

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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

County City Town Village
(Select one.)

of Osceola

FILED
STATE RECORDS

NOV 16 2023

Local Law No. 2 of the year 2023

A local law Town of Osceola Subdivision Law
(Insert Title)

DEPARTMENT OF STATE

Be it enacted by the Osceola Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Osceola

as follows:

ARTICLE 1. INTRODUCTION

Section 105. Title

This law shall be known and may be cited as the " Town of Osceola Subdivision Law."

Section 110. Purpose

This law has been enacted for the purpose of providing for the future growth and development of the town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

Section 115. Authority

By the authority of Article 2 and 3 of Municipal Home Rule Law and Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Osceola is authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, and to approve the development of plats entirely or partially undeveloped, which were filed in the office of the county clerk prior to the appointment of the planning board and the grant to the planning board of the power to approve plats.

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

Section 120. Previous Regulations

This law shall replace and supersede the prior existing subdivision law.

Section 125. Definitions

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

Cluster Development: A form of development for subdivisions that permits a reduction in lot area requirements for some or all lots in a tract, provided there is no increase in the number of lots permitted under a conventional subdivision, and where the resultant land is either 1) devoted to permanent open space, or 2) is permanently combined with the remainder of the lots, where only some of the lots are reduced in area.

Easement: An authorization by a property owner for the use of any designated part of a property by another, and for a specific purpose.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be developed or built upon as a unit.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Parcel: Any area of land established by plat, subdivision, or as otherwise permitted by law, regardless of whether it is defined as a "lot" or whether it is to be developed or built upon as a unit.

Planning Board: The Town of Osceola Planning Board.

Plat: A map of a subdivision.

Plot Plan: A surveyor's plat constructed from deed descriptions and actual physical building or improvement measurements.

Reallotment: The relocation of lot lines of any lot or parcel, the deed to which was previously recorded in the office of the county clerk; but not including conveyances made so as to combine existing lots by deed or other instrument.

Resubdivision: The further division of lots or parcels.

Road: Any vehicular way which is: 1) an existing state, county or town roadway; 2) shown upon a plat approved pursuant to law as a road; 3) approved by other official action; or 4) shown as a road on a plat duly filed in the office of the county clerk prior to the grant of plat approval authority to the planning board.

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

Subdivision: The division of any parcel of land into two or more lots or parcels, including any remainder of the original parcel, with or without roads, and including reallotment and resubdivision.

Subdivision, Major: A subdivision not classified as a minor subdivision.

Subdivision, Minor: A subdivision containing two to five lots or parcels, and not involving 1) the creation of any new public road, 2) the dedication of lands or facilities to the public, 3) the extension of municipal facilities or other structural public improvements other than minor drainage facilities, or 4) the set-aside of open space through cluster development.

Town Board: The Town Board of the Town of Osceola

Undeveloped Plat: A plat 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 Osceola adopted by Local Law No. 2 of 1987, as subsequently amended.

Section 130. Preapplication Conference

All potential subdividers are encouraged to meet with the planning board prior to the submission of a formal application for a subdivision approval. Such a meeting may be used to expedite the review process by allowing the planning board and the applicant to be advised of the following: 1) the potential classification of the subdivision as minor or major, 2) the requirements under the State Environmental Quality Review Act, 3) the possible involvement of other government agencies in the review process, and 4) the determination of wetlands and floodplains.

Section 135. Procedural Waiver

The planning board may waive the application and review procedure as provided for in this law if the planning board determines that the proposed subdivision is of minor significance. Such waiver shall be in writing, and shall include the following findings:

1. The proposed subdivision does not involve the creation of more than two lots.
2. The applicant has provided evidence acceptable to the planning board that all proposed lots conform to the requirements of the zoning law. Such evidence may consist of proposed deeds, plot plans or surveys of the lands included in the proposed subdivision, or of part of the lands included in the proposed subdivision where such part provides the planning board with evidence sufficient to make a determination.
3. The proposed subdivision has no negative environmental significance pursuant to 6 NYCRR Part 617.

Section 140. 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 subdivisions shall follow the procedures of Article 2 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 3 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.

Section 145. Fees

Fees for subdivision reviews shall be as established in the Town of Osceola Fee Schedule.

Section 150. Waiver of Required Improvements

Where 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 have the effect of nullifying the intent and purpose of the zoning law. In granting waivers, the planning board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Section 155. Separability

If any clause, sentence, subsection, section, or article of this law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, section, or article thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 160. Violations and Penalties

1. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
2. The town board may institute any appropriate action or proceedings to prevent unlawful division of land, to restrain, correct or abate any violation of this law, or to prevent the use or occupancy of said land, and upon the refusal of the town board to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the zoning district wherein the violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such town board is authorized to do.

Section 165. Effective Date

This law shall take effect upon filing in the Office of the Secretary of State and upon filing in the Office of the Town Clerk.

ARTICLE 2. MINOR SUBDIVISION REVIEW PROCEDURE

Section 205. Submission of Application

Applications and fees shall be submitted to the planning board at least ten days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article 4 of this law.

Section 210. Acceptance of Completed Application—Official Submission Date

The application shall not be considered complete until 1) all information as required in Article 4 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 215. Agricultural Data Statement

The planning board shall mail written notice of the application to land owners as required by Town Law Section 283-a for any subdivision on property in an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation within an agricultural district. Such notice shall be mailed to any farm operation within an agricultural district which is within 500 feet of the proposed subdivision.

Section 220. Area Variance

In order to expedite the review process, where the application shows lots which are not in compliance with the zoning law, the planning board may, at its discretion and upon agreement with the applicant, stay the review process and refer the application to the zoning board of appeals for the consideration of an area variance review without the necessity of disapproving the application and requiring its resubmission.

Section 225. 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 shall 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. Notice shall be given to the municipal clerk of any municipality bordering the town and within 500 feet of the project at least ten days prior to the hearing. The hearing shall be closed within 120 days after it has been opened.

Section 230. 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 235 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. A certified copy of any resolution granting conditional or final approval shall be filed with the board, with the town

clerk, and mailed to the applicant within five business days of the action. 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 235. Conditional Approval of Application

A statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat shall be provided to the applicant. 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 240. 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 245. 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 board may authorize such modifications, provided these modifications are within the spirit and intent of the 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 entered into the record of the board.

ARTICLE 3. MAJOR SUBDIVISION PROCEDURE

Section 305. Preliminary Plat Procedure

The preliminary plat review procedure shall follow the steps outlined for minor subdivision approval as set forth in Sections 205 through 225 of this law, and shall then continue with the provisions of this Article as follows.

Section 310. 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 315. 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 320. 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 4 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 325. 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 4 of this law.

Section 335. 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. Notice shall be given to the municipal clerk of any municipality bordering the town and within 500 feet of the project within ten days of 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 340. 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 Town Law Section 277 and Article 8 of this law.

Section 345. 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 350 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. A certified copy of any resolution granting conditional or final approval shall be filed with the board, with the town clerk, and mailed to the applicant within five business days of the action. 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 350. Conditional Approval

A statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat shall be provided to the applicant. 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 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 355. 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, may be granted concurrently with conditional or final approval of the entire plat. In the event the owner shall file only a section of such approved plat in the office of the county clerk, 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 360. 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. When filing a plat which has been approved pursuant to the provisions of Article 7 (Cluster Development) of this law, a copy of the plat shall be filed with the town clerk who shall make appropriate notations and references thereto in the town zoning law or map.

Section 365. 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 board may authorize such modifications, provided these modifications are within the spirit and intent of the 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 entered into the record of the board.

Section 370. 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 4. DOCUMENTS TO BE SUBMITTED

Section 400. General

Minor subdivisions must comply with sections 410 and 420 below.

Preliminary applications for major subdivisions must comply with sections 410, 430 and 440 below.
Final applications for major subdivisions must comply with sections 450 and 460 below.

Section 410. Application Requirements for All Subdivisions

All applications for minor subdivisions and preliminary plats for major subdivisions shall include the following:

1. Five copies of the application form.
2. A nonrefundable application fee.
3. A copy of any covenants or deed restrictions which are intended to cover all or part of the tract.
4. Five copies of the plat prepared at a scale of not more than 100 feet to the inch.
5. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable.
6. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

Section 420. Minor Subdivision Plat Requirements

All minor subdivision plats shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at USGS intervals, minimum, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
3. The locations of all zoning front, side and rear yard lines; zoning district lines and the names of all applicable zones; floodplains; wetlands; and easements.
4. The words "final plat."
5. Any other specifications required by the planning board.

Section 430. Preliminary Plat—Major Subdivision Application Requirements

Preliminary plat applications for major subdivisions shall contain the following:

1. All items specified in Section 410 above.
2. If the application is for a subdivision in sections, covering only a part of the subdivider's entire holding, a map of the entire subdivision, drawn at a scale of not less than 300 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 subdivision and the probable future drainage layout of the entire subdivision shall be submitted. The section submitted shall be considered in the context of the entire subdivision.

Section 440. Preliminary Plat—Major Subdivision Plat Requirements

The preliminary plat for major subdivisions shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
3. The locations of all zoning front, side and rear yard lines, zoning district lines and the names of all applicable zones.

4. The parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. The location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, wooded areas, floodplains, and other significant existing features for the proposed subdivision and adjacent property.
6. The location of existing wells, on-site sewage disposal systems, sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
7. Contours with intervals of five feet or less, or as required by the planning board, including elevations on existing roads; and a grading plan, where natural contours are to be changed more than 2 feet.
8. The width and location of any roads or public ways or places shown on the comprehensive plan, within the area to be subdivided, and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; and connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water and sewer lines.
10. A storm drainage plan indicating the approximate location and size of proposed lines and their profiles; and connection to existing lines or alternate means of disposal.
11. Plans and cross-sections of the proposed location and type of sidewalks, road lighting standards, road 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.
12. Preliminary designs of any bridges or culverts which may be required.
13. The words "preliminary plat."
14. Any other specifications required by the planning board.

Section 450. Final Plat--Major Subdivision Application Requirements

Final plat applications for major subdivisions shall contain the following:

1. Five copies of the application form.
2. A nonrefundable application fee.
3. Copies of agreements or other documents showing the manner in which public open space areas are to be maintained and the provisions made therefor.
4. Offers of cession and covenants governing the maintenance of unceded open space, bearing the certificate of approval of the town attorney as to their legal sufficiency.
5. A map indicating the location of monuments marking all underground utilities as actually installed.
6. Five copies of the plat prepared at a scale of not more than 100 feet to the inch.

Section 460. Final Plat--Major Subdivision Plat Requirements

The final plat shall be prepared and drawn in conformity with Appendix A of this law and show:

1. Sufficient data from an actual field survey to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground.
2. The length and bearing of all straight lines; the radii, length, central angles and cord bearings for road curves; the dimensions and angles of the lines of each lot; and all dimensions in feet and decimals of a foot.
3. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
4. The locations of all zoning front, side and rear yard lines; zoning district lines and the names of all applicable zones; floodplains; wetlands; and easements.

5. Public open spaces for which deeds are included, and those spaces title to which is reserved by the developer.
6. Lots and blocks numbered and lettered in accordance with the prevailing town practice.
7. Permanent reference monuments.
8. The words "final plat."
9. Any other specifications required by the planning board.

Section 470. Waiver of Submission Requirements

The planning board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

ARTICLE 5. GENERAL DESIGN STANDARDS

Section 505. General

Land to be subdivided shall be of such character that it can be used safely for development without danger to public health or safety; the subdivision plan shall be in harmony with the comprehensive plan for the community; and all required improvements shall be constructed and installed in conformance with town specifications.

Section 510. Future Resubdivision

Where land is subdivided into lots substantially larger than the minimum size required in the zoning district in which the subdivision is located, the lots and roads shall be laid out so as to permit future resubdivision in accordance with the requirements contained in this law.

Section 515. Approval of Substandard Parcels

All parcels shall comply with the provisions of the zoning law, except that the planning board may, in unique circumstances, approve parcels which are substandard in terms of size or dimension in the following circumstances:

1. for road or access rights-of-ways,
2. where the parcel is intended to be used permanently for nonstructural recreational purposes,
3. where land is intended to be conveyed to an adjacent landowner for purposes of combination with an adjacent parcel,
4. where the land is intended to be left permanently undeveloped, or
5. where land is to be used for essential facilities as defined by the zoning law.

Section 520. Lot Arrangement

1. The lot arrangement shall be such that in constructing a building in compliance with the zoning law there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unbuildable soils.
2. All lot dimensions and areas shall conform to the requirements of the zoning law, except where such requirements have been modified pursuant to Article 7 (Cluster Development) of this law.
3. Corner lots shall have sufficient width to allow appropriate building setbacks from, and orientation to, all abutting roads.

4. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be avoided.
5. Side lot lines shall be approximately at right angles to straight roads or radial to curved roads. Lot lines shall generally not joint at less than a 75 degree angle or greater than a 105 degree angle. Lot lines shall be straight on large lots, except where the topography of the site would make this impractical.
6. Where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provision for such on-site sanitary disposal systems as are required by 10 NYCRR Appendix 75-A, Wastewater Treatment Standards – Individual Household Systems.

Section 525. Lot Access

1. Each lot shall directly abut a public or approved private road meeting the requirements of this law, as required by Town Law Section 280-a.
2. All lots shall be designed so as to allow for safe access.
3. All lots shall be designed so as to allow for the construction of driveways within the road right-of-way not exceeding a 10 percent grade.
4. Where a watercourse separates a road from abutting lots, provision shall be made for access to all lots by means of culverts or other structures.
5. At least one 50 foot right-of-way shall be reserved at a location suitable to the planning board, allowing access to land behind road frontage lots.

Section 530. Monuments

Permanent monuments shall be set at the subdivision boundaries at all corners, and at such other points as required by the planning board. Such monuments shall be of either iron rods or pipes, or concrete.

Section 535. Water Supply and Sewage Disposal

All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State and County Health Department.

Section 540. Preservation of Natural Features

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. Existing vegetation should be conserved by the subdivider where possible. Care shall be exercised in construction so as to avoid damage to existing trees and shrubs. Streams, lakes, ponds, and wetlands shall be left unaltered unless such alteration 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 are encouraged. Unique physical, historical, and cultural sites which add value to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets shall be preserved where possible.

Section 545. Park and Recreation Areas

Upon a finding by 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 550. Storm Water Management

No stormwater shall be caused to be discharged upon neighboring properties, across public sidewalks or into public streets. Surface water drainage facilities shall be designed to handle all on-site runoff (ten-year-storm frequency as the minimum design criteria), and the discharge into public storm sewers shall be at a rate which can be adequately handled by existing storm sewers and drainageways. Where storm sewers do not exist, the planning board may approve alternative means of discharging stormwater upon approval of a stormwater management plan, where such alternative adequately protects the public health, safety and welfare.

Section 555. Development in Floodplains

All subdivisions shall comply with the provisions of the Town of Osceola Flood Damage Prevention Law, Local Law No. 1 of 1987, as subsequently amended.

Section 560. Steep Slopes

Development of steep slope sites of over 15% grade will be conditionally accepted only if there is no prudent or feasible alternative site, and erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development consistent with the NYSDEC New York Standards and Specifications for Erosion and Sediment Control.

ARTICLE 6. ROAD STANDARDS

Section 605. Purpose

Roads shall be of sufficient width, suitably located, and adequately constructed to conform to the comprehensive plan, and to accommodate the prospective traffic and afford access for fire fighting, emergency vehicles, school buses, snow removal, and road maintenance equipment. These standards are not intended to provide for all situations but to be flexible in form or content. They are intended to assist, but not substitute for, competent work by design professionals. It is expected that land surveyors, engineers, architects, and contractors will bring to each project the best of the skills from their respective disciplines and trades.

Section 610. Definitions

As used in this article, words shall be defined as follows:

AASHTO: American Association of State Highway and Transportation Officials.

Adjacent Property: Property lying near or close to; sometimes contiguous; neighboring or two properties that are not widely separated, though they may not actually touch.

Approved Pit: A pit licensed and permitted by the Department of Environmental Conservation.

As-Built Plans: The original project plans that have been updated showing all changes that occurred during construction.

Average Daily Traffic (ADT): The total two-directional volume of traffic passing through a given point during a given time period, divided by the number of days in that time period. When used as a threshold to determine classification (size) of the access point or road, ADT shall be based on the ultimate build out of all land, considering current zoning that will potentially be served by the access point or road.

Bank-run Gravel Pit: An on-site gravel pit containing clean gravel. All top soil from the pit site shall be removed before gravel is dug, and shall be replaced and the landscape reclaimed when the project is finished.

Bituminous Pavement: A pavement comprising an upper layer or layers of aggregate mixed with a bituminous binder, such as asphalt, coal tars, and natural tars.

Centerline: The established center point of a road.

Compaction: Mechanically compressing soil or rock, resulting in increased density in pounds per cubic foot.

Cross Slope: The slope that is perpendicular to the direction of travel. Pavement cross slope is an important cross-sectional design element. The cross slope drains water from the roadway laterally and helps minimize ponding of water on the pavement. This prevents maintenance problems and also minimizes icing from occurring on poorly drained pavement.

Crowned: A road surface that is sloped from the center of the road to the inside and outside road edges. This is one method of achieving road surface drainage.

Cul-de-sac: Short road having one end open to traffic and the other temporarily or permanently terminated by a vehicle turnaround.

Culvert: A drainpipe that channels water across and off a road.

Dead-End Road: A road that terminates with no exit or possibility of advancement.

Design Life: The time in years from original construction until the present serviceability index has dropped to two point zero (2.0).

Design Speed: The typical operating speed on a roadway. Also, the speed used to determine the various design features of a roadway based on terrain, traffic volume, and roadway classification.

Downspout: A trough attached to a culvert outlet that carries water beyond the fill slope to control erosion.

Driveway: Access to one or two individual lots.

Driving Lane: The portion of the roadway for the movement of vehicles, exclusive of shoulders. This is the total distance from one edge of the pavement to the other.

Easement: A right to use or control the property of another for designated purposes.

Embankment: Soil, aggregate, or rock material placed on a prepared ground surface and constructed to grade. The embankment is the fill material on the downhill side of the road, or on through fill sections, the entire road.

Grade: Rate or percent of change in slope, either ascending or descending from or along the roadway. It is measured along the centerline of the roadway or access point.

Gravel: A mix of stone, sand and fine-sized particles used as sub-base, base or surfacing on a road. In some regions, it may be defined as aggregate.

Horizontal Curve: A circular curve used to change horizontal direction, left or right, of a road.

Intersection: The general area where two or more roadways join or cross. Minor approaches to roadways such as private driveways are also defined as an intersection.

Land Surveyor: A professional land surveyor currently licensed by the State of New York.

Lane: The portion of the roadway for the movement of vehicles.

Low Volume Roadway: A road with maximum Average Daily Traffic of 400 vehicles per day.

Maintenance Plan: A plan showing how the road will be maintained at a level which allows such road to remain passable and functional. The level of maintenance will be the minimum necessary to permit use of the road, consistent with its classification. (Example maintenance would include items such as: cleaning, mowing, drainage, brush control, slope maintenance, etc.)

Plastic Fines: Fine sand or clay particles in gravel soil that add a plastic or "binding" characteristic.

Plasticity Index: An engineering term measuring the plasticity of gravel soil.

Present Serviceability Index – p (also known as the terminal serviceability index – p_t): The ability of a roadway to handle traffic as defined by the *AASHTO Guide for the Design of Pavement Structures*.

Project Engineer: A professional engineer currently licensed by the State of New York, retained by the applicant, and acting on the applicant's behalf as a project designer and/or project construction administrator.

Public Right-of-Way: Any land which the public at large has a right to traverse.

Relief Culvert: A pipe that carries water from road ditches across a road, discharging beyond the fill slope.

Right-of-Way: The width of land owned or controlled by a highway agency for the purpose of maintaining or constructing roads.

Roadway: The portion of a highway, including shoulders, for vehicular use.

Shoulder: That portion of the roadway contiguous with the traveled way for accommodating stopped vehicles, for emergency use, and for lateral support of base and surface courses.

Stopping Sight Distance: The sum of the brake reaction distance (the distance traversed by a vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied) and the braking distance (the distance needed to stop a vehicle from the instant brake application begins).

Sub-grade: The layers of roadbed on which the base or surface course are placed. On an unsurfaced road, the finished base course is the wearing surface (top layer of the road's surface).

Surface Course: The top layer of a road surface.

Tangent: A straight section of road between two horizontal curves.

Total Roadway Width: The portion of a highway, including shoulders, for vehicular use.

Traveled Way: The portion of the roadway for the movement of vehicles, exclusive of shoulders. This is the total distance from one edge of the surface course to the other.

Utility: A business providing public service such as gas, electric power, telephone, telegraph, water, sewer, or cable television, whether or not such business is privately owned or owned by a governmental entity.

Vertical Curve: A curve that makes a transition between two road grades (such as between uphill and downhill grades). Unlike horizontal curves, which are designed as portions of a whole circle, vertical curves are designed with flatter parabolic, or non-circular, curves.

___-Year Storm: A runoff event with a probability of occurring in a given year equal to the inverse of the value of the year. For example, a 50-year storm would have a 1 in 50 or 2% chance of occurring in a given year.

Section 615: General Standards

1. The Town of Osceola has adopted these standards for construction of new roads in the town.
2. All new roads constructed in the town shall be certified they are in compliance with these standards by a professional engineer licensed to practice in New York State, herein referred to as the project engineer.
3. For disturbances of one acre or more, a storm water pollution prevention plan must be in place which is consistent with the requirements and standards of the New York State Department of Environmental Conservation.
4. Road plans must be submitted prior to start of construction and shall include the following, as a minimum:
 - a. The design criteria used.
 - b. The names of all roads, subject to the approval of the planning board.
 - c. A location and alignment survey performed by a licensed surveyor that includes:
 - i. The original and finished grades.
 - ii. The layout and locations of all roads and their metes and bounds.
 - iii. The location of any property lines and their metes and bounds.
 - iv. The location of the town's right-of-way.
 - v. The location of other rights-of-way and easements including a statement of their ~~alterable uses.~~
 - vi. The location of all drainage structures.
 - vii. The location of any utilities in the right-of-way.
 - viii. The names of adjacent property owners to the road.
5. A maintenance plan for the road.
6. The locations of all signs and traffic control devices.
7. A cross section of a typical tangent section.

8. A construction plan detailing erosion control, when necessary.
9. Any other pertinent information as required or requested.

Section 620. Road Design

1. The roadway shall be certified to meet the requirements of the most recent edition of one of the following documents, listed here in order of precedence:
 - a. *Guidelines for Geometric Design of Very Low-Volume Local Roads*, American Association of State Highway and Transportation Officials.
 - b. *Manual Guidelines for Rural Town and County Roads*, Local Roads Research and Coordination Council.
 - c. *Standard Specifications for Construction and Materials*, New York State Department of Transportation.
 - d. *Highway Design Manual*, New York State Department of Transportation.
 - e. *Policy on Geometric Design of Highways and Streets*, American Association of State Highway and Transportation Officials.
2. The requirements listed in these specifications are for low-volume roads with a maximum Average Daily Traffic of 400 vehicles per day.
3. Any roadway not classified as a low-volume roadway will require standards that are more stringent than those defined in these specifications. In such a case, the entire design must meet the applicable more stringent standard before construction.
4. All new bridges shall meet the applicable criteria in the most recent addition of the AASHTO *Policy on Geometric Design of Highways and Streets*. Existing bridges will be certified free of safety issues.
5. All design criteria shall be listed on the roadway plans and any criteria not listed above shall be determined using current engineering practice.
6. The plans shall designate the source of any design assumptions.
7. The roadway shall meet the following criteria, as a minimum: (*Reference Figure 1: Measurements of Roadway Widths*)
 - a. A total roadway width of not less than 20 feet.
 - b. A traveled way or total driving lane width of not less than 16 feet.
 - c. A shoulder width of not less than two feet on each side of the road.
 - d. A design life of not less than 20 years with routine maintenance.
 - e. A minimum design speed of 30 miles per hour.
 - f. A right-of-way of not less than 50 feet.

- g. The total roadway width plus five feet on each side, for a minimum of 30 feet, shall be kept clear of shrubbery, trees, and other elements of landscaping which would obstruct visibility or become potential obstacles or fixed hazards.
 - h. Grade not greater than 10%, nor greater than 3% within 50 feet of an intersection.
 - i. The combined thickness of the base and surface courses shall be a minimum of 18 inches.
 - j. Horizontal curves shall have a minimum radius of 150 feet measured from the center line.
 - k. Vertical curves shall be such that at least a 275 foot line of sight exists measured at three feet above the surface of the roadway.
 - l. Drainage facilities designed to handle a 50-year storm under the roadway and 25-year storm on all other facilities. The minimum size opening of any pipe is 18 inches in diameter or equivalent and must meet specifications for the minimum of a 15 ton load.
 - m. In general, all roads shall join each other so that for a distance of at least 100 feet the road is approximately at right angles to the road it joins. Roads shall not intersect at angles of less than 60 degrees.
 - n. Intersections of minor roads with collector or major roads shall, in general, be at least 200 feet apart.
 - o. Road jogs with centerline offsets of less than 125 feet shall be avoided.
 - p. Road right-of-ways at intersections shall be rounded by curves of at least 20 feet radius.
 - q. All corner lots shall be cleared of all growth and other obstructions, except for isolated trees, a level of three feet or higher above the centerline of the road, so as to achieve safe visibility for traffic entering the intersection.
 - r. No intersection of more than two roads is allowed.
8. The highway superintendent may specify additional right-of-ways where deep cuts and fills exist, in areas adjacent to drainage structures, and otherwise with discretion and consideration for the terrain. *(Reference Figure 2: Calculating the Extended Right-of-Way)*
9. Should the road terminate short of the adjacent property line, the right-of-way shall be extended to the adjacent property line and the additional right-of-way shall meet all right-of-way specifications.

Figure 1: Measurements of Roadway Widths.

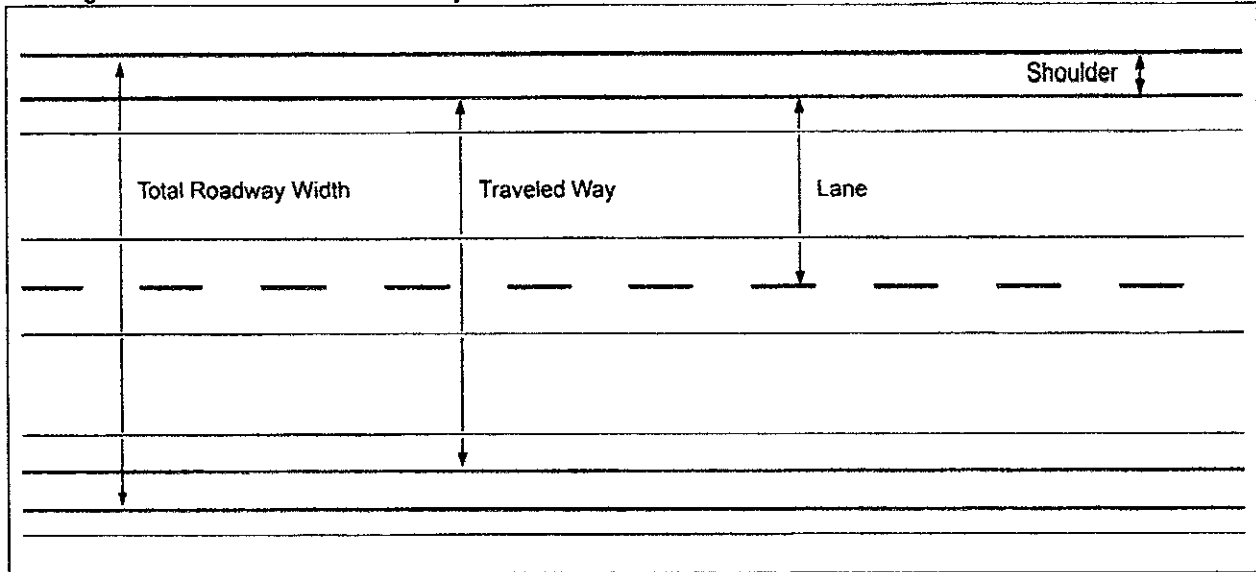
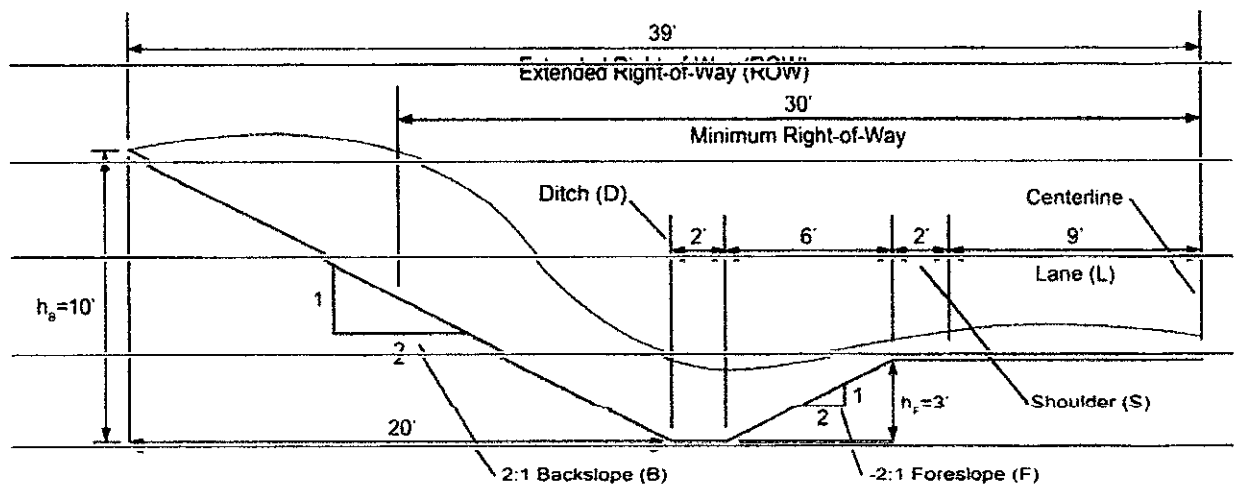


Figure 2: Calculating the Extended Right-of-Way.

Example of a deep cut used to provide the recommended grading. The back slope extends beyond the minimum right-of-way to the point at which it intersects the natural elevation of the terrain. The town's right-of-way should also extend to that point of intersection as shown in the diagram.

Existing Terrain —————
 Maximum Desired Grading —————



Not drawn to scale.

The necessary right-of-way (ROW) width from the centerline of the road can be calculated by adding the lane width (L), the shoulder width (S), the foreslope (F) multiplied by its height (h_f), the width of the ditch or swale (D), and the backslope (B) multiplied by its height (h_b) as shown in the equation below.

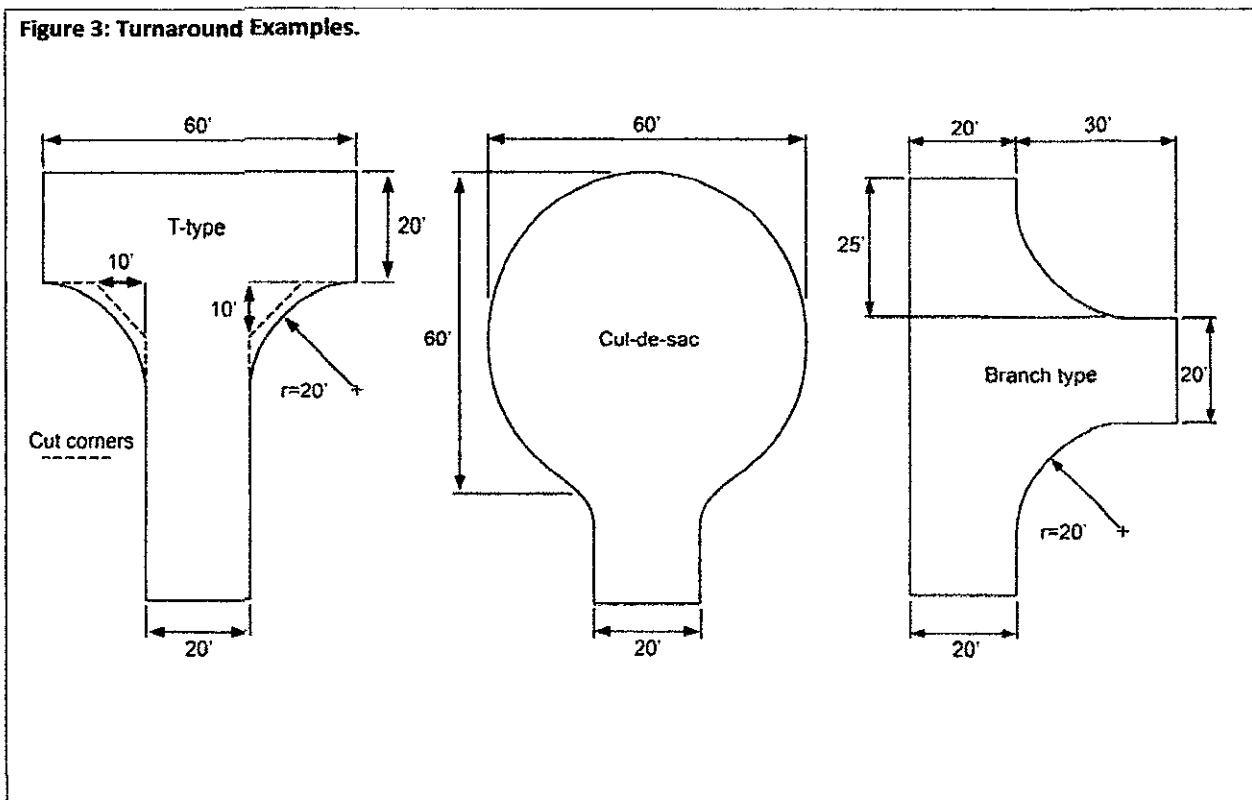
$$ROW = L + S + F \times h_f + D + B \times h_b$$

(Example values are: ROW = 9 + 2 + 2 × 3 + 2 + 2 × 10 = 39)

10. Dead-end road designs will terminate with an approved turnaround appropriate for the type of traffic and designed in accordance with the dimensions of one of the options below. Roads designed to be dead-ends shall have a "No Outlet" or "Dead-End" sign posted at the entrance. (Reference Figure 3: Turnaround Examples)

- a. T-type turnarounds are named for their shape and require drivers to make a three-point, or "k," turn. These are preferable where space is at a premium, or where traffic volumes are especially low. Where the approaching roadway meets the perpendicular section of the turnaround, the inside corners may be either curved or cut diagonally. The standard width of a T-type dead-end is 60 feet, with the width of the roadway maintained throughout. This width is needed to accommodate emergency services vehicles such as fire trucks and snow plows.
- b. Cul-de-sacs offer the ability for drivers to turn around without having to reverse or make unnecessary turning movements, but require a larger area of land. The minimum diameter of a cul-de-sac shall be no less than 60 feet.
- c. For even smaller areas, branch type turnarounds may be used, and have largely the same advantages as T-type turnarounds. The perpendicular sections shall extend at least 30 feet from the edge of the roadway, and the roadway shall continue 25 feet past that. The width of the roadway shall be maintained throughout all sections of the turnaround.

Figure 3: Turnaround Examples.



Section 625. Road Construction

1. **Rough Grading:** The contractor shall remove all rock, earth, and other materials, according to the plans, for the total roadway width plus five feet on each side, for a minimum of 30 feet, and shall properly dispose of this material. Earth embankments shall be constructed to established lines and grades for the total width of the roadway at the locations shown on the plans. Embankment materials shall be:
 - a. Natural soil, free from excessive moisture, frost, stumps, trees, roots, sod, mulch, marl, vegetable matter or other unsuitable materials.
 - b. Obtained from approved pits or be clean bank-run gravel.
 - c. Well graded, with a minimum of silt content.
 - d. Suitable for compaction in layers not exceeding six inches in thickness.
 - e. Remain stable when wet.
2. **Sub-grade preparation:** The contractor shall prepare the subgrade to receive the bases and drainage ways in conformity with the plans. Before the base material is placed upon the subgrade, it shall be shaped to line, grade compacted and free from hollows, mounds, and wet or soft spots.
3. **Placing of layers:** Embankment materials shall be placed in horizontal layers not greater than six inches in thickness after compaction. Each layer shall be tamped or rolled in succession. Heavy equipment shall not be operated over pipelines or culverts until at least 18 inches of backfill has been placed and properly compacted over the crown of the pipe or over the top of the culvert.
4. **Drainage:** Drainage ditches shall be constructed in conjunction with the new road, as specified on the plat, in such a way that all surface waters neither inundate any private property nor affect any existing roads. Ditches shall be designed to have a minimum water carrying capacity equal to the peak runoff rate from the 5-year heavy rainfall for one day. Drainage culverts shall be adequately sized and located to maintain pre-construction surface drainage patterns.
5. **Sub-base Course:** The sub-base course shall consist of gravel with stones not to exceed five inches in diameter to a depth of six inches.
6. **Base Course:** The base course shall be constructed of gravel with stones not to exceed one and one half inches in diameter to a depth of six inches. If surface is to be sealed by bituminous pavement, the base course may be constructed of gravel with stones not to exceed three inches in diameter.
7. **Surface Course:** The surface course, as a minimum, shall consist of a compacted gravel surface on top of the approved base courses. It shall consist, as a minimum, of six inches of a blend of stone, sand and good plastic fines which make a strong, tightly bound gravel surface. A bituminous pavement may also be used.
8. **Cross Slope:** The recommended cross slope for an unpaved road is 6%, with 10% being the maximum acceptable grade. Having the proper cross slope will ensure that water is moved off the roadway and into drainage facilities.

Section 630. Materials and Work

All materials and all work shall meet the requirements of the most recent edition of the New York State Department of Transportation *Standard Specifications for Construction and Materials*, including any engineering instructions or bulletins, unless alternatives are approved by the project engineer in writing, in advance. All costs for obtaining suitable material shall be borne by the contractor.

Section 635. Road Names and Signs

Road names are subject to approval by the planning board. Signs shall, as a minimum, be in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)*.

Section 640. Time Limit on Acceptance of Plans

The acceptance of plans shall be valid for a time period of two years from the date of acceptance. Construction in accordance with the approved plans must be completed within this time period. If not completed within this time period, the plans shall be resubmitted for review and any revisions or modifications necessary to meet the current standards shall be made. Resubmittal fees shall be equal to new application fees.

Section 645. Inspections

1. For all road and drainage work the applicant shall obtain certification from a project engineer to document and certify all inspections and testing during the construction process. A set of as-built plans, approved by the project engineer, shall be submitted to the planning board before final approval and approved before any building permits can be issued.
2. It is the responsibility of the applicant and project engineer to provide the day-to-day inspection of such work, perform inspections and testing of materials and their placement as may be required, and to certify all such inspections and testing including compliance with the approved plans and these standards. A daily activity diary shall be kept, by the project engineer or their designee, for all days that there is road or drainage work performed on site and submitted to the planning board along with the set of as-built plans.

Section 650. Dedication of Roads

1. Before any road is taken over by the town, a set of as-built plans approved by the project engineer shall be submitted to the Town of Osceola highway superintendent and the town board. Prior to acceptance by the town board, approval from the highway superintendent that the project meets these road standards shall be required. Both the highway superintendent and the town board must accept the road before it is accepted as a part of the town road system. The Town of Osceola reserves the right to not accept a road, notwithstanding that all portions of these standards have been met. No part of this law shall be construed to prevent the town board from imposing a stricter standard, where circumstances require, for any road proposed for acceptance by the town.
2. All applications for the dedication of a road shall be accompanied by a proposed warranty deed conveying said road to the town, with all necessary releases from mortgages or other claimants. All deeds and plans must meet requirements for filing with the county clerk. In addition, there shall be:
 - a. A complete release of all liens arising out of the construction of the dedicated improvements, or receipts in full lieu thereof, and if required in either case, an affidavit that so far as the developer has personal knowledge or information, the releases and receipts include all labor and materials for which a lien could be filed.
 - b. An abstract of title showing the property free and clear of liens and/or an owner's title insurance policy insuring the town.
 - c. An as-built survey of the road showing the dimensions of the right-of-way and the location of the improvements within that right-of-way.

ARTICLE 7. CLUSTER DEVELOPMENT

Section 710. Authority

The planning board is authorized and empowered pursuant to Section 278 of the Town Law to modify certain provisions of the zoning law as allowed by this Article, simultaneously with the approval of any subdivision application within the town.

Section 720. Applicable Provisions

The planning board may consider, or require, applications for major subdivisions which include the following deviations from the zoning law for any one of the following purposes:

1. to eliminate side and rear yard requirements to allow for innovative attached housing types;
2. to reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;
3. to reduce road frontages to allow cul-de-sacs;
4. to reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

Section 730. General Criteria for Cluster Development

The planning board may allow, or require, cluster development when the proposed development:

1. will be in harmony with the general purpose, goals, objectives, and standards of the comprehensive plan and this law;
2. complies with all applicable provisions of the zoning law, except as modified pursuant to the authority of this law;
3. will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
4. will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;
5. will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
6. will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Section 740. Required Clustering

Cluster development may be required by the planning board to meet any one of the following objectives:

1. The clustering of development will reserve open space, recreational areas, large groves of trees, water courses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the comprehensive plan for the community;
2. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the comprehensive plan for the community;
3. The clustering of development will provide for the more economical and efficient provision of *municipal utilities and road services.*

Section 750. Determination of Overall Development Density

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered subdivision which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the planning board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the zoning law. All lots on the sketch plat shall be buildable lots. The planning board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development subdivision.

Section 760. Approval of Cluster Open Space

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the planning board.

Section 770. Use of Cluster Open Space

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the planning board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

Section 780. Undedicated Cluster Open Space

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the planning board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the planning board; and any other specifications deemed necessary by the planning board.

ARTICLE 8. FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 805. Required Public Improvements

All public improvements required pursuant to this law shall be constructed and completed to the standards required by state and local laws, rules, and regulations. Applicants for subdivision plats shall provide the town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public required improvements.

Section 810. Time Limit on Installation of Improvements

The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this article shall be completed within one year from the date of the approval of the subdivision plat. Road improvements shall be completed within two years from the date of approval of the subdivision plat. At the end of such time, if the required public improvements are not completed and accepted by the town, the town may use as much of the financial security required by this article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

Section 815. Extension of Time Limit

The applicant may request an extension of time to perform required public improvements provided reasonable cause can be shown for the inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months.

Section 820. Inspections of Improvements

At least five days prior to commencing construction of required public improvements the applicant shall pay to the town clerk the inspection fee required by the municipality and shall notify the town board or an official designated by the town board in writing of the time when the construction of such improvements will be commenced so that the town board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the planning board.

Section 825. Financial Security Options

Acceptable financial security shall be provided to the town in the form of a bond executed by a surety company, a certified check, or an irrevocable letter of credit drawn in favor of the town. Any such financial security shall be presented to the town clerk in an amount equal to the cost of construction of the public improvements required by the planning board pursuant to this law.

Section 830. Review of Proposed Financial Security

All required public improvements shall be shown on subdivision plats and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the town board for financial adequacy as a guarantee of construction and of reasonable performance during a warranty period. The town board and the town attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

Section 835. Schedule of Improvements

When a guarantee agreement has been approved by the town board and the required surety bond, certified check, or letter of credit has been received by the town clerk, the town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 840. Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate municipal inspectors, and by the town fiscal officer. If the statement is approved by the town fiscal officer, the statement shall be forwarded promptly to the town clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the town clerk will then direct in writing to the surety company of

financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

Section 845. Acceptance of Required Public Improvements

When the project inspector, following final inspection of the project, certifies to the planning board and the town board that all required public improvements have been completed in accordance with all applicable requirements, the town board may act by resolution to accept the public improvements.

7. Location of all proposed facilities.
8. Storm drainage, culverts (with sizes indicated) and arrows indicating direction of flow.
9. Details such as cross-sections, plans, drains, etc.
10. Lot lines of all proposed lots, including bearings, distances, corners, and monuments (with descriptions).
11. Area of each lot (not to include area inside public rights-of-way).
12. North point prominently indicated on the plat and oriented to coincide with the locator map.

G. **Additional Markings required to be displayed on the Plat.** One or more may be selected as determined by the planning board.

1. WETLANDS RESTRICTIONS APPLY
Lot(s) _____ subject to any development, housing, building and use restrictions under Article 24, State of New York Environmental Conservation Law.
2. FLOODPLAIN RESTRICTIONS APPLY
Lot(s) _____ subject to any development, housing, building and use restrictions under National Flood Insurance Program.
3. SUBDIVISION RESTRICTIONS APPLY
Further Subdivision of Lot(s) _____ prohibited as an agreed-on condition for approval of this plat.
4. BUILDING RESTRICTIONS APPLY
Lot(s) _____ subject to building restrictions as an agreed-on condition for approval of this plat. Restriction is as follows:
5. WATER SUPPLY/SANITATION CERTIFICATION
All sanitation and water supply facilities are designed to meet the minimum specifications of the County Department of Health.
Licensed Engineer Name _____
License Number _____
Date _____
6. CERTIFICATION OF MONUMENTATION
Surveyor certifies that monuments have been set as shown on the plat.

- H. **Special Marking Required.** Refer to Section _____ of the Subdivision Law.

Where applicable, a note, duly acknowledged by signature of the subdivider, stating:

Approval of this plat does not constitute town acceptance of the indicated, stated, or referenced improvements.

Owner

Date

- I. **Locator Maps:** One or more locator maps shall be included on the plat to clearly locate the subdivision of interest. As a minimum, the Town of _____ map shall be used in all cases (see example in Figure 1). If additional detail is required, then a secondary locator map may be required (see example in Figure 2).
- J. **Conflicts of Requirements:** If conflicts between this appendix and the primary subdivision law occur, the planning board shall be contacted for resolution.
- K. **Waiver of Plat Requirements:** The planning board may waive any of the requirements in this appendix in the event that the information is not applicable or necessary.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2023 of the ~~(County)~~(City)~~(Town)~~(Village) of Osceola was duly passed by the Osceola Town Board on October 25 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Heather Hillbrandt
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11/8/2023

(Seal)