day period shall constitute approval of the Minor Subdivision Plat.

SECTION 3. APPROVAL OF MAJOR SUBDIVISION PLAT

A. Major Subdivision Preliminary Plat

1. Application Requirements

Prior to the filing of an application for final approval of a Major Subdivision Plat, the subdivider shall file an application for approval of a Major Subdivision Preliminary Plat using the application available from the Clerk of the Planning Board. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall, in all respects, comply with the requirements set fourth in the provisions of Sections 276 through 278 of the Town Law, and Article V, Section 3 of this Local Law, except where a waiver may be specifically authorized by the Planning Board.

- a) Fee- the application for approval of the Major Subdivision Preliminary Plat shall be accompanied by a fee of one hundred dollars (\$100) per lot for the first four lots and fifty dollars (\$50) per lot thereafter.
- b) Number of Copies- Seven copies of the Major Subdivision Preliminary Plat shall be presented to the Clerk of the Planning Board.
- c) Official Submission Date- The time of submission of the Major Subdivision Preliminary Plat shall be considered to be the first regular Planning Board meeting following the date on which the application for plat approval, complete and accompanied by the required fee and all data required by Article V, Section 3A of this Local Law has been filed with the Clerk of the Planning Board.
- d) Planning Board Meeting- The subdivider or his duly authorized representative shall attend the Planning Board meeting to discuss the Major Subdivision Preliminary Plat.

The Planning Board may require that other town officials including, but not limited to, The Highway Superintendent, Fire Chief and Building Inspector, review and comment on the Major Subdivision Preliminary Plat, immediately to such officials. Comments from any other town officials should be submitted to the Planning Board by the scheduled public hearing.

2. Public Hearing

Within forty-five (45) days after the official submission date of a Major Subdivision Preliminary Plat by the Clerk 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. In addition, the subdivider shall notify all adjacent property owners of the proposed subdivision and the time, date and location of the public hearing at least ten (10) days before such hearing. The subdivider shall submit a copy of such notice and a certified copy of the list of property owners who have been sent such notice to the Planning Board at the public hearing.

3. Action On Major Subdivision Preliminary Plat

Within forty-five (45) days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove the Major Subdivision Preliminary Plat, and the grounds for 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 the plat may be extended by mutual consent of the subdivider and the Planning Board. When approving the plat, the Planning Board shall state in writing, any modifications it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such Major Subdivision Preliminary Plat, the Clerk of the Planning Board shall certify that the plat has been granted preliminary

approval. A copy will be retained in the Clerks office, a certified copy will be mailed to the owner, and a copy will be forwarded to the Town Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute approval of the Major Subdivision Preliminary Plat.

When granting approval to a Major Subdivision Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) modifications to the Major Subdivision Preliminary Plat, (2) the character and extent of waivers of required improvements which the Planning Board has agreed to waive without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefore which will be required for approval of the Major Subdivision Plat. Approval of a Major Subdivision Preliminary Plat shall not constitute approval of the Major Subdivision Plat. Rather, it shall be deemed an expression of approval of the design submitted and as a guide to the preparation of the final plat. Prior to approval of the Major 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. In such case the forty-five (45) day time limit will be extended by mutual consent of the owner and the Planning Board.

B. Major Subdivision Plat

1. Application Requirements

The subdivider shall, within six months after the approval of the Major Subdivision Preliminary Plat, file with the Planning Board an application for approval of the Major Subdivision Plat in final form, using the application form available from the Clerk of the Planning Board. If the Major Subdivision Plat is not submitted within six months after the approval of the Major Subdivision Preliminary Plat, the Planning Board may refuse to approve the Major Subdivision Plat and require re-submission of the Major Subdivision Preliminary Plat.

- a) Fee- All applications for approval of Major Subdivision Plats shall be accompanied by a fee of one hundred (\$100) dollars.
- b) Number of Copies- Eight (8) copies (one copy in ink on mylar) of the Major Subdivision Plat, the original and one true copy of all offers of cession, covenants, and agreements and three (3) prints of all construction drawings shall be presented to the Clerk of the Planning Board at the time of submission of the Major Subdivision Plat.
- c) Official Submission Date- The time of submission of the Major Subdivision Preliminary Plat shall be considered to be the first regular Planning Board Meeting following the date on which the application for plat approval, complete and accompanied by the required fee and all data required by Article V, Section 4 of this Local Law has been filed with the Clerk of the Planning Board.

2. Endorsement of Other Agencies

Water and sewer facility proposals contained in the Major Subdivision Plat shall be properly endorsed and approved by the New York State Department of Health and other agencies if required. The subdivider with all necessary Town, County and State Agencies will file applications for approval of plans for sewer or water facilities. Endorsement and approval by the New York State Department of Health and other agencies, when necessary shall be secured by the subdivider before official submission of the Subdivision Plat.

3. Public Hearing (Optional)

Within forty-five (45) days of the submission of a Major Subdivision Plat for approval the Planning Board shall hold a hearing. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing. However, the Planning Board may waive the requirement for such public hearing when the Planning Board deems the Major Subdivision Plat approved under Section 3A of this Article or, if such Major Subdivision Preliminary Plat has been approved with modification, when the Planning Board determines that the plat has been modified in accordance with the requirements of such approval. In addition, the subdivider shall notify all adjacent property owners of the proposed subdivision and the time, date and location of the public hearing at least ten (10) days before such hearing. The subdivider shall submit a copy of such notice and a certified copy on the list of property owners who have been sent such notice to the Planning Board at the public hearing.

4. Action on Major Subdivision Plat

The Planning Board shall by resolution conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of the Major Subdivision Plat, within forty-five (45) days of the official submission date if no hearing is held, or if 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 Major Subdivision Plat within this time shall be deemed approval of the plat.

Upon resolution of approval of such Major Subdivision 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 Clerk of the Planning Board shall certify the plat as conditionally approved and a copy filed in his/her 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 Major Subdivision Plat. Upon completion of such requirements duly authorized officer of the Planning Board shall sign the plat. Conditional approval of a Major Subdivision 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 4. FILING OF APPROVED SUBDIVISION PLAT

A. Final Approval and Filing

Upon completion of the requirements in either Section 2 or Section 3 above and notation to the effect upon the Subdivision Plat, the Subdivision Plat shall be deemed to have final approval and shall be marked as "Final Plat", shall be properly signed by the duly authorized officer of the Planning Board and shall be filed by the subdivider in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within thirty (30) 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. In addition seven copies of the Final Plat shall be filed with the Planning Board.

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.

C. Approval Denied if Subdivider is in Default

The Planning Board shall approve no Subdivision Plat as long as the subdivider is in default on a previously approved Plat.

SECTION 5. REQUIRED IMPROVEMENTS

A. Costs of Improvements

Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-para-graph (1) OR (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. 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 (the subdivider shall be responsible for the cost of the Town Attorney for the purpose of this review). A period of one year (or such other 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.

-OR-

2. The subdivider shall complete all required improvements to the satisfaction of the licensed engineer who shall be retained at the expense of the subdivider and who shall file with the Planning Board a letter signifying the satisfactory

completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a certified check or a performance bond covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the licensed engineer. Any performance 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 (the subdivider shall be responsible for the cost of the Town Attorney for the purpose of this review)

B. Map of Improvements

The required improvements shall not be considered to be complete until the installation of the improvements has been approved by the licensed 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 Section 5A Subparagraph (2), the Planning Board should submit the map prior to endorsement of the plat. If the subdivider elects to provide a bond or certified check for all required improvements as specified in Section 5A Subparagraph (1), such bond shall not be released until such a map is submitted.

C. Modification of Design of Improvements

If at any time before the construction of the required improvements it is demonstrated to the satisfaction of the satisfaction of the licensed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the licensed engineer may, upon approval by the Planning Board, authorized 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 licensed engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

D. Inspection of Improvements

At least five (5) days prior to commencing construction of any 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 by the licensed engineer 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. At this time the subdivider shall pay to the Town Clerk the required inspection fee plus any additional amount deemed necessary to cover all costs incurred through inspection.

In the case where roads are to be constructed as part of a subdivision the licensed engineer shall undertake a minimum of three inspections:

1. Prior to commencement of construction.
2. After cutting and filling and prior to installation of roadbed.
3. Upon installation of topcoat or final pavement.

E. Proper Installation of Improvements

If the licensed 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 companies, and takes all necessary steps to preserve the Town's rights under the bond.

SECTION 6. PUBLIC ACCEPTANCE OF ROADS AND RECREATION AREAS

A. Public Acceptance of Roads

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 should 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 grading, development, equipment, and maintenance of any such recreation area.

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 1, Section 5 herein.

SECTION 1. GENERAL

A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

B. Compliance with State Environmental Quality Review Act (SEQR)

Notwithstanding any provisions of this Local Law or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Section 8-0113, Part 617, hereinafter referred to as "SEQR" regulations, shall be complied with beginning at the Sketch Plan stage.

C. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Town specifications and/or to the satisfaction of the licensed engineer.

SECTION 2. ROAD LAYOUT

A. Width, Location, and Construction

Roads shall be of sufficient width, suitably located, and adequately constructed to conform with the Master Plan, if such exists, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The agreement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. The standards that follow shall be applicable to all roads providing vehicle access to subdivision lot(s) whether or not they are being dedicated to the Town.

B. Arrangement

The arrangement of roads in the subdivision shall provide for the continuation of Principal roads of adjoining properties, which are not yet subdivided. Such arrangements shall 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. Provision for Future Resubdivision

Where a tract is subdivided into large lots, substantially larger than the minimum requirements of this Local Law, the Planning Board may require that roads and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in this Local Law.

D. Dead End Roads

The creation of dead-end or loop residential roads 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 dead-end streets, where needed for 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 an approved Subdivision Plat for which a bond has been filed.

E. Relation to Topography

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

F. Road Names and Signs

The Planning Board shall approve all road names shown on any Plat. In general, roads shall have names and not numbers or letters. A road that is a continuation of an existing road shall bear the same name. Road signs approved by the Town Highway Superintendent, including warning and directional signs, shall be provided by the subdivider and placed within the road right-of-way.

SECTION 3. ROAD DESIGN AND CONSTRUCTION

A. Construction Specifications

Roads shall be constructed according to the Minimum Road Standards as set forth in the Town of Cairo Ordinance for the Dedication of Town Roads and Streets. All roads shall provide access to all lots in the Subdivision in accordance with Article IV Section 4D.

B. Utilities in Roads

The Planning Board shall, wherever possible, require that utilities be placed in the right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. Should the primary service line be underground, the subdivider shall install underground service connections from the primary line to the property line of each lot before the road is paved.

C. Utility Easements

Where topography is such as to make impractical the inclusion of utilities within the right-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. 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.

D. Watercourses

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

Where a watercourse, drainage way, channel or stream traverses subdivision, there shall be provided a storm water easement or drainage right-of-way as required by the licensed engineer, and in no case less than twenty (20) feet in width. All such easements or rights of way shall be subject to Article IV Section 5 of this Local Law.

SECTION 4. LOT REQUIREMENTS

A. Lots to be Buildable

The lot size, width, depth, shape, and arrangement shall be such that in constructing a building there will be no foreseeable difficulty for reasons of topography or other natural conditions in securing building permits to build on all lots in compliance with this Local Law, the New York State Health Department Regulations, the Uniform Fire Prevention and Building Code and the Town Zoning Ordinance, if such may exist. Lots should not be of depth as to encourage the later creation of a second building lot at the front or rear.

B. Lot Dimensions

The size of any lot in subdivision shall not be less than authorized by the Town of Cairo Building Ordinance or applicable zoning regulations, if any.

C. Corner Lots and Setbacks

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

D. Access Along Public and Private Roads

Lots shall have accessible frontage on an existing public road or a road constructed in accordance with the Ordinance for the Dedication of Town Roads and Streets. In subdivisions where it is the desire of the developer to have roads which shall remain private, the top coating and cul-de-sac requirements may be eliminated at the discretion of the Board if each lot owner becomes a party to an approved roadway maintenance agreement by deed covenant. The fee title to private roadways shall be vested in the lot owners over whom the roadway is situated or with one lot owner. The lot upon which a private roadway terminates shall not be required to have 150 feet of roadway frontage, and in no event shall a private roadway serve as the only means of access to more than four (4) lots.

E. Monuments

Permanent Monuments meeting specifications approved by the licensed engineer and the Town Highway Superintendent as to size, type and installation, shall be set at angle points, points of corners in roads and at other points to define subdivision and lot boundaries and at other points as the Planning Board may require.

SECTION 5. 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 previous to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way

where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Town construction standards and/or to the approval of the Town Superintendent of Highways.

B. Accommodation of Upstream Drainage

A culvert or other drainage facility shall, in each case, be larger enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The licensed engineer shall approve the design and size of the facility based on anticipated run-off from a "10 year" storm under conditions of maximum development within the water shed.

C. Responsibility For Drainage Downstream

The subdivider shall study the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. 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 "10 year" storm (at the discretion of the Planning Board, other return frequencies may be required), the Planning Board shall notify the Town Board and 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 nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation or shall be improved to remedy said hazardous conditions in a manner that is satisfactory to the Planning Board.

E. Wetlands

Areas shown on New York State Department of Environmental Conservation maps as designated freshwater wetlands shall be regulated according to the provisions contained in Article 24 of the NYS Environmental Conservation Law.

SECTION 6. PARKS, OPEN SPACES AND NATURAL FEATURES IN MAJOR SUBDIVISIONS

A. Parks and Playgrounds

In Major Subdivisions only, the Planning Board shall require that the Plat show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat.

The Board shall require that not less than 3 acres of recreation space be provided per 100 lots shown on the plat. However, in no case shall the amount be more than 10 percent of the total area of the subdivision. Such area or areas may be dedicated

to the Town by the subdivider if the Town Board approves such dedication. Appropriate legal measures shall be taken to assure that such land can never be developed for other than recreational purposes.

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 to the Planning Board, prior to final approval, three copies of drawings of the area (one on mylar) at a scale of not less than thirty (30) feet to an inch, showing the following features thereof:

- a. The boundaries of the said area, giving lengths and bearing 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 the said area and of area immediately adjacent.

C. Waiver of Plat Designation of Area for Parks and Playgrounds

In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the Plat show land for such purposes.

D. Preservation of Natural Features

The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, historic spots, vistas and similar irreplaceable assets.

Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, to retain the natural contours and to conserve the natural vegetative cover and soil. Removal of any standing timber shall be done in such a manner as to maintain vital and mixed (age and type) growth, and in no case should the subdivider remove more than fifty (50) percent of existing trees, except by approval of the Planning Board. All disturbed areas not occupied by building or structure or within a roadbed shall be properly graded and seeded to control erosion.

ARTICLE V

DOCUMENTS TO BE SUBMITTED

SECTION 1. SKETCH PLAN

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:

- A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.
- B. All existing structures, wooded areas, streams, wetlands, and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Where topographical conditions are significant, contours shall also be indicated at intervals of not more than twenty (20) feet.
- C. The name of the owner, the name of the professional person (s) responsible for the subdivision design, and the names of all adjoining property owners as disclosed by the most recent municipal tax records.
- D. The proposed subdivision name, the tax map section, block and lot numbers, scale, north arrow acreage involved.
- E. All the utilities currently available, including any existing or proposed easements, and all roads that are either proposed, mapped, or built.
- F. The proposed pattern of lots (including lot width, depth, and acreage), road layout, recreation areas, system of drainage, sewerage and water supply within the subdivided area.
- G. All existing restrictions on the use of land including easements or covenants.
- H. The location of any waste timber and stump disposal areas.

SECTION 2. MINOR SUBDIVISION PLAT

In the case of Minor Subdivision only, the Subdivision Plat application shall include the following information:

- A. Copies of such covenants or deed restrictions as are intended to cover all or part of the tract.
- B. The following note shall be added to the Minor Subdivision Plat: "All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health". If individual septic systems are proposed, soil percolation tests shall be performed for each proposed building lot. A minimum of one deephole test is required for each Minor Subdivision. The results of these soil tests shall accompany the Minor Subdivision Plat. The Planning Board may require septic system designs if warranted.
- C. The location of any waste timber and stump disposal areas.
- D. The Plat to be filed with the County Clerk shall be printed or be clearly drawn in ink or mylar. The size of the sheet shall be not less than 12 by 18 inches and not more than 24 by 36 inches.

E. A completed Environmental Assessment Form or Environmental Impact Statement, as required by the Planning Board under the NYS Environmental Quality Review Act (SEQR).

SECTION 3. MAJOR SUBDIVISION PRELIMINARY PLAT AND
ACCOMPANYING DATA

A. Plat Requirements

Five copies of the Major Preliminary Plat shall be submitted at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to an inch. The Plat shall be clearly marked "Major Subdivision Preliminary Plat" and shall include:

1. Proposed subdivision name, name of Town and County in which it is located, date, north point, scale, name and address of record owner, subdivider and engineer or surveyor including license number.
2. The name of all subdivisions immediately adjacent and the names of the owners of record of all property adjacent to the subdivision.
3. Offers of cession of all land to be offered for dedication for roads, highways, easements, parks or other public facilities.
4. The location of all existing property lines, easements, structures, water bodies, watercourses, wetlands, flood hazard areas, rock outcrops, wooded areas and any other significant existing features that may influence the design of the proposed subdivision.
5. Accurate topographic mapping at a vertical contour interval of ten (10) feet or less as required by the Planning Board.
6. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades, direction of flow and existing easements.
7. The width, location and names of any roads or public ways or places within the area to be subdivided and the right-of-way width, location grades, and proposed easements, of all roads or public ways proposed by the developer.
8. When such subdivision does not require State Health Department approval for on-site sanitation and water supply facilities, the preliminary plat shall show proposed house, well and sewage system locations. The sewage system shall be designed by an engineer and shown on the plat with accompanying information such as soil percolation and deep hole test results. Where alternate sewage systems are proposed, the subdivider shall obtain approval from the State Health Department prior to final approval.

9. Storm drainage plan indicating the approximate location and size of proposed lines, their profiles and connection to existing and proposed drainage easements. Temporary measures to control erosion during construction phase shall also be shown.
10. 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.
11. Preliminary designs of any bridges or culverts which may be required.
12. The proposed lot lines with approximate dimensions and area of each lot and the total acreage of the subdivision.
13. The location of any waste timber and stump disposal areas.
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 twenty (20) feet in width and which shall provide satisfactory access to an existing public road or other public road or public open space shown on the subdivision.
15. An actual field survey of the boundary lines of the parcel, giving complete descriptive data by bearings and distances, prepared 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 licensed engineer and shall be referenced and shown on the Plat.
16. If the proposed subdivision 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 roads and indication of the probable future road 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 subdividers entire holding submitted shall be considered in light of the entire holdings.

B. Covenants and Deed Restrictions

A copy of such covenants or deed restrictions that are intended to cover any lot in all or part of the tract shall be submitted along with the preliminary plat.

C. SEQR Documents

A completed Environmental Assessment Form or Environmental Impact

Statement, as required by the Planning Board under the NYS Environmental Quality review Act (SEQR) shall be submitted along with the preliminary plat.

SECTION 4. MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA

A. Plat Requirements

The Plat to be filed with the County Clerk shall be printed on or be clearly drawn in ink or mylar. The size of the sheets shall be inches by inches to 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The Plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the 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, and the name, license number and seal of the licensed land surveyor.
2. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
3. Sufficient data acceptable to the licensed engineer to determine readily the location, bearing and length of every road 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 the 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 road. All dimensions and bearings of the lines of each lot shall also be given. 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. 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. Lots and blocks within subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
7. The location of any waste timber and stump disposal areas.

B. Covenants and Deed Restrictions

All offers of cession and covenants governing the maintenance of unseeded

open space bearing a certificate of approval as to their legal sufficiency by an Attorney representing the Town shall be submitted with the Plat.

C. Construction Drawings

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 shall be submitted along with the Plat.

D. Requirements for Monuments and Corner Markers:

1. Monuments of a type approved by the licensed engineer shall set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all road intersections, angle points in road lines, points of curve and such intermediate points as shall be required by the licensed engineer.

2. All lot corner markers shall be permanently located satisfactorily to the licensed engineer, and located in the ground to existing grade.