



## Article A - Declaration of Policy

Pursuant to the provisions of Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Montague is authorized and empowered to approve plats showing lots, blocks or sites, with or without roads, to approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk and to approve preliminary plats, within the Town of Montague. It is declared to be the policy of the Town Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. Land to be subdivided shall be of such character that it can be used safely for drainage, water supply, sewerage and other needed improvements. Proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. The proposed roads shall compose a convenient system and shall be of such width, grade and location as to accommodate the prospective traffic and facilitate fire protection.

## Article B. Definitions

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

**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 Town Board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

**Preliminary Plat:** Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, submitted to the Town Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Town Board of the layout of the proposed subdivision.

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

**Road, Local** 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 Town Board as to the form of the layout and objectives of this law.

**Subdivision** Division of any parcel of land into two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. 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. The term **subdivision** shall not include a division of land approved by a probate or other court; a division of land for agricultural purposes into parcels of five (5) acres or more not involving new roads or easements of access; conveyances of land for use as rights-of-way for rail, highway or public utilities; the sale or exchange of parcels of land between owners of adjoining property if added lots are not created and lots resulting are not

reduced below minimum sizes required by this or other applicable laws; or a division of land into not more than four (4) lots fronting on an existing public road.

**Subdivision, Major:** A subdivision containing eleven (11) or more lots, or any subdivision requiring a new road.

**Subdivision, Minor:** A subdivision containing five (5) to ten (10) lots, fronting on an existing public road.

#### **Article B - Platting Procedures**

Whenever any major or minor subdivision of land is proposed, before any contract or any offer to sell lots in such subdivision is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall apply to the Town Clerk, in writing, for approval of such proposed subdivision. Minor subdivisions shall complete the preliminary plat procedure only. Major subdivisions shall complete both the preliminary and the final plat procedure as follows:

1. **Pre-application Conference (minor and major subdivisions)**

Any owner of land anticipating subdivision procedure is encouraged to attend meetings of the Town Board before submitting an official application in order to discuss the intent and application of this law with the Town Board. An Environmental Assessment Form (EAF) may be required at this time.

2. **Official Submission of Plats (minor and major subdivisions)**

The time of submission of all plats shall be considered to be the date of the regular monthly meeting of the Town Board, at which plat and application must be filed with the required fee and all data required by these regulations. An EAF shall be required at this time if not previously submitted at the preapplication conference.

3. **Preliminary Plat (minor and major subdivisions)**

- a. **Application and Fee** - Prior to the filing of an application for final approval of a subdivision plat, the subdivider shall file an application for consideration of a preliminary plat. This application shall be accompanied by a fee according to the fee schedule established by the Town Board.
- b. **Number of Copies** - Five (5) copies of the preliminary plat shall be presented to the Town Clerk at least ten (10) days prior to the Town Board's regular meeting date.
- c. **Subdivider shall attend this meeting.**
- d. **Study of Preliminary Plat** - The Town Board shall study the advisability of the preliminary plat. The Town Board shall consider all aspects, economic, social, and environmental, and judge what the net effect of the proposal would be to the community.
- e. **Official Acceptance Date** - The official acceptance date of the preliminary plat shall be the date on which a complete application was accepted by

the Town Board, including a draft Environmental Impact Statement, where required.

4. Documents to be Submitted for Minor Subdivision

- a. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
- b. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tracts shall be marked by monuments approved by the Town Board and shall be shown on the plat.
- c. Statement from the developer certifying that the sanitation and water supply facilities on the site shall meet all State, County and Town requirements.
- d. Proposed subdivision name, name of Town and County in which it is located.
- e. The date, north point, map scale and name and address of record owner and subdivider.
- f. The scale of the plat should be 1"=100', and show lot lines and dimensions.
- g. A draft Environmental Impact Statement where required.

5. Documents to be Submitted for Major Subdivision

- a. A plat at the scale of 1"=100' showing
  - (1) Proposed subdivision name, name of town and county in which it is located, date, true north point, scale name and address of record owner, subdivider, engineer or surveyor including license number and seal.
  - (2) The name of the owners of record of all adjacent property.
  - (3) All parcels of land proposed to be dedicated to public use and the conditions of such use.
  - (4) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, stands of trees and other significant features for the proposed subdivision.
  - (5) Contours with intervals of two (2) feet including elevations of existing roads; approximate grading plan for the site.
  - (6) The width and location of any roads or public ways and the width, location, grades and road profiles of all road or public ways proposed by the developer.
  - (7) The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.

- (8) Drainage plan, including profiles of lines or ditches.
- (9) The proposed lot lines with approximate dimensions and area of each lot.
- (10) 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 Town Board, and as shown on the plat.

- b. Plans and cross-sections showing sidewalks, road lighting, road trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, the location of any underground cables.
- c. Preliminary designs for any bridges or culverts.
- d. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
- e. A draft Environmental Impact Statement, if necessary.

6. Preliminary Plat Approval (minor and major subdivisions)

Within forty-five (45) days after the receiving date of a preliminary plat, the Town Board shall hold a public hearing on the preliminary plat. The date of this hearing shall be advertised in a newspaper of general circulation at least five (5) days before the hearing. Within forty-five (45) days of this hearing the Town Board shall approve, with or without modifications, or disapprove of the preliminary plat. The grounds of a modification, if any, or the grounds for disapproval shall be stated upon the Town Board records. If approved the preliminary plat shall be so certified and a copy sent to the applicant. The time limits stated herein may be extended by mutual agreement between the applicant and the Town Board. For major subdivisions, approval of a preliminary plat shall not constitute approval of the subdivision. It shall serve as a guide in preparing the final plat. Minor subdivisions shall proceed to step 10.

7. Final Plat (major subdivisions)

The subdivider shall, within six (6) months after approval of the preliminary plat, file with the Town Board an application for approval of the final subdivision plat. This application shall be accompanied by a fee according to the fee schedule established by the Town Board.

8. Documents to be submitted (major subdivisions)

- a. The original plat, to be filed with the County Clerk, printed in ink on appropriate material, plus three (3) copies. The scale shall be 1"=100' unless otherwise agreed upon by both the Town Board and subdivider. The plat shall show:

- (1) Proposed subdivision name and the name of the town and county in which the subdivision is located, the name and address of record

owner and subdivider, name, address, license number and seal of the surveyor.

- (2) Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
- (3) Sufficient data acceptable to the Town Board to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such lines on the ground.
- (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, and 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.
- (5) Permanent reference monuments shall be shown and constructed in accordance with Town Board specifications.

- b. State Health Department approval of water supply and sewerage systems proposed or installed.
- c. An approved Environmental Impact Statement, if necessary.
- d. Two (2) copies of construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of roads, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers or septic systems, storm drains or ditches, pavements, and sub-base and other facilities. One (1) copy of all offers of cession, contract, covenants and agreements, bearing the certificate of approval of the Town Attorney as to their legal sufficiency, shall be presented to the Town Clerk at least ten (10) days prior to the regular monthly meeting of the Town Board.

9. Action on Proposed Subdivision (major subdivisions)

The Town Board shall conditionally approve, conditionally approve with or without modifications, disapprove, or grant final approval to the final plat within forty-five (45) days of its submission to the Town Clerk. If denied, the grounds must be stated and modifications recommended by the Board to the developer. The Town Board may hold a public hearing on the final plat. If public hearing is held, the Town Board must render decision within forty-five (45) days of said hearing.

10. Filing of Approved Subdivision Plat (minor and major subdivisions)

Upon completion of the above sections and such notation on the plat itself, it shall have final approval and shall be signed by the Town Supervisor and shall be filed with the County Clerk. If not filed within sixty (60) days of final approval, the plat shall become ineffective and void. The plat shall be void if revised after approval.

## 11. Public Roads, Parks, and Recreation Areas

The approval of the Town Board of a subdivision plat does not constitute acceptance by the Town of any road, easement or other space shown on the plat.

### Article D - General Development Standards

1. In considering applications for subdivision of land, the Town Board shall use the following standards.
2. General
  - a. Land to be subdivided shall be of such character that it can be used safely for development purposes without danger to health or peril from fire, flood, erosion, or other natural acts.
  - b. All required improvements shall be constructed or installed to conform to the Town specifications found in Article E of this law.
3. Design Standards
  - a. Road Layout
    - (1) Roads shall be of sufficient width, suitably located and adequately constructed to accommodate expected traffic loads and afford access for fire fighting, snow removal, school buses, and road maintenance and road maintenance equipment. The arrangement of roads and lots shall be in harmony with surrounding areas and roads.
    - (2) Local roads shall be laid out to discourage through traffic.
    - (3) The arrangement of roads shall provide for the continuation of principal roads of any adjoining subdivision, and provision for future projection of principal roads into adjoining areas shall be made. Subdivisions containing 20 or more lots shall have at least two road connections with existing collector roads or major roads at least one quarter mile apart.
    - (4) At least one fifty (50) foot right-of-way shall be reserved within the minor subdivision road frontage to allow access to land behind the frontage lots.
    - (5) Dead end roads will be allowed whenever such development will not interfere with normal traffic circulation in the area. A pedestrian and utility easement may be required for continuation to the next road.

These standards shall apply to dead end roads.

  - (a) Drainage toward the entrance.
  - (b) Shall not service more than twelve (12) residences nor be greater than twelve hundred (1,200) feet in length.

- (c) Shall have a turn around at the end of the road which shall have a right-of-way radius of seventy-five (75) feet and a pavement radius of fifty (50) feet.
  - (d) Shall bear a "NO OUTLET" or "DEAD END" sign at the entrance.
- (6) The road plan of proposed subdivision shall bear a logical relationship to the terrain.
  - (7) No intersection of more than two roads is allowed.
  - (8) Reserve strips used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself are prohibited.
- b. Road design shall be in accordance with the Town of Montague Road Standards.
  - c. Lots
    - (1) Lot sizes shall conform to the the Town of Montague Rural Development Code. Lots shall be of sufficient size to accommodate buildings and sanitary systems.
    - (2) Lot lines shall generally not meet each other or any boundaries at less than 75° angle nor greater than 105° angle.
  - d. Preservation of Natural Features
    - (1) Top soil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings.
    - (2) Whenever possible, existing trees and shrubbery shall be conserved by the subdivider. Care should be exercised in construction so damage to existing trees and shrubs is avoided. The Town Board may visit the site with the developer to discuss optimum siting of roads and lots so as to preserve the existing quality of the site.
    - (3) Streams, lakes, ponds, and wetlands within a subdivision should be left unaltered unless an alteration to such bodies of water would serve to enhance the utility and quality of the subdivision. Easements along water courses as a part of a comprehensive recreational and open space plan for the development will be viewed favorably by the Town Board.
    - (4) Unique physical, historical and cultural sites shall be incorporated into the subdivision in their present state or improved by the design.
    - (5) All surfaces must be graded or restored within six (6) months of the time of completion of the subdivision so that no unnatural mounds or depressions remain.



e. Landscape and Ground Cover

- (1) All lot areas shall be seeded where possible.
- (2) A comprehensive planting scheme shall be reviewed and shall be finally approved by the Town Board. Shade trees, shrubs and ground cover are recommended for each lot.

**Article E - Required Improvements**

The developer shall either complete all improvements to the satisfaction of the Town Board or post a performance bond or certified check sufficient to insure the satisfactory completion of the following required improvements, prior to the approval of the final subdivision plat.

1. The following improvements are required in all subdivisions.

a. Roads

All roads shall conform to standards approved by the Town or County Highway Superintendent, who shall judge what requirements are appropriate for the level of use expected as a result of the proposed subdivision according to the standards set forth in the Town of Montague Road Standards. Generally, standards for collector and local roads shall apply to all subdivisions.

b. Sewage Disposal Systems

All sewage disposal systems shall meet the standards set forth by Part III of the Town of Montague Rural Development Code. If soils and other factors make septic tank and leach field systems insufficient, alternative methods shall be required, either on an individual or community level.

c. Water Supply

All lots shall be capable of being served with an adequate freshwater supply, (150 gal./day/bedroom) which shall meet all applicable Town, State, and County requirements.

2. The following improvements shall be required in all major subdivisions, but specific provisions may be waived by the Town Board in special cases.

a. Road Signs and Guard Rails

- (1) Road signs shall be provided according to Town Board standards and shall indicate road names shown on the final plat.
- (2) Guard rails or posts shall be placed along the shoulder of any road where road construction has resulted in an embankment greater than six (6) feet.

b. **Drainage**

Adequate storm drainage systems shall be required in all subdivisions, along with all other necessary provisions to reduce runoff erosion damage as required in the Town of Montague Road Standards.

c. **Utilities and Utility Easements**

The Town Board shall require that all underground utilities be placed in the road right-of-way between the property line and the road traffic surface whenever possible. The subdivider shall install underground service connections in the road to the property line of each lot within the subdivisions. Easements for utility lines shall be graded and seeded.

**Article F. Waiver**

The Town 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.

**Article G. Fees**

Application fees shall be set by Town Board resolution.

**Article H. 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 the Subdivision Control Law of the Town of Montague shall, upon conviction, be deemed guilty of a violation. A violation of this law is an offense punishable by a fine not to exceed three hundred fifty dollars (\$350.00). 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.

**Article I. 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.

**Article J. 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.

**Article K. Effective Date**

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