

# **Subdivision Regulations**

## **Town of Wayne, NY**

**Local Law No. 2, 2005**  
**Approved on April 12, 2005**  
**With amendment**

<b>ARTICLE I - GENERAL PROVISIONS</b>	4
Section 1.1 Authorities	4
Section 1.2 Purpose and Content	4
Section 1.3 Enactment, Title and Jurisdiction	4
Section 1.4 Conflicts with Existing Regulations	4
Section 1.5: General Policy for Subdivision Design and Review	5
Section 1.6 Subdivision Straddling Municipal Boundaries	6
Section 1.7 Re-subdivision	6
Section 1.8 Variances	6
Section 1.9 Waivers	7
Section 1.10 Separability	7
<b>ARTICLE II - INTERPRETATION AND DEFINITIONS</b>	7
Section 2.1 General Interpretation	7
Section 2.2 Defined Terms	7
<b>ARTICLE III - SUBDIVISION APPLICATION PROCEDURE AND APPROVAL</b>	
<b>PROCESS</b>	12
Section 3.1 General Procedure	12
Section 3.2 Sketch Layout Procedure	12
Section 3.3 Procedure for a Minor Subdivision	12
3.3.1 Submission of Plat	13
3.3.2 Submission requirements for Minor Subdivision	13
3.3.3 Public Hearing	14
3.3.4 Notification of Decision on Plat	14
Section 3.4 Procedure for a Major Subdivision	15
3.4.1 Cluster Development	15
3.4.2 Conventional Plat	15
3.4.3 Waiver	15
3.4.4 Submission of Preliminary Plat	16
3.4.5 Submission Requirements for Preliminary Plat	16
3.4.6 Public Hearing	19
3.4.7 Notification of Decision on Plat	19
3.4.8 Submission of Final Plat	20
3.4.9 Public Hearing	26
3.4.10 Notification of Decision	26
3.4.11 Filing of Plat	26
<b>ARTICLE IV - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS</b>	28
Section 4.1 General	28
Section 4.2 Lots and Blocks /	28
Section 4.3 Road Design Guidelines	28
4.3.1 General	28
4.3.2 Authority for Road Design Approval	29
4.3.3 Road Intersections	29
4.3.4 Dead-end Roads	30
4.3.5 Standards for Road Design	30
Section 4.4 Road Improvement	31
4.4.1 Road Grading and Shoulders	31
4.4.2 Sidewalks	31

4.4.3. Trees.....	31
4.4.4 Road Names and Signs .....	31
4.4.5 Monuments .....	31
Section 4.5 Drainage System and Erosion Control.....	32
4.5.1 Environmental Permits.....	32
4.5.2 Stream Corridors.....	32
4.5.3 Drainage Systems.....	33
4.5.5 Flood Hazard Prevention .....	34
Section 4.6 Utilities.....	34
4.6.1 Water Supply and Sewage Disposal .....	34
4.6.2 Underground Installation .....	35
Section 4.7 Easements .....	35
Section 4.8 Neighborhood Parks and Playgrounds .....	35
Section 4.9 Driveway Standards .....	36
Section 4.10 Steep Slope Guidelines .....	36
Section 4.11 Groundwater Resources .....	38
Section 4.12 Woodlands .....	38
Section 4.13 Significant Natural Areas and Features.....	39
Section 4.14 Historic Structures and Sites.....	40
Section 4.15 Corridors and Scenic Viewsheds .....	40
Section 4.16 Trails .....	40

## **ARTICLE I - GENERAL PROVISIONS**

### **Section 1.1 Authorities.**

The Town Board of the Town of Wayne in accordance with Sections 276-278 of Article 16 of the Town Law of the State of New York, and by resolution adopted on April 12, 2005 has assigned to the Planning Board the responsibility and authority to review and approve, or disapprove plans for land subdivision within the Town which shows lots, blocks or sites, with or without new streets or highways. In accordance with Section 278 of the Town Law of the State of New York, the Town Board authorizes the Planning Board to approve a cluster development simultaneously with the approval of a plat pursuant to the provisions of these subdivision regulations. Pursuant to the above authority, the Planning Board has prepared and adopted these Subdivision Regulations April 12, 2005 setting forth standards to be followed in the preparation and review of preliminary layouts and subdivision plats. By the same authority, using procedures set forth in these regulations, the Planning Board has the power and authority to pass and approve the development of plats already filed in the office of the Clerk of Steuben if such plats are entirely or partially undeveloped.

### **Section 1.2 Purpose and Content.**

The purpose of establishing subdivision regulations is to provide for the orderly growth and development of the Town and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health, safety and welfare of the Town's population. These regulations establish requirements for approval of subdivision plats, including a description of maps and supporting materials, which the Planning Board requires to carry out its responsibilities under these regulations. These requirements include a step-by-step Conservation Subdivision Design Process (as described in Article III) and Cluster Development (Article III) whose purpose shall be to encourage flexibility of design and land conservation and to develop land in such manner as to preserve the natural and scenic qualities of open lands while reducing the construction and maintenance costs of infrastructure. The review and approval procedures contained herein are designed to safeguard the community.

### **Section 1.3 Enactment, Title and Jurisdiction.**

In order that land may be subdivided in accordance with this purpose, these regulations are hereby adopted, and shall be known and may be cited as "Subdivision Regulations of the Town of Wayne" upon the adoption of these regulations by the Planning Board and their approval by the Town Board to become effective immediately upon acceptance and filing of the local law with the Secretary of State of the State of New York.

### **Section 1.4 Conflicts with Existing Regulations.**

Where these regulations impose greater restrictions than are imposed by the provision of any law, ordinance, regulation or private agreement, these regulations shall control. Where greater restrictions are imposed by any law, ordinance, regulation or private agreement than are imposed by these regulations, such greater restrictions shall govern.

## **Section 1.5: General Policy for Subdivision Design and Review**

It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the Town and in a manner that is reasonable and in the best interests of the community. The Planning Board shall require the subdivider to complete said approved subdivision or section thereof as filed within a period agreed upon by the subdivider and the Planning Board. The Planning Board will be guided in its consideration of an application for the subdivision of land by the following general requirements.

- A. The physical characteristics of the land to be subdivided shall be such that it can be used for building purposes without danger to health and safety, or peril from fire, flood or other menace. Proper provision shall be made for drainage, water supply, sewage and other needed improvements. All parcel developments shall meet applicable health requirements.
- B. Natural and historic features shall be preserved. Insofar as possible, all existing features of the landscape such as large trees, rock outcrops, unusual glacial formations, water and flood courses, historic sites and other such irreplaceable assets should be preserved.
- C. Subdivision plans shall conform to the Town Comprehensive Plan. They shall be in conformance with the Land Use Regulations, and shall be properly related to the Town Comprehensive Plan as it is developed and used for guidance by the Planning Board, either with or without formal adoption. All parcel development shall meet applicable health requirements. Roads shall be of such width, grade and locations as to accommodate the prospective traffic, account for topographic relief and to facilitate fire protection according to highway specifications. Park areas of suitable location, size and character for playground or other recreational or open space purposes shall be shown on the subdivision plat in proper cases and when required by the Planning Board.
- D. Neutral to Positive Tax Impact. A subdivision's long and short-term impacts on the site, the surrounding neighborhood and the Town as a whole, (such as police/fire/schools/road maintenance/pool parks/ and other Town infrastructure) are neutral or a positive contribution to the Town tax base, as described in the Long Environmental Assessment Form.
- E. Build able Land Calculations. Density of a subdivision is calculated on net acreage, not gross acreage, of build able land according to the following guidelines:
  - 1. Unbuildable land. The subdivider shall identify and subtract all acreage considered to be unbuildable as follows:
    - a. Steep slopes 25% or greater
    - b. Floodplains as defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, as amended
    - c. Wetlands, including New York State designated wetlands, those regulated by the US Army Corps of Engineers and those on the National Wetlands Inventory

- d. Lands covered by water bodies
  - e. Stream corridors (fifty [50] foot) setback from each stream bank of any perennial or intermittent stream indicated in blue on the US Geological Survey topographic quadrangle map)
  - f. Hydric soils as mapped in the *Soil Survey of Steuben County, New York*, US Soil Conservation Service, as revised. These are defined as Alden (Aa), Atherton (At), Canandaigua (Ca), Carlisle (Cc), Chippewa (Ck), Edwards (Ed), Fluvaquents (FL), Kanona (Ka,A, KaB, KaC), Palms (Pa), Warners (We) and Wayland (Wn).
2. Density calculations. The subdivider shall then calculate the acreage that is determined to be build able and apply the Allowable Densities schedule minimum square footage per dwelling units or principal buildings as defined in the Town Land Use Regulations to the build able acreage. All density values shall be rounded to the nearest whole number of dwelling units or principal buildings.
- F. Suitable access to a public or private road. - No permit for the erection of any building will be issued unless a street or highway giving access to such proposed structure shall be suitably improved to the satisfaction of the Town Board as adequate in respect to the public health, safety, and general welfare for the special circumstances of the particular street or highway. Abandoned and seasonal roads may not be deemed suitable by the Town Board for access by a subdivision.

### **Section 1.6 Subdivision Straddling Municipal Boundaries.**

Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Wayne Town Attorney that access is legally established and from the Wayne Town Highway Superintendent that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines shall be laid out so not to cross Town boundary lines.

### **Section 1.7 Re-subdivision**

For a re-subdivision, the same procedure shall apply as for a subdivision.

### **Section 1.8 Variances**

Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the Land Use Regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 267 of the Town Law of New York State without the necessity of a decision or determination of the Code Enforcement Officer. An area variance is not necessary for lot size reductions, which meet allowable average density requirements permitting cluster developments. In reviewing such application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

## **Section 1.9 Waivers**

The Planning Board may waive any non-applicable requirements or improvements as described in Article III, for the approval, approval with modifications, or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

## **Section 1.10 Separability**

If any section, subsection, paragraph, sentence, clause or other part of these regulations is, for any reason, held invalid, the validity of the remaining portion of these regulations shall not be affected.

# **ARTICLE II - INTERPRETATION AND DEFINITIONS**

## **Section 2.1 General Interpretation**

In these regulations when not inconsistent with the context:

- The word “lot” includes the word “plot” or “parcel,” “sites” or other division of land.
- Words in the present tense imply also the future tense.
- The singular includes the plural and the plural includes the singular.
- The male gender includes the female gender.
- The word “person” includes a partnership or corporation as well as an individual.
- The verb “shall” is mandatory.
- The verb “may” is permissive.

## **Section 2.2 Defined Terms**

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

**CLUSTER DEVELOPMENT:** A subdivision plat or plats, approved pursuant to 278 of Town Law of the State of New York, provides a preferred method alternative to the strict adherence to the Town of Wayne Land Use Regulations Allowable Densities Schedule for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, common open space, parks and landscaping in order to preserve the natural, agricultural and scenic qualities of open lands.

**CONSERVATION AREA, PRIMARY:** Unbuildable land areas comprising floodplains, wetlands, slopes over twenty-five percent (25%), water bodies, hydric soils and fifty foot (50') stream corridors.

**CONSERVATION AREA, SECONDARY:** Natural and cultural resources and noteworthy features of the property (i.e.; mature woodlands, trails, stream corridors, prime farmland, hedgerows, historic sites, scenic views, etc.) which are “build able” but are recommended for inclusion in permanent open space.

**CONSERVATION SUBDIVISION:** A MAJOR subdivision designed around the central organizing principle of land conservation in accordance with a step-by-step conservation design process that is intended to be effective in laying out new full-density developments where all significant natural and cultural features have been preserved. (1. Identify Primary Conservation Areas, 2. Identify Secondary Conservation Areas, 3. Identify Potential Development Area, 4. Locate House Sites, 5. Align Streets and Trails, 6. Draw in Lot Lines.)

**EASEMENT:** Authorization by a property owner for the use by another person of any designated part of his property for a specified purpose.

**EROSION CONTROL MANUAL:** the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

**FINAL PLAT:** Drawings and final plans for related improvements prepared in accordance with these regulations showing, in final form as specified in Article III, a proposed subdivision of a tract of land which, if approved, is suitable for filing in the office of the Steuben County Clerk.

**FINAL PLAT APPROVAL:** The signing of a plat in final form by a duly authorized officer of the Planning Board pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in Steuben County Clerk’s Office.

**FINAL PLAT CONDITIONAL APPROVAL:** Approval by a Planning Board of a final plat subject to conditions set forth by the Planning Board by resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat in the office the Steuben County Clerk.

**FLOOD LIMITS:** The land-water boundary of a natural watercourse flowing at a flood stage frequency such as 10, 25, 50, 100 year as defined in the most recently enacted mapping by a responsible agency such as the U.S. Army Corps of Engineers, Federal Emergency Management Agency, National Flood Insurance Program, or the Natural Resources Conservation Service of the U.S. Department of Agriculture.

**HISTORIC SITE:** A place and/or property as designated or eligible for designation on the State and/or National Register of Historic Places or of historic significance to the community.

**LAND USE REGULATIONS:** Zoning regulations of the Town of Wayne.

**MONUMENT:** Permanent survey markers usually placed at parcel corners, road intersections and other important points for the purpose of measurement.

**OPEN SPACE:** That land to be permanently protected from development and maintained for agricultural, natural resource protection, wildlife habitat, recreational or similar purposes. Open Space may either be part of a privately owned lot, protected by easement, deed restriction or the like; or common land owned and maintained in accordance with these regulations.



**PERFORMANCE GUARANTEE:** Any security which may be acceptable to the Town Board on all public improvements specified in these regulations to be constructed by the subdivider. This guarantee shall be made before the Planning Board approves the Final Plat.

**PLANNING BOARD:** Planning Board of the Town of Wayne as designated by Section 276 of the Town Law.

**PRELIMINARY PLAT:** A drawing prepared for MAJOR subdivision in accordance with Section 3.41 of these regulations showing the approximate manner in which a tract of land is proposed to be subdivided and including preliminary design data for related improvements before engineering costs are incurred. This is identical to the “preliminary plat” referred to in Section 276 of the Town Law.

**PRELIMINARY PLAT APPROVAL:** The approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form.

**PRIVATE ROAD:** A non-dedicated road serving no more than four residential lots, plots, or sites.

**PUBLIC ROAD:** A right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, alley, or however otherwise designated, that is built to town specifications and dedicated to the Town, County or State for maintenance, but not including a private driveway serving no more than one property or a private road.

- **Abandoned Road:** A former Town road, which has been formally returned to the ownership of the adjacent landowners(s).
- **Collector Roads:** Roads which are used or designed primarily for through or heavy traffic (county and state roads) and roads which carry traffic from minor roads including the principal entrance roads of a residential development and roads for circulation within such a development.
- **Dead-end Road or Cul-de-Sac:** A minor road with only one vehicular outlet.
- **Marginal Access Roads:** Minor roads which are parallel to and adjacent to major roads, and which provide access to abutting properties and protection from through traffic.
  - **Minor Roads:** Town roads which are used year-round primarily for access to the abutting properties.
  - **Seasonal Roads:** Town roads, which are only open to traffic and maintained by the Town less than year-round between specific dates.

**RESUBDIVISION:** A change in a map of an approved or filed subdivision plat if involving only lot line alterations, and if such change does not create a substandard lot or affect any street layout shown on such map or area reserved there for public use and does not cross a municipal boundary.

**SKETCH LAYOUT:** A drawing prepared in accordance with Section 3.2 of these regulations

showing in sketch form the general manner in which a tract of land is proposed to be subdivided. The Sketch layout may be prepared as an overlay sheet placed on top of the Existing Resources and Site Analysis Plan as detailed in Article III.

**SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01:** A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities, which result in the cumulative disturbance of one or more acres of land.

**STORMWATER DESIGN MANUAL:** the “New York State Storm water Design Manual,” most recent version including applicable updates, which serves as the official guide for storm water management principles, methods and practices.

**STORMWATER MANAGEMENT PRACTICES:** Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing pollution of storm water runoff and/or water bodies.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** A plan for controlling storm water runoff and pollutants from a site during and after construction activities as required by a NYS SPDES General Permit for Construction Activities.

**STORMWATER RUNOFF:** Flow on the surface of the ground, resulting from precipitation

**SUBDIVIDER:** Any person, firm, corporation, partnership, or other organization, which lays out, any subdivision as, defined herein.

**SUBDIVISION:** A subdivision is the division of any parcel of land into two or more lots, plots, sites or other division of land lots with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term “subdivision” includes any alteration of lot lines or dimensions of any lots shown on a plat previously approved and filed in the office of the Steuben County Clerk, (See “resubdivision”)

**SUBDIVISION, MAJOR:** Subdivisions of five or more lots, of any size, at one time. Requires a new minor road to access new lots, unless waived by the Planning Board.

**SUBDIVISION, MINOR:** The divisions of a parcel, not adversely affecting the development of the remainder of the parcel or the development of any adjoining property within a five-year period:

- A. Into two (2), three (3), or four (4) LARGE LOTS (*at least five acres each*) on an existing road, OR
- B. Into two (2), three (3). or four (4) SMALL LOTS (*less than five acres each*) sharing one private road or curb cuts from a public road.
- C. A lot line alteration is defined as a minor subdivision. The zoning officer is authorized to approve lot line alterations with a Land Use Permit under similar but not limited findings as defined below:
  - 1. The lot line adjustment does not create a new property plat.
  - 2. The net effect, before and after the proposed lot line alteration, consists of two

buildable plats as previously sited, whereby the altered property lines are to be incorporated in the respective deeds.

3. Both properties are located within the same zoning districts.
4. The plat lines are reasonably regular and defined.

**SUBDIVISION PLAT:** Drawings prepared in accordance with these regulations showing definitively a proposed subdivision of a tract of land and plans for related improvements.

**TOWN BOARD:** The Town Board of the Town of Wayne.

**TOWN COMPREHENSIVE PLAN:** A plan for the development of the Town prepared by the Planning Board pursuant to Section 272-a of the Town Law.

## **ARTICLE III - SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**

### **Section 3.1 General Procedure**

- A. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, before any permit for the erection of a permanent building in such proposed subdivision shall be granted, and before any subdivision plat may be filed in the office of the Steuben County Clerk, the subdivider or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedure outlined in these regulations.
- B. The subdivider or his duly authorized representative shall attend a regular monthly meeting of the Planning Board to discuss the requirements of this regulation and/or to submit a sketch layout.
- C. Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations.

### **Section 3.2 Sketch Layout Procedure**

The purpose of this optional step is to afford the subdivider an opportunity to consult early and informally with the Planning Board. Classification of the sketch layout is to be made at this time by the Planning Board as to whether it is a Minor or Major Subdivision as defined in these regulations. The Planning Board shall provide written comments on the sketch layout to the subdivider and define the elements required for the preliminary plat. The Board may require, when it deems necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Major Subdivision, the subdivider shall then comply with the procedure outlined in Section 3.4 of these regulations unless specifically waived by the Planning Board in accordance with Section 1.9 Waivers. If it is classified as a Minor Subdivision, the subdivider shall then comply with the procedures outlined in Section 3.3 unless specifically waived by the Planning Board in accordance with Section 1.9 Waivers.

### **Section 3.3 Procedure for a Minor Subdivision**

- A. Within six months after classification of the Sketch Layout as a Minor Subdivision by the Planning Board, the subdivider shall submit for approval a letter of application with the Subdivision Plat. Failure to do so may require resubmission of the Sketch Layout to the Planning Board for re-classification. The Plat shall conform to the layout shown on the Sketch Layout plus any recommendations made by the Planning Board. A fee as determined by the Town Board shall accompany the submission.
- B. If no sketch layout was submitted, the Planning Board shall review the preliminary plat and determine if the subdivision is Major or Minor.
  - 1. **Minor Subdivision:** If Minor, the Planning Board may combine the preliminary and final plat requirements and take final action after public hearing as described in

these regulations. Subdividers of minor subdivisions may propose a cluster subdivision layout.

2. **Major Subdivision:** Major subdivisions shall conform to all requirements unless specifically waived by the Planning Board. A fee as determined by the Town Board shall accompany the submission.

### **3.3.1 Submission of Plat**

For the purpose of these regulations the submission date for review shall be taken as the date of the first regular Planning Board meeting following plat submission to the Code Enforcement Officer. Eight (8) copies of the subdivision plat shall be presented to the Code Enforcement Officer-fourteen (14) days prior to the regularly scheduled Planning Board meeting. A fee as determined by the Town Board shall accompany the submission. The Code Enforcement Officer shall verify the completeness of the submission and refer it to the Planning Board for review. The Code Enforcement Officer shall notify the applicant as to the date of the Planning Board meeting at which the proposal will be discussed. The subdivider, or his duly authorized representative, shall attend the monthly meeting of the Planning Board at which the Subdivision Plat is to be considered.

### **3.3.2 Submission requirements for Minor Subdivision.**

The subdivision plat for a minor subdivision shall be drawn on paper or other suitable material at a standard scale of not more than two hundred (200) feet to the inch. The following design criteria and information shall be incorporated on the plat or provided on additional sheets.

- A. Build able Land calculations as described in Section 1.5 (e).
- B. A completed NYS Environmental Quality Review Act (SEQR) Environmental Assessment Form.
- C. Location map of proposed subdivision.
- D. The dimensions and arrangements of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build on the lots in compliance with the Land Use Regulations. In general, side lot lines shall be at right angles or radial to road ROW, unless a variation from this can be shown to result in a better plan.
- E. A copy of such covenants or deed restrictions as is intended to cover all or part of the tract.
- F. An actual field survey of the boundary lines of the tract and lots giving complete descriptive data by bearings and distances made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments, and shall be referenced and shown on the Plat.
- G. Proposed subdivision name, name of the Town and County in which it is located.
- H. The date, north point, map scale, and name and address of record owner and/or subdivider.

I. Frontage on a public or private road.

J. Storm water Drainage and Erosion and Sediment Control.

1. A schematic indication of proposed system for storm water drainage is required

2. If a cumulative land disturbance of more than one (1) acre is created, a copy of the NYS Phase II Construction Permit Storm water Pollution Prevention Plan (SWPPP) must be filed with the plat.

K. Statement as to proposed source of water supply and method of sewage disposal. If private sanitary disposal unit is necessary, the necessary data and preliminary design of unit shall be included.

L. A topographic survey showing ground contours adjacent to and within the tract to be subdivided at intervals of not more than twenty (20) feet of elevation, and all pertinent topographic and planimetric features within and adjoining the tract, including existing roads, existing buildings, watercourses and their one hundred (100) year flood limits, areas of slope 15% or greater, water bodies, swamps, wooded areas, and individual large trees. Other features to be retained in the subdivision should be so indicated.

M. Location of any outstanding natural features.

N. Names of adjoining property owners and tax parcel identification numbers, and/or names of adjacent subdivisions.

O. Location of existing and proposed buildings on each lot showing setbacks and other pertinent data.

### **3.3.3 Public Hearing.**

A. A subdivision plat shall not be considered complete until a Negative Declaration has been filed or until a notice of completion of the Draft Environmental Impact Statement has been filed in accordance with the provisions of SEQR. The time periods for review of a subdivision plat shall begin upon filing of such Negative Declaration or such notice of completion.

B. If the application for Minor Subdivision is complete and satisfactory, the Planning Board shall schedule a public hearing within sixty-two (62) days from the date of the submission. The hearing shall be advertised at least five (5) days before its scheduled date in a newspaper of general circulation in the Town. The hearing on the subdivision plat shall be closed upon motion of the Planning Board no more than one hundred twenty (120) days after it has been opened.

### **3.3.4 Notification of Decision on Plat.**

A. The Planning Board shall study the subdivision plat in relation to the intent of these

regulations as described in Article I, development guidelines as described in Article IV, requirements of the Land Use Regulations, the Comprehensive Plan and the Town Official Map. The Planning Board shall, within sixty-two (62) days from the date of the close of the public hearing, act to conditionally approve, conditionally approve with modifications, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

- B. Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Four (4) copies of the approved subdivision plat shall remain with the Town and two (2) copies shall be returned to the subdivider for compliance with Section 3.4.11 of these regulations.
- C. Grounds for Decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated within the records of the Planning Board.

### **Section 3.4 Procedure for a Major Subdivision**

After the Planning Board has determined at the sketch layout review that the applicant's subdivision has major classification, the subdivider or his authorized agent shall apply for approval of such proposed subdivision in accordance with the following procedures.

#### **3.4.1 Cluster Development**

The subdivider shall apply for a Cluster Development in which a minimum 50% of the build able acreage is permanently set aside and which includes a new minor road accessing proposed lots.

- A. **Maximum Density.** A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Wayne Land Use Regulations.
- B. **Cumulative Density.** In cases where the plat falls within two or more contiguous districts, the Planning Board may approve a cluster development representing the cumulative density as derived from the summing of all units allowed in such districts, and may authorize any construction to take place in all or any portion of one or more of such districts.

#### **3.4.2 Conventional Plat**

When the subdivider can demonstrate that a traditional subdivision layout would be in the best interest of the community and would be compatible with the characteristics of the site, the subdivider may submit a conventional subdivision plat.

#### **3.4.3 Waiver**

The Planning Board may waive application requirements in accordance with Section 1. 9.

#### **3.4.4 Submission of Preliminary Plat.**

A Preliminary Plat sets the direction for development of the parcel and provides enough information on which to undertake environmental review without costly engineering expense to the developer. A preliminary plat shall be prepared and submitted to the Code Enforcement Officer for all proposed Major subdivisions. For the purpose of these regulations, the review time shall begin from the first regularly scheduled Planning Board meeting following the submission of the proposed preliminary plat to the Code Enforcement Officer. A fee as determined by the Town Board shall accompany the submission. The preliminary plat shall satisfy the submission requirements and shall comply with the recommendations made by the Planning Board in its report on the sketch layout, if any. Eight (8) copies of the preliminary plat and supplementary material specified shall be submitted to Code Enforcement Officer fourteen (14) days prior to the regular monthly meeting at which time it is to be considered. The subdivider or his duly authorized representative shall attend the monthly meeting of the Planning Board at which the subdivision proposal is to be considered.

#### **3.4.5 Submission Requirements for Preliminary Plat.**

The preliminary plat shall be drawn on one (1) or more sheets of tracing material and shall be clearly marked as a "Preliminary Plat", be drawn at a standard scale of not more than two hundred (200) feet to one (1) inch and shall include the information listed below. If more than one (1) sheet is required to show an entire tract, an index map shall be provided.

A. A Base Map including a location map of proposed subdivision and including:

1. Title of the sketch, including name and address of the subdivider.
2. North point, scale, date, and location map.
3. Boundaries of the tract to be subdivided, plotted to scale. If the subdivider intends to develop the tract in stages, the entire tract shall nevertheless be included in the preliminary plat.
4. Names of owners and tax parcel identification numbers of adjacent land or names of adjacent subdivisions, public land such as parks, and public buildings such as schools and hospitals.
5. The location of any municipal boundary lines, existing special service district lines, NYS certified Agricultural Districts, 100 year flood hazard boundaries, zoning district lines within the tract, and any other legal restrictions of use.

B. A list of such covenants, deed restrictions, easements, or leases (such as a mineral lease) as is intended to cover all or part of the tract.

C. A copy of a USGS Topographic Survey showing ground contours adjacent to and within the tract to be subdivided at intervals of not more than twenty (20) feet of elevation, and all pertinent topographic and planimetric features within an adjoining the tract, including existing roads, existing buildings, water courses, areas of slope 15% or greater, water bodies,



and wetlands.

- D. An Aerial Photograph with the site boundaries clearly marked overlaid by tax parcel boundaries noting vegetative cover conditions on the property such as cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a DBH (Diameter at Breast Height) in excess of 30", the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition, if known.
- E. A tracing overlay showing all soils areas and their classification as determined by Natural Resources Conservation Service and those areas, if any, with moderate to high susceptibility to erosion.
- F. A Tracing Paper Overlay showing the Overlay Design Process for Conservation Subdivisions as follows. This approach reverses the sequence of steps in laying out conventional subdivisions. Streets and lot lines are the last features to be identified in this design process after the delineation of conservation areas/developable land and building locations.
  - 1. **Identify Primary Conservation Areas:** These are "unbuildable" lands as described in Article I Build able Land Calculations.
  - 2. **Identify Secondary Conservation Areas:** These are those areas recommended for conservation/preservation, but which could be disturbed or removed by development upon approval by the Planning Board.
    - a. **Vegetative Cover:** Vegetative cover types to be considered secondary conservation areas as designated by the Planning Board. See Section 4.12 Woodlands and Section 4.13 Significant Natural Areas and Features.
    - b. **Soils:** Soils unsuitable for construction or onsite sewage disposal as defined by the Steuben County Soil Survey, as amended.
    - c. **Natural Boundaries:** Ridge lines and watershed boundaries
    - d. **Viewshed:** A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
    - e. **Geology:** Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information.
    - f. **Constructed Features:** All existing constructed features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
    - g. **Historic Sites:** Locations of all historically significant sites or structures on the

tract, including but not limited to cellar holes, stone walls, earthworks, and graves.

- h. **Trails:** Location of existing and proposed trails (pedestrian, equestrian, bicycle, etc.).
- i. **Easements:** All easements and other encumbrances of property which are or have been filed of record with the Steuben County Clerk
- j. **Slope:** Areas of slopes of 15% or greater, but less than 25%

3. **Identify Potential Development Area:** After delineating the Primary and Secondary Conservation Areas, the remaining part of the property becomes the Potential Development Area Map.

4. **Locate House Sites:**

- a. **Location:** Potential house sites shall be tentatively located within the Potential Development Areas
- b. **Relation To Open Space:** Generally, house sites should be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, considering the potential negative impacts of development to such areas as well as positive benefits (such as locations to provide attractive views.)

5. **Align Streets and Trails:**

- a. **Alignment:** After house sites have been designated, a preliminary street plan shall be designed to provide vehicular access to each house, generally in accordance with standards in Article IV, showing tentative rights-of-way and suggested street names.
- b. **Impacts:** Generally, street design shall be encouraged to minimize impacts on Primary and Secondary Conservation Areas and other open space.
- c. **Trails:** A system of trails providing pedestrian/bike access should be designed to link to neighboring trails and to provide access to open space as described in Section 4.16.

6. **Draw in the Lot Lines:** Draw lot lines to delineate the boundaries of individual residential lots and the remaining permanent open space. The lots shall show setbacks and shall be numbered. Maintaining 50% or more of the build able land on the parcel in permanent open space is REQUIRED.

G. **Long Environmental Assessment Form (EAF).** A long EAF demonstrates that the subdivider has minimized site disturbance and impacts on the Town of Wayne to the greatest

extent practicable resulting in either a no net loss or in a gain to the Town tax base.

#### **H. Preliminary Improvements Construction Plan.**

1. Description and tentative location of existing and proposed water lines or wells and a description of the source of water.
2. Conceptual layout of proposed sewer lines, if applicable, where community sewage service is to be permitted. Location of all current percolation tests, including all failed test sites, for all on-site disposal systems, if applicable. All acceptable sites shall be clearly distinguished from unacceptable sites.
3. Approximate location of existing drains, culverts, proposed swales, drainage easements, storm water management facilities and erosion control methods to be used during construction.
4. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
5. Location of all other proposed permanent open space and brief description of its ownership and long term maintenance.
6. Description of generalized landscaping plan including discussion of street trees and other plantings on dedicated and nondedicated open space.
7. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to the applicant's control within the adjoining municipalities. Evidence that this information is under review for subdivision approval by appropriate officials of the adjoining municipalities also shall be submitted.

#### **3.4.6 Public Hearing**

If the application for a preliminary plat is complete and satisfactory, the Planning Board shall schedule a public hearing within sixty-two days from the date of the submission. For the purpose of these regulations, the reviewing time schedule shall begin as of the date of the first regular scheduled monthly Planning Board meeting following submission of the preliminary plat. The hearing shall be advertised at least five (5) days before its scheduled date in a newspaper of general circulation in the Town.

#### **3.4.7 Notification of Decision on Plat**

- A The Planning Board shall study the preliminary plat in connection with the requirements of the Land Use Regulations, the Comprehensive Plan, and the Town Official map, and shall take into consideration the general requirements of the Town. Particular attention shall be given to the suitability of the land for development, the relationship of the new lots to existing development and to the natural environment, the layout of proposed roads to make

sure that adequate provision has been made for accommodating prospective traffic, provisions for storm water drainage, sewage disposal and the adequacy of proposed sites for designated open space, parks, playgrounds, and other community facilities.

- B The Planning Board shall, within sixty-two (62) days from the date of the close of the public hearing for the preliminary plat; the Planning Board will act upon it. Within five business days of the adoption of the resolution granting preliminary approval or conditional preliminary approval of such preliminary plat, such plat shall be certified by the Code Enforcement Officer as having been granted preliminary approval and a copy of the plat and resolution shall be filed in the Code Enforcement Officer's office. A copy of the appropriate minutes of the Planning Board shall be a sufficient report. The Planning Board's resolution may include recommendations as to desirable revisions to be incorporated in the preliminary plat. If the preliminary plat is disapproved, the Planning Board's resolution will contain the reasons for such findings. Subsequent to the public hearing, the Planning Board may recommend to the subdivider further study of the proposed subdivision and resubmission of the preliminary plat to the Planning Board after it has been revised or redesigned.

### **3.4.8 Submission of Final Plat**

- A Within six months of the preliminary approval of the preliminary plat the subdivider must submit the plat in final form. If the final plat is not submitted within six months, preliminary approval of the preliminary plat may be revoked by the Planning Board. The subdivision plat shall conform substantially to the preliminary plat that has received conditional approval from the Planning Board. It shall incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary plat stage, all necessary permits from county, state, and federal authorities; and all such compliances shall be clearly indicated by the subdivider on the appropriate submission and the following plans and specifications as prepared by a professional engineer or licensed architect, setting forth the precise nature and exact location of the work and all engineering data necessary for the completion of the work.
1. Field Survey. A field survey of the boundary lines of the tract and lots giving complete descriptive data by bearings and distances made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments, and shall be referenced and shown on the plat. The survey should also show:
    - a. Title of the subdivision, including the name and address of the subdivider, who shall have some interest in the land, or the owner of the parcel to be subdivided.
    - b. North point, scale, date and location map.
    - c. A topographic survey showing ground contours adjacent to and within the tract to be subdivided at intervals of not more than two (2) feet of elevation, and all pertinent topographic and planimetric features within and adjoining the tract.
    - d. Location of all easements, municipal boundaries, special district

boundaries, NYS certified Agricultural Districts, zoning districts, flood hazard boundaries, and the like.

2. Storm water Drainage Plans (minor disturbance). If land disturbance (exposure of soil) is less than one acre, a schematic indication of proposed system for storm water drainage and erosion control in consultation with the Natural Resources Conservation Service and/or the SWCD
3. Storm water Drainage Plans (large disturbance). For any land development activity that either results in land disturbance (exposure of soil) of one (1) or more acres or is part of a common plan of development or sale that will result in the cumulative disturbance of one (1) or more acres, a copy of the NYS Phase II Construction Permit Storm water Pollution Prevention Plan (SWPPP) must be filed with the plat. If site conditions warrant it, the Planning Board may require more detailed storm water management facility plans.
4. Width and location of any existing and proposed roads or public ways, sidewalks, the final lines, gradients, grading plan and detailed profile per Town of Wayne Highway Specifications.
5. Where community sewer service is to be provided, whether off-site or on-site, the final detailed design, showing location and size, type and elevations and gradients of all facilities including, but not limited to, sewer mains, manholes, pumping stations, and sewage treatment facilities.
6. Where central water service or water supply, whether off-site or on-site, is to be provided, the final detailed design, showing location and size, type and elevations and gradients of water service facilities, including, but not limited to, wells, storage tanks, pumps, mains, valves, and hydrants and easements for such facilities.
7. Location of all existing and proposed buildings with setbacks.
8. Final landscaping plan using native materials as much as possible in keeping with low maintenance of open space including
  - a. Conservation of designated open land in its natural state (i.e.: woodland, fallow field, meadow).
  - b. Forestry practices within existing standards.
  - c. Coordinated planting of native deciduous shade trees within street right of ways.
9. Final Open Space Ownership and Management Plan. This plan defines the long term maintenance and ownership requirements for all public and nondedicated open space and includes the following:
  - a. precise boundaries

- b. exact acreage
- c. proposed ownership of all proposed Open Space Areas
- d. A narrative report indicating how and by whom such Open Space Areas will be managed.
- e. Declarations, easements and covenants governing the reservation and maintenance of undedicated open space.

#### 10. Maintenance of Storm water Management Facilities

- a. Easement(s). Prior to the issuance of any approval that has a storm water management facility as one of the requirements; the developer must provide an easement that shall be binding on all subsequent landowners served by the storm water management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Wayne to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the developer in the office of the County Clerk after approval by the Town of Wayne
- b. Maintenance Agreements. The Town of Wayne shall approve a formal maintenance agreement for storm water management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plat approval. The maintenance agreement shall include a detailed short and long-term maintenance plan. The Town of Wayne, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future storm water management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

#### 11. Detailed designs of all other improvements as required by this regulation.

#### 12. Other Studies and Reports, as required.

- a. Groundwater protection and recharge study
- b. Flood impact study
- c. Traffic impact study
- d. Community services and tax base impact study

#### 13. Additional Approvals, Certificates and Documents.

- a. **Offer of Dedication of Property or Structures:** The approval of the plat

does not constitute an acceptance by the Town of the dedication of those facilities.

- b. **Restrictions:** Copy of deed restrictions, easements, covenants and declarations which are to be imposed upon the property to comply with the conditions established by the Planning Board, petitions for creation of any needed special districts, or any other legal documents that may be requested by the Planning Board.
- c. **Computer Mapping:** A digital copy of the Final Plat in a format compatible with the Town's computer system, geographically referenced so that the street(s) and lots layout and utility and other improvement locations can be added to the Town database and computerized map(s), if required.

- 14. **Letter of Credit:** The subdivider shall provide a letter of credit or other acceptable form of security that comply with Section 277 of the Town Law to insure installation of all improvements shown upon the final subdivision plat within one (1) year of filing of said plat, in accordance with the standards and specifications of the Town of Wayne. The time limit may be extended by the Planning Board, upon written application made not less than thirty (30) days prior to the expiration of said period. Upon completion, the subdivider shall convey all utilities to the Town of Wayne or to the appropriate improvement district without charge or expense, and deliver to the Town of Wayne a form of security in an amount to be set by the Town Board guaranteeing for a period of two (2) years from such conveyance, defects in material or workmanship or malfunctioning of the component parts of such improvements.
- 15. **Default of Security Agreement:** In the event that any required improvements have not been installed or function as provided in this section within the term of such security agreement, the Town Board may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable hereunder; and upon the receipt of the proceeds thereof, the Town shall install, repair or replace such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding the cost of such proceeds.
- 16. **Subdivision in stages:** If the subdivider wishes to develop the subdivision in stages, he/she may prepare and submit a subdivision plat for a portion of the area encompassed by the preliminary plat, provided the proposed development stages were indicated on the preliminary plat reviewed by the Planning Board.
- 17. **Provision for the review of technical plans.** The Code Enforcement Officer may:
  - a. Review the plans as part of his/her regular duties, OR
  - b. Upon approval by the Town Board, engage the services of a registered professional engineer or, in the case of SWPPP's, a Certified Professional Erosion Control Specialist, to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by the Town Board,

OR

- c. Accept the certification of a licensed professional that the plans conform to the requirements of this law.

**18. Provision for the Inspection of Improvements.**

- a. **Improvement Inspections:** The Town Planning Board shall provide for the inspection of required improvements during and after construction to assure that all Town specifications and requirements shall be met during the construction of required improvements, and at completion. The applicant shall promptly correct any portion of the work that does not comply.
- b. **Inspection Fee:** The subdivider shall pay an inspection fee equal to a percentage (determined by the Town Board) of the estimated cost of such required improvements and utilities.
- c. **Payment:** Such inspection fee shall be paid to the Town prior to the signing of the Final Plat.

**19. Maintenance of Open Space.** Land designated as open space:

- a. **Size:** Shall be contiguous and of such size and shape as to be usable for recreation, agriculture, or natural buffer areas.
- b. **Protection Measures:** Shall either be:
  - i. Assigned to the adjoining lot with a permanent deed restriction as defined by the Planning Board,
  - ii. Deeded to the Town by a fee simple dedication
  - iii. Have conservation easements given to or acquired by the Town or appropriate land trust,
  - iv. Held in corporate ownership by the subdivider of the lots within the development forming a Homeowners' Association.
  - v. Held in corporate ownership by a Condominium Association Owned and managed by a private conservation organization or the County.

**20. Taxation.** The open space lands shall be subject to taxation, unless deeded to the Town or otherwise tax exempt.

**21. Further subdivision prohibited.** Further subdivision of land designated as open space, or its use for other than non-commercial recreation, conservation, or agriculture (except for easements for underground utilities), shall be prohibited.



## 22. Failure to maintain common property.

- a. **Notice:** In the event that the Code Enforcement Officer serves notice to the organization established to own and maintain common property, or any successor organization, that they have failed to maintain the common property in reasonable order and condition in accordance with the plan, said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof. If the deficiencies are not cured within this time, the Town Board may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice.
- b. **Time Extensions:** At such a hearing, the Town Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within thirty (30) days of any extension thereof, the Town may enter upon said common open space and maintain the same for a period of one (1) year. This action is to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing. Notice shall be served to such organization or to the residents and owners of the development at which hearing, to be held by the Town Board, such organization or the residents and owners of the development shall show cause why such maintenance by the Town shall not, at the election of the Town, continue for a succeeding year.
- c. **Cessation Of Maintenance:** If the Town Board shall determine that such organization is ready and able to maintain said common property in reasonable condition, it shall cease to maintain said common property at the end of said year. If the Town Board shall determine that such organization is not ready and able to maintain said common property in a reasonable condition, the Town may, at its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter.
- d. **Cost:** The cost of such maintenance by the Town shall be assessed at the same proportion as each unit's assessed value bears to the total assessment of the development.
- e. **Condition Of Plat Approval:** The Planning Board as a condition of plat approval may establish such conditions on the ownership, use and maintenance of

such open lands shown on the plat, as it deems necessary to assure the preservation of the natural and scenic qualities of such lands. The Planning Board may require that such conditions shall be approved by the Town Board before the plat may be approved for filing.

- f. **Completion Of SEQR Review:** Because a final plat includes a full assessment of environmental concerns, the Planning Board shall complete the SEQR review process. A final plat is not considered complete until required determinations have been made under SEQR.

### **3.4.9 Public Hearing.**

If the application for final plat approval is complete and satisfactory, a public hearing shall be held within sixty-two (62) days from time of submission on the final plat application.

### **3.4.10 Notification of Decision**

- A Within-sixty-two (62) days from the submission date, the Planning Board shall approve, modify and approve, or disapprove the final plat. In reviewing a final plat, the Planning Board shall consult with the Town Planning Consultant and such other officials or agencies as may be appropriate in each case. The action of the Planning Board shall be by resolution, which shall be recorded in the Board's minutes, and filed with the Town Clerk within five days of adoption, and the subdivider shall be notified of such action through transmittal of these minutes. In case of disapproval of a proposed subdivision, the Planning Board shall have in these minutes the reasons for disapproval. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed with the Town Clerk.
- B **Duration of Conditional Approval of Final Plat.** Conditional approval of the final plat shall expire within one hundred eighty (180) days after the resolution granting such approval unless all requirements have been certified as completed. The Planning Board may extend by not more than two additional periods of ninety (90) days each the time in which conditionally approved plat must be submitted for signature or conditional approval of the final plat shall expire.
- C **Default Action on Final Plat.** In the event a Planning Board fails to take action on a final plat within the time prescribed or within such extended period as may have been established by the mutual consent of the subdivider and the Planning Board, such final plat shall be deemed granted approval.

### **3.4.11 Filing of Plat**

- A Subsequent to the Board's resolution of approval or other date of approval if some modifications are attached to the resolution, the subdivider must file the plat signed by the Planning Board with the County Clerk within sixty-two days of said approval. Failure to do so voids the approved status of the plat. The following shall constitute final approval:

1. The signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plat as herein provided;
  2. or the approval by such board of the development of the plat or plats already filed in the office of the Steuben County Clerk if such plats are entirely or partially undeveloped;
  3. Or the certificate of the Clerk of the Planning Board as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time herein provided.
- B Town Law Section 276 authorizes the Town Planning Board to permit final plats to be subdivided into two or more sections, prior to granting approval. The Planning Board may impose such conditions on the filing of the sections, as it deems necessary to assure orderly development of the overall plat.
- C No building permit for any permanent building within the subdivision shall be issued by the Wayne Code Enforcement Officer until a copy of the subdivision plat has been approved by the Planning Board and has been filed in the office of the Steuben County Clerk and Liber and page numbers have been assigned by the County Clerk. Where a permit is desired for the occupancy of a building in the subdivision prior to the completion of all the improvements, the road serving the building shall be completed to a degree satisfactory to the Town Superintendent of Highways.
- D After such plat is approved and filed, the streets, highways and parks shown on such plat shall be and become a part of the official map or plan of the Town.
- E Cession or Dedication of Streets, Highways or Parks.
1. **Dedication to Municipality.** All streets, highways or parks shown on a filed or recorded plat are offered for dedication to the public unless the subdivider of the affected land makes a notation on the plat to the contrary prior to final plat approval. Any street, highway or park shown on a filed or recorded plat shall be deemed to be private until such time as it has been formally accepted by a resolution of the Town Board, or until it has been condemned by the Town for use as a public street, highway or park.
  2. **Invalid Dedication.** In the event that such approved plat is not filed or recorded prior to the expiration date of the plat approval as provided in Section 276 of Town Law, then such offer of dedication shall be deemed to be void on and after such expiration date.
- F. Effect. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the Land Use Regulations applicable to such lands.
- G. Subdivision Abandonment. The subdivider of an approved subdivision may abandon such subdivision pursuant to the provision of section five hundred sixty of the real property tax law.

## **ARTICLE IV - DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

### **Section 4.1 General**

The Planning Board, in reviewing an application for approval of a subdivision plat, shall be guided by the considerations and standards presented in this article. In its review, the Planning Board shall take into consideration the prospective character of the development and require that subdivision improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare.

### **Section 4.2 Lots and Blocks / Lot Size and Arrangement**

The dimensions and arrangements of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build on the lots in compliance with the Land Use Regulations. In general, side lot lines shall be at right angles or radial to street lines, unless a variation from this can be shown to result in a better plan.

### **Section 4.3 Road Design Guidelines**

Construction specifications will be set by the Town Board.

#### **4.3.1 General**

Road systems shall be designed with due regard to the needs for: convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; and storm water drainage and sewage disposal. Roads shall be designed to accommodate the prospective traffic, so arranged as to separate through traffic from neighborhood traffic insofar as possible, and coordinated to compose a convenient system. Road systems shall be designed to accommodate the following:

- A. Where a subdivision adjoins undeveloped land, its roads shall be laid out so as to provide suitable future road connections—between areas of build able land while maintaining adjoining Primary and Secondary Conservation Areas intact. A road thus temporarily dead-ended shall be constructed to the property line and shall be provided with a temporary turn-around of the same dimensions as for permanent dead-end roads, with a notation on the subdivision plat providing for temporary easements for the turn-around until such time as the road is extended. These same requirements shall apply at the discretion of the Planning Board in those cases where the adjoining land is in another section of the same subdivision, and which is not scheduled for development at the same time.
- B. Insofar as possible, lots shall not derive access from a major road. Access to lots adjacent to a major road shall in general be from marginal access roads or other roads within the subdivision. Where a watercourse separates the build able area of a lot from the road by which it has access, provision shall be made for installation of culvert or other structure, which shall be subject to the same design criteria and review as all other storm water drainage facilities in the subdivision.

- C. Roads shall be logically related to the topography, and all roads shall be arranged so as to obtain as many as possible of the building sites at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.
- D. Where a subdivision abuts on or contains an existing or proposed major road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Where a subdivision borders or contains an existing or proposed railroad right-of-way or controlled access highway right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, for park purposes in residential districts, or for business, commercial or industrial purpose in appropriate areas. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

#### **4.3.2 Authority for Road Design Approval**

All streets shall be designed and constructed to conform to the Town Board specifications. The Town Highway Superintendent shall approve all street design and construction.

#### **4.3.3 Road Intersections**

Intersections of major roads shall be held to a minimum and spaced at least one thousand (1,000) feet apart, and intersections of collector road by other roads shall be at least eight hundred (800) feet apart. Cross (four-cornered) road intersections shall be avoided insofar as possible, except at intersections where both roads are at least of collector designation. Between offset intersections there shall be a distance of at least one hundred fifty (150) feet. Within fifty (50) feet of an intersection, roads shall be approximately at right angles and in no case shall the angle of intersection be less than seventy-five (75) degrees without additional channelization. Minimum curb radii shall depend on the intersecting road types; and shall be as follows:

Collector with collector:	35'
Minor with collector:	30'
Minor with minor:	25'

Collector or minor roads into the subdivision from a major road shall have a minimum curb radius of forty (40) feet. All property corners at road intersections shall be rounded with a radius of twenty (20) feet or have comparable cutoffs or chords. Within triangular areas formed by the intersecting road lines, for a distance of seventy-five (75) feet from their intersecting and the diagonals connecting the end points of these lines, visibility for traffic safety shall be provided by exclusions of plantings or structures. Grades within the intersection shall not exceed one and one-half percent (1-1/2%) for a distance of fifty (50) feet from the intersection, from fifty (50) to one hundred (100) feet, the grades should not exceed three percent (3%), and in no case shall they exceed five percent (5%).

Triangles, circles or other traffic channeling islands may be required at intersections where present or anticipated traffic conditions indicate their advisability for traffic control or safety.

#### 4.3.4 Dead-end Roads

Where a road does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance sufficient to accommodate a lot meeting the requirements of the Land Use Regulations. Reserve strips of land shall not be left between the end of a proposed road and an adjacent piece of property. However, the Planning Board may require the reservation of an easement fifteen (15) feet wide for pedestrian traffic or utilities. A turn-around of a minimum right-of-way radius of eighty (80) feet shall be provided at the end of any permanent dead-end road. For greater convenience to traffic and more effective police and fire protection, the length of permanent dead-end roads shall be limited to six (6) times the minimum lot width for the zoning district, such length to be measured to the center point of the turn-around.

#### 4.3.5 Standards for Road Design

Description	Alleys	Minor Roads	Collector Roads <sup>1</sup>
Minimum width of right-of-way	24 feet	50 feet	60 feet
Minimum width of pavement	20 feet	20 feet	24 feet
Minimum radius of horizontal curves <sup>2</sup>	n.a.	150 feet	300 feet
Minimum length of vertical curve	n.a.	100 feet, but in no case less than 20 feet for each 1% difference of grade	200 feet, but in no case less than 30 feet for each 1% difference of grade
Minimum length of tangents between curves	n.a.	100 feet	200 feet
Maximum grade	n.a.	10%	8%
Minimum grade	0.5%	0.5%	0.5%
Minimum sight distance <sup>3</sup>		150 feet	250 feet

<sup>1</sup>Collector roads, which do not service an area containing at least one hundred fifty (150) dwelling units under ultimate area development may be considered as minor roads for purposes of design standards. The service area of a collector includes those dwelling units on minor roads, which feed into the collector.

<sup>2</sup>Radius of Horizontal curves shall be measured to the centerline of the road.

<sup>3</sup>Sight distance shall be measured between two points along the centerline of the road on a straight line entirely within the road right-of-way and clear of obstructions, one of the points to be at the surface of the road, and the other four and one-half (4-1/2) feet above the surface.

## **Section 4.4 Road Improvement**

### **4.4.1 Road Grading and Shoulders**

Areas within road rights-of-way shall be graded as necessary to eliminate any slopes steeper than one (1) foot vertical in two (2) feet of horizontal distance. Road shoulders shall not exceed a slope of ten percent (10%) at right angle to the road centerline. Shoulders at least eight (8) feet wide shall be provided on both sides of collector roads. Minor roads shall have a shoulder at least eight (8) feet wide on one side of the road and at least four (4) feet wide on the other. Shoulders and all other unpaved areas within the road right-of-way shall be treated with topsoil and seeded to grass.

### **4.4.2 Sidewalks**

Concrete sidewalks at least four (4) feet wide may be required on both sides of all roads. They may also be required within pedestrian easements through blocks to provide a system of pedestrian walkways to schools, parks, and other community facilities. Sidewalks should be two (2) feet from the property line inside the right-of-way, unless the adjacent road is a state or county highway, in which case the sidewalk shall be placed adjacent to and outside the right-of-way. Sidewalks within pedestrian easements shall be generally centered within the easement.

### **4.4.3. Trees**

The subdivider shall take adequate measures to preserve desirable existing trees in suitable locations within the subdivision. Street trees shall be planted on both sides of the road and ten (10) feet outside the right-of-way, at intervals of approximately fifty (50) feet, subject to location of drives, road intersections, or other features. In general, the road right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value may be preserved within the road right-of-way if approved by the Planning Board.

### **4.4.4 Road Names and Signs**

All roads shall be named, and such names, after review by the Planning Board, shall be subject to approval of the Town Board and submitted to the Steuben County E911 Department. The official map will be approved by the Town Board. A road, which is a continuation of an existing road, shall bear the same name. Relating road names to features of local historical, topographical, or other natural interest is encouraged. Road signs shall be provided by the developer at all intersections and shall be of a type approved by the Town Superintendent of Highways.

### **4.4.5 Monuments**

Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting roads, PC and PT of curves, though the P1 of short curves may be used instead, where such is practical, at the discretion of the Town Superintendent of Highways. Monuments shall be placed on one (1) side of the road only and at only one (1) corner of intersecting roads. Monuments shall be tied into the New York State Coordinate System, or other acceptable datum. Monument locations should be shown on the subdivision plat; and field notes of ties to monuments or a tie sheet shall be submitted to the Town Highway Superintendent after installation of monuments. Monuments shall be of stone or concrete and not less than four (4) inches in diameter or square and not less than forty-two (42)

inches long. Concrete monuments shall be reinforced with steel rods, and a plug, brass plate, or pin shall serve as the point of reference and a reinforcing rod or other metal shall be placed adjacent to allow for magnetic recovery. After construction and fine grading is completed, the corners of each lot shall be staked with iron pipe or pins.

## **Section 4.5 Drainage System and Erosion Control**

### **4.5.1 Environmental Permits**

The applicant shall assure that all applicable environmental permits have been or will be acquired for the development activity. For more information on Permits (a.) through (d.), contact the NYS Department of Environmental Conservation Region 8 office. These may include, but are not limited to:

- A. **SPDES General Permit for Stormwater Discharges from Construction Activities (GP-02-01)** Sediment discharges and storm water runoff resulting from construction activities are regulated under the New York State Pollutant Discharge Elimination System (SPDES). A permit is generally required for construction activities that disturb one (1) or more acres of land. This permit requires that a copy of the Storm water Pollution Prevention Plan (SWPPP) and any revisions to that plan be submitted to the Town.
- B. **SPDES General Permit for Storm water Discharges Associated with Industrial Activity.** Storm water runoff from specified industrial activities is regulated under New York SPDES.
- C. **Freshwater Wetlands Regulations 6NYCR Part 662-663.** A New York State permit may be required for disturbance or alteration of a wetland or wetland buffer.
- D. **Protection of Waters Regulations 6NYCRR Part 608.** Any activity within fifty (50) feet of protected or navigable waters may require a New York State permit.
- E. **U.S. Army Corps of Engineers Regulatory Program.** A federal permit, issued from the USCOE Buffalo office, may be required for disturbance of or discharge into Waters of the United States.

### **4.5.2 Stream Corridors**

- A. The Town of Wayne discourages stream corridor development in order to prevent flood damage, minimize property damage from stream bank erosion, protect the integrity of stream systems, protect water quality, and enhance habitat.
- B. **Stream setback for buildings:** All new buildings shall be set back a minimum of fifty (50) feet from the bank of any stream indicated in blue on the U.S. Geological Survey topographic quadrangle map.
- C. **Vegetation:** Woody vegetation along streams should be preserved or established whenever possible.



### 4.5.3 Drainage Systems

The following guidelines are intended to ensure that storm water runoff is safely conveyed through a development site, to minimize stream bank erosion, maintain groundwater recharge, and to reduce flooding related to land development.

- A. Any alteration of the hydrology of the site shall be designed to minimize adverse impacts on water quality, peak discharge, groundwater recharge, and drainage patterns.
- B. The quantity, quality, and timing of storm water runoff during and after development shall not be substantially altered from pre-development conditions.
- C. **Water Quality Standards.** Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.
- D. Any new or modified drainage channel or storm water facility shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland of the development.
- E. Preservation of natural watercourses and drainage patterns is generally preferable to the construction of drainage channels or diversion of flow into other drainage ways.
- F. **Maintain existing storm water systems:** Any existing storm water management system including a swale, ditch, basin, pond, drywell, catch basin, stream or other system component shall be maintained in such a manner as to be functional or replaced by a system that meets or exceeds the standards of the existing system. No building or structure shall be erected, altered or moved within any drainage course, including a swale, ditch, or stream.
- G. The recommended technical standards for the design of post-construction structures are detailed in the Storm water Design Manual.

### 4.5.4 Erosion and Sediment Control

In order to insure that the land will be developed with a minimum amount of soil erosion, the Town Planning Board shall require the developer to follow certain erosion control practices.

- A. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development.
- B. Temporary vegetation and/or mulching shall be used to protect critical areas.
- C. The off-site impacts of erosion and sedimentation from the development site shall not be substantially greater during and following land disturbance activities than under pre-development conditions.
- D. The development plan shall be consistent with the topography and soils and other physical characteristics so as to minimize the erosion potential and avoid disturbance of

environmentally sensitive areas.

- E. Existing vegetation on the project site shall be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)
- F. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials.
- G. Erosion and sediment control measures shall be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices shall not be removed until the disturbed land areas are stabilized.
- H. The recommended technical standards for erosion and sedimentation control are detailed in the most current version of the Erosion Control Manual.

#### **4.5.5 Flood Hazard Prevention**

- A. Flood hazard prevention shall include the control of soil erosion of drainage channels and the prevention of inundation and excessive ground water seepage by appropriate site planning, site grading and the establishment of adequate elevations of building, building openings, and roadways.
- B. Mapped Floodplains. Any development within Special Flood Hazard Areas delineated on the Town of Wayne Flood Insurance Rate Maps shall comply with the Flood Damage Prevention Law of the Town of Wayne.
- C. Areas with known flood hazards. When a land development project is within or adjacent to an area with known flooding problems or known high ground water, buildings, building openings, and roadways should be elevated or otherwise protected from the historic, anticipated or computed water levels. Utilities in these areas should either be elevated or designed to minimize or eliminate infiltration of floodwaters. On-site wastewater treatment systems (septic systems) shall be located and designed to avoid impairment to them or contamination from them during flooding. The effect of such development on upstream and downstream reaches of the watercourse and adjacent properties shall be considered and adequate protective measures shall be implemented.
- D. Sites downstream of dams. Any proposed development located downstream of a private dam shall require technical engineering review to assess the flood hazard in the event of a dam failure if recommended by NYSDEC dam safety staff. Based on this review, the project shall be designed to minimize the risk to life and property in the event that the upstream dam fails.

### **Section 4.6 Utilities**

#### **4.6.1 Water Supply and Sewage Disposal**

Provisions for water supply and sewage disposal shall comply with requirements of the Town of

#### **4.6.2 Underground Installation**

All utility companies (telephone, electric, etc.) are now equipped to make underground installation of their services: underground installation shall be required when practical.

#### **Section 4.7 Easements**

Easements within the subdivision shall be provided where required for storm drains, sanitary sewers, other utilities, or pedestrian traffic. The designation of any such easement on a subdivision plat shall constitute a restriction against the location of any building or conflicting use on such easement. Such easements shall generally be not less than fifteen (15) feet wide. Easements for natural watercourses or constructed channels shall be provided as needed, with the required width based on the needed cross-section of channel to pass the design flow specified in Section 4.5.1.

#### **Section 4.8 Neighborhood Parks and Playgrounds**

Pursuant to Section 277 of the Town Law, subdivision plats shall show, when required by the Planning Board, suitable areas for neighborhood parks or playgrounds. In general, the Planning Board shall require such areas to be provided in subdivisions or portions of subdivisions, which are not adjacent to a public school site or public park or playground. When such recreation areas are required by the Planning Board, they shall be provided on the basis of at least two (2) acres for every fifty (50) dwellings to be accommodated within the subdivision. Subdivisions with lots of one (1) acre or more may not be required to provide recreation acres. All lands proposed for park or recreation purposes shall meet with the following minimum standards:

- A. Such land shall either be deeded to the Town or be held in corporate ownership and maintained by an established organization.
- B. Shall have physical characteristics and locations, which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimize hazards and vehicular traffic for children walking.
- C. No such area may be smaller than two (2) acres, and in general, recreation areas shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.
- D. A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least one hundred seventy-five (175) feet square for children's field games.
- E. The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.
- F. All improvements shown on the site development plan shall be made by the subdivider as part of the required improvements of the subdivision as a whole. If the Planning Board does not require the developer to provide recreation areas as above, they may require the

developer to pay a playground or recreation site and development fee at a rate per lot to be set by the Town Board. Such fee shall be paid to the Code Enforcement Officer at the time of the issuance of a building permit for new residential construction. Such fees shall be deposited with the Town Clerk and shall be used exclusively to purchase, develop and equip parks, playgrounds and other recreational uses.

#### **Section 4.9 Driveway Standards**

No person, firm or corporation shall construct or locate any driveway entrance or exit into a highway of the Town of Wayne without having first met the provisions of this section. The “Standard Entrance and Exit Crossing Requirements” shall be as follows:

- A. The applicant shall furnish all materials and bear all costs of construction within the town road right-of-way; pay the cost of all work done and materials furnished as required to meet the conditions set by the Town Highway Superintendent. Work within a county or state highway right-of-way will meet county or state requirements.
- B. No alternation or addition shall be made to any driveway without first securing permission from the Town Highway Superintendent.
- C. No more than two driveways to a single commercial establishment entering on one highway shall be permitted.
- D. The maximum width for a single combined entrance or exit shall be not more than 50 feet for commercial use and not more than 20 feet for residential use.
- E. The slope of the driveway shall not be greater than 10%. Slope of the driveway shall not exceed 2% within 25 feet of the intersecting public highway.
- F. The driveway shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. In addition, as specified by the Town Highway Superintendent, a catch basin at a point near the intersection of the driveway and public highway may be required. This will prevent surface water and debris from being discharge onto the highway.
- G. **Private stream crossings:** Private stream crossings should be avoided wherever possible. When a stream crossing is necessary, it should be adequately designed and installed to provide a stable flow path during all water level conditions. The affected Highway Department and/or a professional engineer shall review and approve the design of any bridge or culvert installed on a stream indicated in blue on the U.S. Geological Survey topographic quadrangle map. Any costs incurred for professional engineering are the responsibility of the applicant.

#### **Section 4.10 Steep Slope Guidelines**

The Town of Wayne is characterized by numerous steep slope (15%) or greater areas. Special design treatment for streets, building sites and other development is needed to preserve the natural terrain, trees, rock formation, scenic views, etc. Development on steep slopes will be permitted subject to the following guidelines:

- A. Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures (terraces, sediment basins, diversions, retaining walls, stream channel improvement, etc.) and road location (including cross-sections).
- B. Padding, which is the creation of level building sites, shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable environmental impact and/or an unfavorable visual appearance.
- C. Design principles shall include, but not be limited to, the following:
  - 6. Landscaping of areas around structures making them compatible with the natural terrain.
  - 7. Shaping, grouping and placement of man-made structures to complement the natural landscaping.
  - 8. Arrange building so they complement one another to promote visual interest. Clustering of residential units and multiple dwelling shall be encouraged to house a given population with a minimum spoilage of land. The developer shall first of all determine the qualities of the site and then plan and build to accentuate these qualities rather than destroy them.
  - 9. Shape of essential grading to complement existing land forms and prohibits any appearance of successive padding, terracing or other similar forms for building sites in the hill area.
  - 10. Encourage the development of off street parking bays.
  - 11. Encourage the use of turning circles at mid-block points to avoid the use of private driveways for turning and parking movement.
  - 12. Encourage split-level building sites.
  - 13. Use one-way streets when consistent with traffic safety, circulation needs, and natural topography. This guideline allows for smaller road right-of way, less cut and fills within a given area and a highway network consistent with the natural terrain. Road shall be parallel with the hillside wherever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.
  - 14. Land within the hill area that is in excess of 25% slope shall not be developed as individual residential lots.
  - 15. Outstanding natural features such as the highest crest of the hill, range, natural rock outcroppings, particularly desirable vegetation, etc. should be retained.

### **Section 4.11 Groundwater Resources**

The proposed subdivision shall be designed to avoid disturbance to natural infiltration and percolation of precipitation to the groundwater table especially in permeable recharge areas, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces.

### **Section 4.12 Woodlands**

#### **A Woodlands as Resource**

Woodlands occur extensively throughout the Town, often in association with stream valleys and wet areas, poor and erodible soils, and moderate to steep slopes. Woodland conditions within the Town vary with respect to species composition, age, stocking, and health but are generally mature mixed-age forests. Most woodland in the Town represents one or more of the following resource values:

1. **Erosion Control.** As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge.
2. **Climate Moderation.** As a means of ameliorating harsh microclimatic conditions, in both summer and winter.
3. **Economic Value.** As a source of wood products, i.e., poles, saw timber, veneer and firewood.
4. **Habitat.** As habitats for woodland birds, mammals and other wildlife.
5. **Recreation.** As recreation resources for walkers, equestrians, picnickers and other related outdoor activities.
6. **Visual Buffers.** As visual buffers between areas of development and adjacent roads and properties.

#### **B Evaluation Required**

Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as open space or build able lands. Evaluation criteria may include:

1. Configuration and Size.
2. Present Conditions, i.e., stocking health and species composition.
3. Site Potential. i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.

4. Ecological Functions. i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
5. Relationship to Woodlands on Adjoining and Nearby Properties and the potential for maintaining continuous woodland areas.

### **C Report Required**

The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Town. This evaluation shall be submitted as a report and made a part of the application for a final plat, if requested by the Town Planning Board. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in paragraph 1 above.

### **D Standards**

In designing a subdivision plat, the applicant shall be guided by the following standards:

1. **Over One Acre:** Healthy woodlands exceeding one acre shall be preserved and designated as open space areas, to the maximum extent possible. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
2. **Buffer Requirements:** Subdivisions shall be designed to preserve woodland along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
3. **Sensitive Areas:** Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Board and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.
4. **Clearing Restrictions:** No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.

### **Section 4.13 Significant Natural Areas and Features**

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance may exist throughout the Town. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features by the applicant's *Existing Resources and Site Analysis Plan* (as required in Article III) by incorporating them into proposed open space areas

or avoiding their disturbance in areas proposed for development.

#### **Section 4.14 Historic Structures and Sites**

- A Protect Historic Resources:** Plans requiring subdivision approval shall be designed to protect existing historic resources of all classes. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to that resource, to preserve its historic context. Where, in the opinion of the Town Planning Board, a plan will have an impact upon an historic resource, the developer shall mitigate that impact to the satisfaction of the Board by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means.
- B The Planning Board May Require Review:** The Planning Board may require review by the Town Historical Society with regard to the preservation of historic resources including location of proposed sewage disposal systems.

#### **Section 4.15 Corridors and Scenic Viewsheds**

All applications for subdivision shall attempt to preserve the scenic visual corridors along such roads by incorporating them into open space areas or otherwise providing for building setbacks and architectural designs to minimize their intrusion. In instances, where such designs fail to satisfactorily protect corridors, applicants will be required to provide naturalistic landscape buffers to minimize their adverse visual impacts. The species specified for such buffers shall be selected on the basis of an inventory of tree and shrub species found in existing hedgerows and along wooded roadside edges in the vicinity of the development proposal.

#### **Section 4.16 Trails**

- A Existing Trails:** When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Board may require the applicant to make provisions for continued recreational use of the trail.
- B Alter Course:** The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
  - 1. **Same Entrance/Exits:** The points at which the trail enters and exits the tract remain unchanged.
  - 2. **Quality Design:** The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture.
  - 3. **Not on Road:** The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
- C Easement:** When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Board.



**D Design Elements:** Trail improvements shall demonstrate adherence to principles of quality trail design.

1. **Clearance:** Trails shall have a vertical clearance of no less than ten (10) feet.
2. **Width:** Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
3. **Non-Motorized Traffic:** No trail shall be designed with the intent to accommodate motorized vehicles.