

TOWN OF LEWIS SUBDIVISION LAW

Local Law No. 2 of 1999

ARTICLE 1: ENACTMENT, AUTHORIZATION, PURPOSE, WAIVER

Section 110 Enactment and Authorization

Pursuant to the authority granted to the Town in Section 10 of the Municipal Home Rule Law and Sections 276, 277, and 268 of the Town Law, the Town Board of the Town of Lewis authorizes and empowers the Planning Board of the Town of Lewis: to approve plats within that part of the Town of Lewis outside the limits of any incorporated city or village; and to pass and approve the development of plats already filed in the office of the Clerk of Lewis County if such plats are entirely or partially undeveloped, and the Planning board is authorized and empowered to approve or disapprove (a) changes in the lines of existing streets, highways, or public areas shown on subdivision plats or maps filed in the office of the Clerk of Lewis County, (b) the laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Town and highway laws within that part of the Town of Lewis outside the limits of any incorporated city or village.

Section 120 Title

This law shall be known as the "Subdivision Law of the Town of Lewis."

Section 130 Purpose

The purpose of this law is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.

Section 140 Administration

This law shall be administered by the planning board and the enforcement officer.

Section 150 Waiver

The planning board may waive, subject to appropriate conditions, the provision of any or all of such improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

Section 160 Fees

Application fees shall be set by town board resolution.

Section 170. Subdivision Process

Proposed subdivisions shall be determined by the planning board to be either minor or major as defined in this law, and shall follow the procedures as summarized below:

Minor subdivision shall follow the procedures of **Article 3** of this law, summarized as follows:

1. Submission of application for final plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on final plat.
5. Filing of plat in office of county clerk by subdivider.

Major subdivisions shall follow the procedures of **Article 4** of this law, summarized as follows:

1. Submission of application for preliminary plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on preliminary plat.

5. Submission of application for final plat approval.
6. Planning board review.
7. Public hearing (optional).
8. Planning board action on final plat.
9. Filing of plat in office of county clerk by subdivider.

ARTICLE 2: DEFINITIONS

For the purpose of this law words and terms used herein are defined as follows:

Agriculture: The raising of crops, animals or animal products, forestry, the selling of products grown on premises, and any other commonly accepted agricultural operations.

Final Plat: Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the planning board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

General Plan: Means a comprehensive or master plan for the development of the Town.

Official Submission Date: Means the date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the planning board.

Planning Board: The Lewis Town Planning Board.

Preliminary Plat: Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, 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.

Resubdivision: The combination or recombination of portions of previously platted lots or lots of record where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this law.

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

Road, Minor: Means a road intended to serve primarily as an access to abutting residential properties.

Sketch Plan: Means a sketch of a proposed subdivision 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 law.

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 shall include re-subdivision. A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development of the second lot thereof within any consecutive three year period.

Subdivision Inspector: Any person appointed, designated, or otherwise retained by the town board to carry out the functions assigned to such person according to this law.

Subdivision, Major: A subdivision containing five or more lots, or any subdivision requiring a new road.

Subdivision, Minor: A subdivision containing two, three, or four lots, fronting on an existing road.

Undeveloped Plat: Those plats where 20 percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

Zoning Law: Zoning Law of the Town of Lewis.

ARTICLE 3: MINOR SUBDIVISION REVIEW PROCEDURE

Section 305. Submission of Application

Applications and fees shall be submitted to the planning board at least 10 days prior to the meeting at which it is to be considered. The application shall contain all items as required in **Article 5** of this law.

Section 310. Acceptance of Completed Application--Official Submission Date

The application shall not be considered complete until 1) all information as required in **Article 5** of this law is provided, and 2) either a negative declaration has been filed, or a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of 6 NYCRR Part 617. Upon acceptance of a completed application, the planning board shall establish the official submission date of the application.

Section 325. Area Variance

Where the application shows lots which are not in compliance with the zoning law, the planning board may, at its discretion, refer the application to the zoning board of appeals for the consideration of an area variance review prior to the commencement of the planning board review.

Section 330. Public Hearing

Following the review of the application and supplementary material submitted in conformance with this law, and following negotiations with the subdivider on changes deemed advisable, the planning board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. This hearing may also fulfill the requirements of the State Environmental Quality Review Act for the draft environmental impact statement, where such hearing may be required. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened.

Section 335. Action on Application

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see **Section 340** below), or 3) disapprove the application. Such action shall be taken within 62 days of the close of the public hearing. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. The subdivider and the town assessor shall be notified of the final action of the planning board. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application.

Section 340. Conditional Approval of Application

The application shall be certified by the planning board within five days of conditional approval. A copy shall be filed with the planning board, and a copy provided to the subdivider along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

Section 345. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk.

Section 350. Modification of Designs After Approval

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the planning board, the planning board chairman may authorize such modifications, provided these modifications are within the spirit and intent of the planning board's approval and do not substantially alter the function of any such improvement required by the board. Any such authorization issued under this section shall be in writing and shall be reported to the planning board at the next regular meeting.

ARTICLE 4: MAJOR SUBDIVISION PROCEDURE

Section 405. Preliminary Plat Procedure

The preliminary plat review procedure shall follow the steps outlined for minor subdivision approval as set forth in [Sections 305 through 330](#) of this law, and shall then continue with the provisions of this article as follows.

Section 410. Preliminary Action

Within 62 days of the close of the public hearing, the planning board shall approve, with or without modifications, or disapprove the preliminary application and state its reasons for disapproval. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. Within five days of approval, the action of the planning board shall be noted on three copies of the preliminary plat and reference made to any modifications determined. One copy shall be returned to the subdivider and the other two copies retained by the planning board.

Section 415. Effect of Approval

Approval of a preliminary application shall not constitute approval of the final application, but shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider shall comply with this law and all requirements set forth by the planning board in their review of the preliminary plat.

Section 420. Application--Final Plat

All major subdivisions shall require final application approval by the planning board. If the final application is not submitted for approval within six months of preliminary application approval, the planning board may revoke the preliminary application approval. The subdivider shall file an application with appropriate fees for final application approval, accompanied by documentation as specified in [Article 5](#) of this law, with the planning board. Such application shall be submitted at least 10 days prior to the meeting at which it is to be considered by the planning board.

Section 425. Official Submission Date

The planning board shall establish an official submission date for the major subdivision final application. Such date shall be the date that the planning board determines the application to be complete, including all information required in [Article 5](#) of this law.

Section 435. Public Hearing

A public hearing may be held by the planning board after a complete application is filed and prior to rendering a decision. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened. The public hearing may be waived by the planning board if the final application is in substantial agreement with the preliminary application. If the final application is not in substantial agreement with the approved preliminary application, then the public hearing shall be conducted.

Section 440. Guarantees for Required Improvements

In order that the town has the assurance that construction and installation of public improvements will be guaranteed, the applicant shall either 1) construct all improvements as required by this law, and by the planning board, prior to final approval of the application, or 2) furnish guarantee as provided in [Article 7](#) of this law.

Section 445. Final Action

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see [Section 450](#) below), or 3) disapprove the application; within 62 days of the close of the public hearing. If the public hearing has been waived, the planning board shall act within 62 days of the final application official submission date. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. The subdivider and the town assessor shall be notified of the final action of the planning board. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application.

Section 450. Conditional Approval

The application shall be certified by the planning board within five days of conditional approval. A copy shall be filed with the planning board, and a copy provided to the subdivider along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

Section 455. Approval of Plats in Sections

Prior to granting conditional or final approval of a plat in final form, the planning board may permit the plat to be divided into two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the planning board chairman. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the planning board, shall be granted concurrently with conditional or final approval of the plat. In the event the owner shall file only a section of such approved plat in the office of the county clerk, two copies of the entire approved plat shall be filed within 30 days of the filing of such section with the town clerk. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed in the office of the county clerk within three years of the filing of the first section with the county clerk.

Section 460. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk.

Section 465. Modification of Designs After Approval

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the planning board, the planning board chairman may authorize such modifications, provided these modifications are within the spirit and intent of the planning board's approval and do not substantially alter the function of any such improvement required by the planning board. Any such authorization issued under this section shall be in writing and shall be reported to the planning board at the next regular meeting.

Section 470. Public Acceptance of Improvements

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 road, park, playground, recreation area, easement, public utility, or any other improvement. The plat shall 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 costs of developing and maintaining any such improvements.

ARTICLE 5: DOCUMENTS TO BE SUBMITTED

Section 510 Information Required for all Plat Submissions

The following shall be submitted with all applications for approval of all subdivisions:

1. Name and address of subdivider and professional advisers, including license numbers and seals.
2. Map of property, drawn to scale, at a scale of one inch to 50 feet, one inch to 100 feet, or one inch to 200 feet, showing:
 - a. Subdivision name, scale, north arrow and date.
 - b. Subdivision boundaries.
 - c. Contiguous properties and names of owners.
 - d. Existing and proposed roads, utilities and structures.
 - e. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
 - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, water supply, and sewage disposal facilities.
 - g. Land contours at ten feet intervals, or other suitable indicators of slope.
3. Copy of tax map(s).
4. Existing restrictions on the use of land including easements, covenants and zoning.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost.

Section 520 Minor Subdivisions

The following shall be submitted with all applications for approval of a final plat for a minor subdivision:

1. One copy of the plat to be submitted to the county clerk, drawn with ink on appropriate material, plus two paper copies.
2. Information specified under **Section 510**, updated and accurate.
3. Sufficient data acceptable to the planning board to readily determine the location, bearing and length of every road line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
4. On-site sanitation and water supply facilities shall be designed to meet the specifications of the NYS Department of Health, and a statement to this effect shall be made on the application.
5. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
6. Additional information as deemed necessary by the planning board.
7. Any required fees.

Section 530 Preliminary Plat, Major Subdivision

The following shall be submitted with all applications for approval of a preliminary plat for a major subdivision, except where waived by the planning board as provided for in **Section 550** below:

1. Three copies of the plat map, drawn to scale. The map scale shall be one inch to 100 feet unless otherwise specified by the planning board.
2. All information specified under **Section 510**, updated and accurate.
3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading and landscaping plans.
5. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
6. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
7. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
8. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and subbase, the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with approximate dimensions and area of each lot.
11. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the planning board, shown on the plat.
12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
13. A draft Environmental Impact Statement, if required.
14. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the undivided part shall be submitted for study to the planning board.
15. Additional information as deemed necessary by the planning board.
16. Any required fees.

Section 540 Final Plat, Major Subdivision

The following shall be submitted with all applications for approval of a final plat for a major subdivision, except where waived by the planning board as provided for in **Section 550** below:

1. One copy of the plat to be submitted to the county clerk, drawn with ink on suitable material, plus two copies. The map scale shall be one inch to 100 feet unless otherwise specified by the planning board.
2. Proposed subdivision name and the name of the town and county; the name and address of record owner and subdivider; name, address, license number and seal of the surveyor and/or engineer.
3. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
4. Sufficient data acceptable to the planning board to determine readily the location, bearing and length of every road line, lot line, boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
5. 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 of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
6. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the town attorney as to their legal sufficiency.
7. Permanent reference monuments shall be shown and constructed in accordance with planning board specifications.
8. Approval of the NYS Health Department of water supply systems and sewage disposal systems proposed or installed.
9. An approved Environmental Impact Statement, if required.

10. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and sub-base and other facilities.
11. Evidence of legal ownership of property.
12. Deed restrictions, existing and proposed in form for recording.
13. A certificate by the subdivision inspector certifying that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accord with requirements of this law and with the action of the planning board giving approval of the preliminary plat, or
 - b. A performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvement.
14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the planning board in enforcement of this law.

Section 550 Waiver of Submission Requirements

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the planning board may waive certain submission requirements.

ARTICLE 6: DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS

Section 605 Road Design Standards

Conformity with General Plan. The arrangement width, location and extent of major roads and all minor roads should conform and be in harmony with the General Plan for the Town. Roads not in the General Plan should conform to the recommendation of the planning board based on existing and planned roads, topography, public safety, convenience and proposed uses of land. The town highway superintendent shall be consulted by the planning board for an advisory opinion before the approval of any new road.

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

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

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

Dead End Roads. Each dead end road shall be provided with a turn around deemed sufficient by the town highway superintendent for snow plowing. Dead end roads designed to be so permanently shall not be permitted unless provided with a turn around.

Half Roads. Dedication of a half road shall be prohibited, except when essential to the reasonable development of the subdivision in conformity with the other requirements of this law and where the planning board finds it will be

practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half road is adjacent to a tract to be subdivided, the other half of the road shall be platted within such tract.

Access. In commercial and industrial districts, definite and assured provision shall be made for service access such as off road parking, loading and unloading consistent with and adequate for the uses proposed.

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

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

Trees. If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.

Standards for Road Design.

	Minor Road	Major Road
Minimum width, right-of-way	50 feet	60 feet
Minimum width, pavement	18 feet	24 feet
Minimum width, shoulders	5 feet	5 feet
Minimum radius, horizontal curves	150 feet except for road intersection corners	400 feet
Minimum length, vertical curves	Shall be such that at least 100 feet line of sight exists measured 3 feet above the road surface	200 feet
Minimum length, tangents between reverse curves	100 feet except where excessive grades may be reduced to reasonable grades by shortening tangent	200 feet
Maximum grade	10% except that grades up to 14% may be approved on short runs	6%-8%
Minimum grade	1%	1%
Minimum braking sight distance	200 feet	300 feet

Section 610 Road Construction Standards

1. Road improvements shall be installed at the expense of the subdivider.
2. Roads shall be built with:
 - a. Subgrade, which shall be rough graded the full width of the road right-of-way and compacted the full width between the outer edges of the curbs and gutter. The sub-base shall consist of a suitable gravel and stone material approved by the town highway superintendent and compacted to a depth approved by the town highway superintendent.
 - b. Base course, consisting of a suitable gravel and stone material approved by the town highway superintendent at least 18 inches in depth after compaction.
 - c. Surface course, consisting of an approved bituminous material.

Section 615 Sidewalks

Sidewalks may be required and shall be installed as follows:

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 or other approved material, and have a minimum width of four feet in residential areas, and five feet in commercial and industrial areas, and shall have a minimum thickness of four inches.

Section 620 Utilities

Public utility improvements may be required and shall be installed as follows:

1. Fire Protection: Hydrants to be of size, type and location specified by the Insurance Services Organization.
2. Street Lighting: Poles, brackets and lights to be of size, type and location approved by the local power company.
3. Electricity: Power lines shall be placed underground and shall be approved by the local power company.
4. Utility Services: Shall be located from six to eight feet from the front property line to the center line of the utility service between the sidewalk and curb line.

Section 625 Water Supply

If, in the opinion of the planning board, it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the subdivider to the approval of the planning board.

Section 630 Sewage Disposal

If, in the opinion of the planning board, it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the subdivider to the approval of the planning board in accordance with plans approved by the NYS Department of Environmental Conservation. All sanitary sewage disposal systems shall meet the requirements of the NYS Department of Health and Department of Environmental Conservation to the satisfaction of the planning board.

Section 635 Lots

Location. All lots shall abut by their full frontage on public roads to ensure suitable access.

Dimensions. The lot size, width, depth, shape and area shall comply with the Town Zoning Law.

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

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

Setback. The provisions of the Town Zoning Law shall apply regarding setback lines.

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

Corner Lots. Lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

Section 640 Unique and Natural Features

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six months of completion

of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

Section 645. Park and Recreation Areas

Upon a finding of the planning board that a proper case exists for requiring that park/recreational space be suitably located on the plat for playgrounds or other recreational purposes, the planning board may require that the developer satisfactorily develop any such area shown on the plat. Any 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 will contribute. Upon such finding, the planning board shall require that not more than 10% of the total area of the subdivision be allocated for park or recreational use. Such area may be dedicated to the town by the subdivider if the town board approves such dedication. Alternatively, park or recreational space may be conveyed to a homeowners association for control and joint private ownership and maintenance.

Section 650 Unsuitable Land for Subdivisions

As a safety measure for the protection of the health and welfare of the people of the Town, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g, drainage problems), shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board. Before final approval, the subdivider shall in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

ARTICLE 7: BOND FOR INSTALLATION OF IMPROVEMENTS

Section 710 General

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

1. Construct all improvements directly affecting the subdivision as required by this law and by the planning board, prior to final approval of the plat.
2. In lieu of the completion of the improvements, furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the planning board.
3. In lieu of the completion of improvements, deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

Section 720 Conditions

Before the final plat is approved, the developer shall have executed a subdivider contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements that have been designated by the planning board. The performance bond or certified check shall be to the Town and shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations. Any such bond shall require the approval of the town board and the town attorney as to form, sufficiency, manner of execution and surety. Wherever a certified check is made, the same shall be made payable to the Town.

Section 730 Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the final plat. Road improvements shall be completed within two years from the date of approval

of the final plat. The subdivider may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

Section 740 Agreement - Schedule of Improvements

When a certified check or performance bond are made pursuant to the preceding sections, the Town and subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, 10% of the check deposit or performance bond shall not be repaid to the subdivider until one year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.

Section 750 Modification of Requirements

Upon approval by the town board, the planning board after due notice and public hearing may modify its requirements for any or all improvements, and the face value of the performance bond shall thereupon be increased or reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the planning board and any security deposited with the bond may be increased or reduced proportionately.

Section 760 Inspections

Periodic inspections during the installation of improvements shall be made by the subdivision inspector to insure conformity with the approved plans and specifications as contained in the subdivider's contract and this law. The subdivider shall notify the Subdivision Inspector when each phase of improvements is ready for inspection. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the town clerk the inspection fee required by the town board. Upon acceptable completion of installation and improvement, the planning board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified deposit as designated in the subdivider's contract to cover cost of such completed work.

Section 770 Acceptance of Roads and Facilities

When the subdivision inspector following final inspection of the subdivision, certifies to the planning board and the town board that all installation and improvements have been completed in accordance with the subdivider's contract, the town board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

ARTICLE 8: MISCELLANEOUS PROVISIONS

Section 810 Penalty Provisions

1. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resist the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation. Each week an offense is continued shall be deemed a separate violation of this law.
2. In addition to the penalties provided by statute, the town board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

Section 820 Certification and Filing with County

The town clerk is hereby directed to forthwith file a certified copy of this local law with the Clerk of Lewis County.

Section 830 Severability

If any clause, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section, or part of this local law.

Section 840 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.