SUBDIVISION REGULATION

TOWN OF ROXBURY, NEW YORK

ADOPTED BY:	
Roxbury Planning Board	September 25, 1985
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ARTICLE 100. GENERAL PROVISIONS

101. Title And Effective Date

In order that the land subdivisions may be made in accordance with the authority, jurisdiction, and policy as set forth above, these Regulations, which shall be known and cited as the "Town of Roxbury Land Subdivision Regulations", have been adopted by the Planning Board on September 25, 1985, and approved by the Town Board on October 14, 1985.

102. Authority

By the authority of the resolution of the Town Board of the Town of Roxbury, adopted on May 23, 1975, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Roxbury is authorized and empowered to approve plats showing lots, blocks, or sites, with or without roads or highways, to approve the development of entirely or partially undeveloped plats already filed in the Office of the County Clerk.

103. Jurisdiction

Land within the unincorporated portion of the Town of Roxbury may be subdivided into lots, blocks, or sites, with or without streets or highways, only if approved by the Planning Board in accordance with the procedures and requirements as set forth in these Regulations, and only if the approved plat is duly filed in the office of the County Clerk of Delaware County, New York. Construction, excavation, filling, regrading, clearing of vegetation or other similar activities shall not begin within any area proposed or intended for subdivision until said subdivision shall have been approved, or conditionally approved, by the Planning Board.

104. Policy

It is declared to be the policy of the Planning Board to consider land subdivision as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things:

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

B) That proper provision shall be made for surface drainage, water supply, sewage, and other needed improvements.

C) That roads and streets shall be of such width, grade and location as to accommodate the prospective traffic, to follow the natural contours of the land, to afford adequate light and air, to facilitate fire protection and to provide access of fire fighting equipment to buildings.

D) That all proposed lots shall be so laid out and of such size as to not cause any adverse effects, such as erosion, on neighboring properties.

E) That proper provisions shall be made for open spaces for parks and playgrounds.

105. Purpose

These Regulations are adopted for the following purposes:

A) To protect the public health, safety and general welfare of the town by providing for adequate light and air, and security from fire, flood and other danger.

B) To guide the future growth and development of the town, in accordance with the Comprehensive Plan as it exists..

C) To protect and conserve the value of the land throughout the town.

D) To insure that public and private utilities and facilities are of sufficient capacity to serve the proposed subdivision.

E) To insure proper legal descriptions and monumenting of subdivided land.

F) To establish reasonable design standards and procedures for subdivisions and re-subdivisions.

G) To prevent the pollution of air, water and land. To assure adequate drainage facilities; to safeguard water tables; and to encourage the preservation and management of natural resources in the town.

H) To encourage the use of open spaces through the design and layout of the land.

I) To insure that the natural contours of the land will be followed in the design and layout of subdivisions.

106. Building Permits

No building permit shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the office of the County Clerk. However, the Building Inspector may issue a single building permit for a single family residence based upon the entire tract of land where there is no other existing residence within the proposed subdivision and where the location of the proposed building is in accordance with an approved preliminary plat.

107. Re-subdivision

A re-subdivision, as defined herein, is subject to the same procedures, rules and regulations applicable to an original subdivision.

108. Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions is an exercise of valid police power delegated by New York State to the Town. The sub-divider or developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the town and to the safety and general welfare of the future plat owners in the subdivision and the community at large.

109. Waivers

A) General

Where the Planning Board finds that compliance with these Regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size drainage or other physical features of the site, the minimum requirements of the Regulations may be modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these Regulations. No such modification may be granted if it would have the effect of nullifying the intent and purpose of the Comprehensive Plan or these Regulations.

B) Conditions

In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the policy and standards of these Regulations.

C) Procedure

A petition for any such waiver shall be submitted in writing by the subdivider at the time when the sketch plan is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

D) Lot line adjustment waivers will be allowed as long as all resulting lots include a buildable site.

110. Amendments

These Regulations may be amended by the Planning Board after public hearing on such amendments and are subject to the approval of the Town Board. Any proposed preliminary subdivision plat which has not received conditional approval prior to the effective date of an amendment to these Regulations, or any conditionally approved preliminary subdivision plat where an application for Final Plat approval has not been received within six (6) months of the date of conditional approval, shall fully comply with any amendment to these Regulations.

111. Enforcement

A) General

1) It shall be the responsibility of the Planning Board to bring to the attention of the Town Attorney any violations or lack of compliance herewith.

2) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Board, in accordance with the provisions of these Regulations, and filed with the County Clerk.

3) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Regulations.

4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations.

B) Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these Regulations, or prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises; and these remedies shall be in addition to the penalties described in a separate local law.

112. Separability

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Regulation as a whole or any part thereof other than the part so declared to be invalid.

113. Court Review

Any person aggrieved by any decision of the Planning Board relative to a subdivision may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the Planning Board's decision in the office of the Town Clerk, as all set forth in Section 282 of Town Law.

114. Wastewater Disposal

No application for the subdivision or re-subdivision of land shall be granted by the Planning Board under these Regulations, and no waiver **from these Regulations** shall be granted by the Planning Board without written documentation by the Building Inspector that either (1) the land in question is located outside the Service Area of the Town's wastewater collection system and not subject to the Town's Sewer Use Ordinance, or (2) that the land is within the Service Area and that a suitable and approved method of wastewater disposal exists to serve any structure(s) or building(s) constructed thereon. In the event that the land is located within the Service Area and wastewater disposal is to be provided by the Town's wastewater collection system, the Building Inspector must determine that sufficient wastewater capacity exists to provide said disposal prior to the grant of any subdivision, re-subdivision or waiver by the Planning Board.

ARTICLE 200. DEFINTIONS

201. General Terms

Except where specifically defined, all words used in these standards shall carry their customary meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural, unless the context clearly indicates otherwise.

The word "shall" is always mandatory. The word "may" and "should" are permissive. "Building" or "structure" includes any part thereof. The word "person" includes an individual person, a firm, a corporation, a co-partnership, and any other agency of voluntary action.

202. Key Terms

For the purposes of these Regulations, certain words and terms shall have the following meaning:

APPLICANT - The owner of the land proposed to be subdivided or his duly appointed representative. Written consent shall be required from the legal owner when a representative makes application. Person making application to the Planning Board for approval of proposed subdivision of land.

BUILDABLE SITE - A site able to support a habitable structure with adequate separation of a well and septic system without adversely affecting the neighboring site's existing or proposed water supply.

BUILDING PERMIT - A permit issued by the Building Inspector which indicates the applicant has submitted an approved application and plan for building construction in compliance with the Town of Roxbury requirements.

CONSTRUCTION DRAWINGS - The maps and/or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board as a condition of the approval of the plat.

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

ENGINEER - A person licensed as a professional engineer by the State of New York or licensed in a state with a reciprocal agreement with New York State.

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

ENVIRONMENTAL IMPACT STATEMENT (EIS) - A written document required for each Type I and Unlisted Action which the Planning Board determines may have a significant effect on the environment.

ESCROW - A deposit of cash with the Town in lieu of an amount required and still in force on a performance or maintenance bond.

FINAL PLAT OR MINOR SUBDIVISION PLAT - A drawing in final form, showing a proposed subdivision containing all information and detail required by law and these Regulations to be presented to the Planning Board for approval and which, if approved, shall be duly filed and recorded by the applicant in the office of the County Clerk.

FORESTRY MANAGEMENT PLAN - A plan prepared by a professional forester which shows how the applicant will provide for the protection and conservation of trees and related vegetation on the site and which plan shall comply with the provisions and intent of General Municipal Law, Section 96-b (The Tree Conservation Law of l978). Where removal of trees and vegetation is indicated, such plan shall show how the potential effects to the natural ecology will be minimized.

LEAD AGENCY - The agency or body principally responsible for carrying out, funding, or approving an action, as set forth in Part 617.6 or 617.7 of the SEQR Law.

LOT IMPROVEMENT - Any building, structure, place, work of art or other improvements to the land as may be required by the Planning Board, including clearing, final grading and drainage improvements that constitutes a physical betterment of real property. Certain lot improvements shall be properly bonded as provided in these Regulations.

LOT OR PARCEL - A tract, plot, or portion of a subdivision or other parcel of land intended, as a unit for the purpose, whether immediate or future, of sale, lease, donation or separate use.

When more than one parcel is described on a single deed and the parcels are adjoining, the Subdivision Regulations shall apply. Non-adjoining parcels, which will be sold as one parcel, shall be exempt from the Subdivision Regulations.

MASTER (COMPREHENSIVE) PLAN - A comprehensive plan prepared by the Planning Board pursuant to Section 272(a) of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

MODEL HOME - A dwelling unit used initially for display purposes which typifies the types of units that will be constructed in the subdivision.

OWNER - The person or persons actually holding title of a parcel or tract of land.

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

PLANNING BOARD - The Planning Board of the Town of Roxbury, Delaware County, New York.

PLANNING BOARD ASSISTANT - A person or committee appointed by the Planning Board and approved by the Town Board to assist the Planning Board with the administration of these Regulations. The person(s) will assist and instruct applicants with forms and procedures to ease administration and may be directed by the Planning Board to review the application, including a field trip to the site and to make recommendations.

PRELIMINARY PLAT - A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision, as specified in Article 600, Section 603, of these Regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PUBLIC IMPROVEMENTS - Any drainage ditch, road, sidewalk, pedestrianway, tree, off-road parking, recreation area, lot improvement, or other facility for which the Town <u>may</u> ultimately assume the responsibilities for maintenance and operation, or which may affect an improvement for which Town responsibility is established. All such improvements shall be bonded or financially guaranteed as approved by the Planning Board.

RESUBDIVISION - Any change in a map of an approved or recorded subdivision plat if such change affects any road layout or any lot line shown on such plat or if it affects or changes any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

ROAD, COLLECTOR - A road which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.

ROAD, EXISTING - An existing State, County or Town highway.

ROAD, MAJOR - A road which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

ROAD, PERIMETER - An existing road to which the parcel of land to be subdivided abuts on only one side.

ROAD REVIEW COMMITTEE - A committee appointed by the Town Supervisor to review plans and make periodic inspections during the construction phase of required improvements. The committee shall consist of one (1) member of the Planning Board, one (1) member of the Town Board, and the Town Highway Superintendent or his designee.

ROAD WIDTH - The width of the right-of-way between property lines measured at right angles to the centerline of the road at any given point.

SKETCH PLAN - A sketch of a proposed subdivision showing the information specified in Article 600, Section 60l, of these Regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these Regulations.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) - A process to help government and the public protect and improve the environment. SEQR requires that environmental factors be considered along with social and economic considerations in government decision-making.

STREET - See ROAD

SUBDIVIDER - Any person, firm, corporation, partnership, or any legal entity who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION - The division of any parcel of land into two (2) or more lots, blocks, or sites for any purpose with or without the creation of new roads or highways and includes resubdivision and planned unit developments.

SUBDIVISION, MAJOR - All subdivisions not classified as "Minor Subdivisions", including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new or extension of the Town facilities, or the creation of any public improvements.

SUBDIVISION, MINOR - Any subdivision containing not more than three (3) lots fronting on an existing road, not requiring any new road, or the extension of municipal facilities, or creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of these Regulations.

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

TYPE I ACTION - An action that is likely to have a significant effect on the environment as listed in Part 617.12 of the SEQR Law.

UNLISTED ACTION - An action that may have a significant effect on the environment as explained in Part 617.2 of SEQR Law.

ARTICLE 300. APPLICATION PROCEDURE

301. General

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the applicant or his duly authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures.

302. Initial Conference

Before preparing a sketch plan, the applicant should meet with the Planning Board or its assistant to discuss the procedure for approval of a subdivision and the requirements as they may pertain, including general layout of lots, new roads, reservation of lands, road improvements, drainage, sewer, fire protection and other similar matters.

The applicant will also be advised of the necessary forms for Sketch Plan review and of the requirements for compliance with New York State Environmental Quality Review Act procedures.

303. Sketch Plan Review

A) Submission of Sketch Plan

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board or its assistant at least ten (10) days prior to the regular meeting of the Board three copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article 600, Section 601, for the purposes of classification and preliminary review and discussion. A completed application for sketch plan review and deed must be submitted at this time.

The applicant, or his duly authorized agent, shall attend the meeting of the Planning Board to discuss the requirements of these Regulations for road improvements, sewerage, water supply, fire protection, flood protection and similar aspects, as well as the availability of existing services and other pertinent information.

B) Classification of Sketch Plan

At this time, the Planning Board shall classify the Sketch Plan as a Minor or Major Subdivision as defined in these Regulations.

If the Sketch Plan is classified as a Minor Subdivision, the applicant shall then comply with the procedure outlined in Article 300, Section(s) 304 and 307 of these Regulations.

If it is classified as a Major Subdivision, the applicant shall then comply with the procedures outlined in Article 300, Section(s) 305, 306, 307 and 308 and Article 400. 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.

C) State Environmental Quality Review Act (SEQR) Requirements

The Planning Board shall also determine the applicability of SEQR. The completion of an Environmental Assessment Form (EAF) is required. A completed EAF will assist the Planning Board in determining the environmental significance of the project.

D) Sketch Plan Review And Recommendations

The Planning Board, in studying the Sketch Plan, shall take into consideration the requirements of these Regulations and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of roads, their relationship to the topography of the land, sewage disposal, drainage, lot sizes and arrangements, the further development of adjoining land, as yet unsubdivided, and the goals and objectives of the Town Comprehensive Plan as it may exist.

The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site as indicated by the development limitations maps on file in the Town Office. If the site falls into areas on the soils map denoted as having "severe" or "very severe" limitations, within flood hazard areas, or areas of steep slope, or areas of unique hydrologic or natural habitat areas (including wetlands), the Planning Board may require the applicant to consult with appropriate technical review or assistance agencies (such as, but not limited to, the Soil Conservation Service, Department of Environmental Conservation, Army Corps of Engineers, and State Health Department) to determine appropriate measures to mitigate or eliminate any problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or applicant. The Planning Board may require that design techniques, such as clustering, be used to avoid development in these critical areas and shall not approve a preliminary or final plat which has failed to adequately address these critical resource concerns (soils, flood hazards, steep slopes, hydrologic and natural habitat resources).

The Planning Board may transmit copies of the Sketch Plan to other interested officials or agencies of government for review and comment as may be necessary. Written comments, if any, from these officials and agencies shall be required within thirty (30) days of their receipt of Sketch Plan.

After reviewing the Sketch Plan and reports, as may be submitted, the Planning Board shall determine whether the Sketch Plan meets the purposes of these Regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant into the next submission to the Planning Board. Such recommendations shall be made within forty-five (45) days from the time the Sketch Plan was initially reviewed by the Planning Board.

304. Approval of Minor Subdivisions

A) Application and Fee

Within six (6) months after Planning Board classification of the Sketch Plan as a Minor Subdivision, the applicant shall submit an Application in duplicate for Approval of a Minor Subdivision Plat. Failure to do so may require resubmission of the Sketch to the Planning Board for reclassification.

The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations or conditions established by the Planning Board and to the requirements listed in Article 600, Section 602 of these Regulations. All applications shall be accompanied by a fee established by the Planning Board and on file in the Town Clerk's office.

Three (3) copies of the Minor Subdivision Plat shall be presented to the Secretary of the Planning Board at least fourteen (14) days prior to a regularly scheduled meeting of the Planning Board. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Minor Subdivision Plat.

An Environmental Assessment Form (EAF), completed by the applicant, for the proposed subdivision shall, if required, be available for review at this meeting of the Planning Board. The statement should consider potential impacts of the development as anticipated by the developer.

The time of submission of the Minor Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least fourteen (14) days prior to which the Application for Plat Approval, complete and accompanied by the required fee and all data required by Article 600, Section 602 of these Regulations, has been submitted to the Planning Board Secretary.

B) Referrals

When applicable, the Secretary of the Planning Board, upon receipt of a Minor Subdivision Plat, shall present a copy of said Plat to the Delaware County Planning Board for their review and report in accordance with the provisions of Section 239-n of Article 12-B of General Municipal Law.

C) Public Hearing

A public hearing shall be held by the Planning Board within forty-five (45) days from the time of submission of the Minor Subdivision Plat for approval. The hearing must be advertised at least once in a newspaper of general circulation in the town at least five (10) days prior to the hearing. The applicant shall notify by Certified Mail, at least five (10) days in advance, the owners of property abutting the proposed subdivision and directly across any adjoining road and shall furnish the Planning Board with post office receipts as proof of notification. The Planning Board may notify other persons as it deems necessary.

D) Action On Minor Subdivision Plat

Prior to action on a Minor Subdivision Plat, the Planning Board shall make a determination of environmental significance or non-significance based upon the completed EAF, Section 510 of these Regulations, and criteria set forth in Part 617.11 of the SEQR Law. Type I Actions necessitate the filing of a negative or positive declaration as set forth in Part 617.10 of the SEQR Law.

The Planning Board shall, within forty-five (45) days from the date of said public hearing, act to approve, conditionally approve with or without modifications, or disapprove such Minor Subdivision Plat and so indicate on the Plat. Failure to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the Plat. The Planning Board resolution granting conditional approval, with or without modification of the Plat, shall also 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.

Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval. Within such 180 day period, or any extension thereof granted by the Planning Board, the conditionally approved Minor Plat must be submitted for the Planning Board Signature of Final Approval. Upon receiving the signature of Final Approval, the Minor Subdivision Plat shall be filed in the offices of the County Clerk in accordance with the provisions of Article 300, Section 308, of these Regulations.

In the event of disapproval of a Minor Subdivision Plat, the Planning Board shall fully set forth the reasons for such disapproval in its resolution and formally notify the applicant, in writing, of the reason(s) for disapproval.

305. Preliminary Plat for Major Subdivision

A) Application And Fee

Within six (6) months after Planning Board classification of the Sketch Plan as a Major Subdivision, the applicant shall file an Application for Approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in accordance with Article 600, Section 603 of these Regulations, except where a waiver may be specifically authorized by the Planning Board.

Four (4) copies of the Preliminary Plat shall be presented to the Secretary of the Planning Board at least seven (7) days prior to a regular meeting of the Planning Board. The Application for Approval of the Preliminary Plat shall be accompanied by a fee set by the Planning Board and on file in the Town Clerk's office.

The time of submission of the Preliminary Plat shall be considered to be the date of the regular meeting of the Planning Board, at least fourteen (14) days prior to which the Application for Approval of the Preliminary Plat, complete and accompanied by all data required by Article 600, Section 603, of these Regulations, has been filed with the Secretary of the Planning Board.

An EAF, completed by the applicant, for the proposed subdivision shall be available for review at the meeting of the Planning Board. The statement should consider potential impacts of the development as anticipated by the developer.

B) Referrals

When applicable, the Planning Board shall, upon initial review, refer the Preliminary Plat to the Delaware County Planning Board for their review and recommendation as required by Section 239-n of Article 12-B of the General Municipal Law. In addition, the Planning Board shall refer the Preliminary Plat to other County or State agencies which have or may have jurisdiction of review or approval of the subdivision. If the subdivision meets any Type I threshold listed in Part 617.12 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined in Section 617.6 of the SEQR regulations.

C) Study of Preliminary Plat

The applicant or his duly authorized representative shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

The Planning Board shall study the practicality of the Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, width and design of roads and their relation to the topography, water supply, sewage disposal, surface drainage, lot sizes and arrangement, potential flood hazards, the future development of adjoining lands as yet unsubdivided, and the recommendations and requirements of the Master Plan, the Official Map, and zoning regulations, if such exist.

The Planning Board may schedule a field trip to the proposed subdivision site accompanied by the applicant or his agent. In order to facilitate field inspection and review of the site, temporary staking along the centerline of all proposed roads at fifty-foot (50') intervals on curves and at one hundred foot (100') intervals on tangents and proposed front lot corners is required.

Before the subdivision may be approved, the designated Lead Agency either shall make a determination of no significant environmental impact under SEQR or cause a Draft Environmental Impact Statement to be prepared. The Lead Agency shall notify other agencies that have authority to review the subdivision of this determination.

D) Public Hearing

Within forty-five (45) days after the time of submission of a Preliminary Plat, the Planning Board shall hold a Public Hearing on said Plat. The Hearing shall be advertised in a newspaper of general circulation in the town at least five (10) days before such hearing. This Public Hearing shall also be used to solicit comments on the Draft EIS under SEQR, if required. The applicant shall notify by Certified Mail all property owners within five hundred feet (500') of the outside perimeter of the proposed subdivision, at least five (10) days prior to the public hearing and shall furnish the Planning Board with Post Office receipts as proof of notification. The Planning Board may notify other persons or agencies as it deems necessary.

E) Action on Preliminary Plat

Within forty-five (45) days from the date of such Public Hearing, the Planning Board shall take action to approve, conditionally approve with or without modifications, or disapprove such Preliminary Plat and the grounds for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such Preliminary

Plat may be extended by mutual consent of the applicant and the Planning Board.

If the Planning Board disapproves the Preliminary Plat, it shall direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval.

F) Approval of Preliminary Plat

When granting approval to a Preliminary Plat, the Planning Board shall state the conditions of such approval, if any, with respect to:

1) The specific changes which will be required in the Final Subdivision Plat;

2) The character and extent of the required improvements for which waivers may have been requested and which, in the Planning Board's opinion, may be waived without jeopardy to the public health, safety, and general welfare;

3) The amount of the improvements or the amount of all bonds or financial guarantees as approved by the Planning Board thereof which will be required as a prerequisite to the approval of the Subdivision Plat.

Approval of a Preliminary Plat shall not constitute approval of the subdivision plat. Rather, it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording with the County Clerk. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study or new information obtained.

G) Model Homes

For the purpose of allowing the early construction of model homes in a subdivision, the Planning Board, in its discretion, may permit a portion of a Major Subdivision, involving no more than three (3) lots, to be created in accordance with the procedures for Minor Subdivisions, provided said portion derives access from existing State, County or Town highway, and provided no future road or other improvement is anticipated where said lots are proposed. The Subdivision Plat for the "Minor" portion shall be submitted to the Planning Board simultaneously with the Preliminary Plat for the entire Major Subdivision. After preliminary approval, the model may be constructed, subject to such additional requirements that the Planning Board may require.

306. Final Plat for Major Subdivision

A) Application and Fee

The applicant shall, within six (6) months after the approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final form. The Application and accompanying data shall conform to the requirements of Article 600, Section 604, of these Regulations. If the Final Plat is not submitted within the

said six (6) months, the Planning Board may refuse to approve the Final Plat and require resubmission of the Preliminary Plat.

The applicant shall provide the Planning Board Secretary with two (2) copies of the Application, three copies of the Final Plat, the original and one copy of all offers of cession, covenants and agreements, and two prints of all construction drawings, at least fourteen (14) days in advance of the regular Planning Board meeting at which the Plat is to be officially submitted. The Application For Approval Of The Final Plat shall be accompanied by a fee set by the Planning Board and on file in the Town Clerk's office.

The time of submission of the Final Plat shall be considered to be the date of the regular meeting of the Planning Board at least fourteen (14) days prior to which the Application for Approval of the Subdivision Plat, complete and accompanied by the required fee and all data required by Article 600, Section 604, of these Regulations, has been filed with the Secretary of the Planning Board.

Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by the Department of Environmental Conservation and/or the New York State Department of Health shall have received at least preliminary approval(s) of such facilities.

B) Public Hearing

If substantial changes are made to the plat after the first public hearing is held, the Planning Board may hold a second hearing. Such hearing shall be held within forty-five (45) days after the time of submission of the Final Plat for Approval and shall be advertised in the same manner as the previous public hearing for Preliminary Plat Approval. Adjacent property owners shall also be notified by the applicant as specified in Preliminary Plat Approval.

C) Action On Final Plat

The Planning Board shall, within forty-five (45) days from the date of submission of the Final Subdivision Plat, if no hearing is required (or within forty-five days of second public hearing if required), approve, conditionally approve with or without modifications, or disapprove said Plat and so indicate on the Plat. This time period may be extended by mutual consent of the applicant and Planning Board. Failure to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the Plat.

A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat for recording with the County Clerk. However, the Final Plat shall not be signed until the applicant has complied with the conditions set forth by the Planning Board and has complied with Article 400 of these Regulations. Conditional approval of a Final Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval, except that this time may be extended by the Planning Board.

If a Draft Environmental Impact Statement was required, the Planning Board's action on the Final Plat shall include either a negative declaration or the Final EIS and a statement of findings on the subdivision as required under Section 8-0109-8 of the SEQR Act of l975, as amended.

307. Sectionalizing Major Subdivision Plats

Prior to granting conditional or final approval of a plat, the Planning Board may permit the plat to be divided into two or more sections and may impose such conditions upon the delineation and filing of the sections as it may deem necessary to assure the orderly development of the plat. Approval of the sections of a final plat, subject to any conditions imposed by the Planning Board, shall be granted concurrently with the approval of the plat. The Planning Board may deny approval of any section of a plat if a prior section has not first been satisfactorily completed.

308. Final Approval and Filing

The Chairman or other duly authorized officer of the Planning Board shall endorse the Board's final approval on the Plat only after it is satisfied that all required conditions, modifications, and improvements have been met and/or completed in accordance with the Planning Board's resolution of approval of the Plat and construction plans, or alternatively that a bond of the required amount and surety has been filed and that all other required conditions of the resolution of approval, including the payment of all fees and the approval of the New York State Department of Health, have been complied with. The Planning Board endorsement shall be by signature and date in ink on the

original of the Plat (which shall be returned to the applicant for filing) and on a print of the Plat which shall be retained by the Planning Board in its files.

The approved Plat shall be filed with the Delaware County Clerk within sixty (60) days of the date of the Planning Board endorsement. Any Subdivision Plat not so filed, or recorded within sixty (60) days of the date on which such Plat is approved, or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

No changes, erasures, modifications, or revisions shall be made on any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

309. Status of Roads, Parks, and Easements

A) Acceptance By Town

Acceptance of any offer of cession of roads or parks shall rest with the Town Board. The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute nor imply the acceptance by the Town of any road, utility, recreation area, easement, park or other open space shown on such Subdivision Plat.

B) Maintenance

There shall be submitted with the Final Application copies of homeowners' association agreements or other documents providing for and fixing responsibility for suitable maintenance of facilities and statements of all rights which exist with respect to the use of such property(ies). The adequacy of such documents shall be subject to Planning Board approval and filed with the Attorney General of the State of New York after approval.

ARTICLE 400. REQUIRED IMPROVEMENTS

401. General

After adoption of a resolution approving a Final Subdivision Plat and before the Plat is endorsed by the Planning Board, the applicant shall be required to complete, at his expense and without reimbursement by the Town or any special district, all road, sanitary, storm drainage, and other improvements, including lot improvements as shown on the approved Construction Plans or as otherwise specified in the resolution. The Planning Board may, in a special or peculiar circumstance of a particular case, modify or waive a requirement only by specific resolution.

402. Bond or Financial Guarantee and Completion of Improvements

Before the Planning Board grants Final Approval of the Subdivision Plat, the applicant shall follow the procedure set forth in either subparagraph A) or subparagraph B) below:

A) In an amount set by the Planning Board from an estimate proposed by the Town Highway Superintendent or other duly designated officer, the applicant shall either file with the Town Clerk a certified check to cover the full cost of the required improvements, <u>or</u> the applicant shall file with the Town Clerk a bond or financial guarantees as approved by the Planning Board to cover the full cost of the required improvements. Any such bond or financial guarantee shall comply with the requirements of Section 277 of the Town Law and further shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or other such period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond or financial guarantee within which required improvements must be completed.

...<u>OR</u>...

B) The applicant shall complete all required improvements to the satisfaction of the Road Review Committee who shall file with the Planning Board a letter signifying the satisfactory completion of improvements required by the Board. For any required improvements not so completed and not approved, the applicant shall file with the Town Clerk a bond or financial guarantee as approved by the Planning Board, or certified check covering the costs of

satisfactorily installing any improvements not approved by the Road Review Committee. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

C) Modification of Bond Or Financial Guarantee

1) Extension of Bond or Financial Guarantee

The time period specified for the completion of all required improvements, as set forth in the bond or financial guarantee, may be extended only by resolution of the Planning Board upon request in writing by the applicant, setting forth in detail the amount of work which has been completed, reasons for failure to complete the remainder of the work within the specified period, the maximum estimated time required to complete the remainder of the work and the time period extension which is requested.

2) Reduction of Bond Or Financial Guarantee

An applicant may request in writing that the Planning Board authorize a reduction in the amount of the bond or financial guarantee. Such request shall itemize the extent of required improvements remaining to be completed and the bond or financial guarantee reduction requested. Upon approval of the Town Board, and after due notice and public hearing, the Planning Board may, if it determines that sufficient required improvements have been installed to warrant such action, reduce the face amount of the bond or financial guarantee by an appropriate amount so that the new amount will cover the cost in full of all required improvements remaining to be completed, and any security deposited with the bond or financial guarantee may be reduced proportionately.

403. Modification of Required Improvements

If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Road Review Committee that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Road Review Committee shall, upon approval by the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and are not tantamount to the waiver or substantial alteration of the function of any improvements required by the Planning Board. If such modification affects the scope of work covered by a bond or financial guarantee, the Planning Board may require or allow appropriate modification of such bond or financial guarantee.

404. Temporary Improvements

The applicant shall build or pay for all costs of temporary improvements required by the Planning Board. Prior to the construction of any temporary facility or improvement, the applicant shall file with the Town Clerk a separate suitable bond or financial guarantee approved by the Planning Board for temporary facilities, which bond or financial guarantee shall insure that the temporary facilities will be properly constructed, maintained and removed.

405. Inspection of Improvements

A) Routine Inspection

At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk the inspection fee required by the Planning Board and shall notify the Road Review Committee in writing of the time when he proposes to commence construction of such improvements. The Committee will then make periodic inspections to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

B) Final Inspection

A final inspection of all improvements will be made to determine whether the work is satisfactory and in agreement with the approved Final Plat and construction drawings. Upon a satisfactory final inspection report, action will be taken to release the bond or financial guarantee covering such improvements and utilities (if a bond was filed). The Road Review Committee shall also notify the Planning Board that all work has been completed to its satisfaction.

C) Inspection Fee

An inspection fee, as may be promulgated from time to time, and on file with the Town Clerk, shall be paid to the Town prior to the time that Planning Board signs the Final Plat. Neither Building Permits nor Certificates of Occupancy shall be issued until all inspection fees (if required) are paid.

406. Proper Installation of Improvements

If the Road Review Committee finds, upon inspection, that, either the required improvements have not been completed in accordance with the plans and specifications filed by the applicant, or that the required improvements have not been completed within the period specified in the Planning Board resolution of approval or the expiration date of the bond or financial guarantee (if one exists), such approval shall be deemed to have expired, unless, upon request of the applicant, the period has been extended by resolution of the Planning Board.

If a bond or financial guarantee has been filed, and if no application for the extension of such period has been made by the applicant, the Town Board may declare said bond or financial guarantee to be in default. The Town Board shall then notify the applicant and, if necessary, the bonding company or guarantor and take all necessary steps to preserve the Town's rights under the bond or financial guarantee. No plat shall be approved by the Planning Board as long as the applicant is in default on a previously approved Plat.

407. Escrow Deposits for Lot Improvements

A) Acceptance

Whenever, or by reason of the season of the year, any lot improvements required by these Regulations cannot be performed, the Road Review Committee may, nevertheless, permit the issuance of a Certificate of Occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash escrow deposit in an amount to be determined by the Road Review Committee for the cost of said improvements, if a bond or financial guarantee covering such lot improvements is not already in existence. Any bond or financial guarantee covering such lot improvements shall remain in full force and effect.

B) Procedures

All required improvements for which escrow monies have been accepted by the Town of Roxbury at the time of issuance of a Certificate of Occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the Certificate of Occupancy. In the event that the improvements have not been properly installed at the end of the time period, the Road Review Committee shall give two (2) weeks written notice to the applicant requiring him to install same; and, in the event the same are not installed properly in the discretion of the Road Review Committee, the Road Review Committee may request the Roxbury Town Board to authorize the Town of Roxbury to proceed to contract out the work for the sum not to exceed the amount of the escrow deposit. At the time of the issuance of the Certificate of Occupancy for which escrow monies are being deposited with the Town of Roxbury, the applicant shall obtain and file with the Town of Roxbury, prior to obtaining the Certificate of Occupancy, a notarized statement from the purchaser or purchasers of the premises authorizing the Town of Roxbury to install the improvements at the end of the nine (9)-month period, in the event the same have not been duly installed by the applicant.

408. Certificate of Occupancy

A Certificate of Occupancy shall not be issued for a structure within a subdivision where the improvements are guaranteed by a bond or financial guarantee unless it is determined by the Planning Board that the following conditions have been complied with.

A) Status of Road Improvements

The improvement of the road or roads giving access to the structure has progressed to a stage deemed adequate by the Planning Board to render safe all-weather vehicular access for both routine and emergency purposes.

B) Maintenance Agreements

Written agreements have been filed providing for the maintenance of the bonded or financially guaranteed road or streets in such all-weather passable condition, including snow removal and sanding, during the period between the issuance of the Certificate of Occupancy and the acceptance of the fully completed road by the Town Board. If the road is not to be offered for dedication to the Town, maintenance agreements shall have been required in accordance with Section 309 (B) Maintenance, of these Regulations.

ARTICLE 500. GENERAL IMPROVEMENTS AND DESIGN STANDARDS

The Planning Board, in considering an application for the subdivision of land, shall be guided by, but shall not be bound by the following considerations and standards, upon which the Planning Board shall be the determining agent. In general, these standards shall be deemed to be the minimum requirements, for the convenience, health, safety and welfare of the town and shall be waived by the Planning Board only under circumstances set forth in Article 100, Section 109 herein.

501. General Considerations

A) Conformance With Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations.

1) All applicable statutory provisions

2) All local government laws, ordinances, rules, regulations and orders as applicable in the town.

3) Town Comprehensive Plan, Official Map, Public Utilities Plan, and Capital Improvement Plan, as they may exist.

4) The rules and regulations of the New York State Department of Health, Department of Environmental Conservation and other appropriate agencies as may be applicable.

5) The rules of the New York State Department of Transportation, if the subdivision abuts a State Highway or connecting road.

6) All required improvements shall be constructed or installed to the Town's specifications.

7) Plat approval may be withheld if a subdivision is not in conformity with the above guidelines or with the policies established in Article 100 of these Regulations.

B) Self-Imposed Restrictions

The applicant may place restrictions on any of the land contained within the subdivision which are greater than those required by the Planning Board and these Regulations. Such restrictions shall be indicated on the final subdivision plat.

C) Plats Straddling Municipal Boundaries

A lot as permitted by these Regulations shall not be divided by a municipal boundary. Whenever a subdivision includes land in two or more municipalities, the location of the municipal boundary line shall be shown on the plat.

Whenever access to a proposed subdivision can be obtained only across land in another municipality, the applicant shall furnish proof, satisfactory to the Planning Board, that such access has been legally established and that such access has been adequately improved or that a bond or financial guarantee as approved by the Planning Board has been duly executed and is sufficient in amount to assure the adequate construction of the access road. However, the Planning Board may condition its approval of those parts of a subdivision which have access only across land in another municipality, by providing that no Building Permit shall be issued on lots within the town until such access to them has been properly established.

Approval by the Planning Board shall be granted only for that portion of the subdivision lying within the town, and such approval shall be contingent upon notification and/or approval by the Planning Board having jurisdiction over that portion within the adjacent municipality.

D) Monuments

Permanent monuments, to the minimum standard of one-half inch (1/2") steel rod, shall be required wherever deemed necessary by the Planning Board to enable all lines to be reproduced on the ground.

In general, monuments shall be located no more than 500 feet (500') apart on road lines and are required at all lot corners or at points of curvature or tangency on curved roads, and spaced to be within sight of one another along lines entirely within the road right-of-way.

Monuments shall be set vertically in solid ground at a height approved by the Planning Board with accurate reference to a permanently identifiable fixed point and shall meet or exceed the construction requirements specified in town construction codes and specifications.

E) Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other natural hazard. Land subject to such hazards shall not be subdivided nor developed for residential purposes, nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard. Such land may be set aside for uses as shall not involve such danger nor produce unsatisfactory living conditions.

F) Reservations and Easements

All reservations and easements shall be clearly indicated on the Final Subdivision Plat, along with appropriate notations indicating the rights which exist with respect to each such reservation and/or easement title, if vested in interests other than the developer, shall be clearly indicated on all reservations for park and playground purposes.

G) Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these Regulations.

502. Lot Improvements

A) Lots To Be Buildable

The lot size, width, depth, shape and arrangement shall be such that there will be no foreseeable difficulty for reasons of topography or other natural conditions in securing building permits to build on all lots in compliance with these Regulations, the New York State Health Department, Town Law 280(a) and a Town Zoning Ordinance as it may exist. In general, lot depth should not exceed four (4) times the width.

B) Side Lines

Side lines of lots shall generally be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot arrangement.

C) Corner Lots

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

D) Double Frontage Lots

Lots fronting on two roads, other than corner lots, shall be avoided except where deemed essential by the Planning Board in order to provide separation of residential development from major or collector roads, or to overcome problems of topography or orientation. The Planning Board may require greater lot depth, access limitations and/or

buffer landscaping for such double frontage lots where the Board determines that such measures would be appropriate. The Planning Board shall determine the front lot line.

E) Lot Dimensions

Lots shall be of sufficient size to accommodate buildings and individual sanitary sewage disposal systems designed in accordance with minimum specifications of any applicable State, County, Town or New York City agencies having jurisdiction. Lots should not be less than one (1) acre and should have a minimum road frontage of at least one hundred and fifty feet (150') [one hundred feet (100') on a turn- around]. All lots should be of sufficient width and depth to accommodate a residence with setbacks of at least twenty- five feet (25') from side and rear lot lines and one hundred feet (100') from the road centerline.

F) Driveways

For driveways with steep grades [any portion of a driveway with grade of twelve per cent (12%) or more], the Planning Board may require one or more off-road parking spaces at the base of the driveway to facilitate parking in inclement weather.

Driveway access shall conform to the standards of the Town, County and State Highway Departments.

G) Access From Private Roads

The area proposed to be subdivided and all proposed lots shall have frontage on and direct access to a public road or private road which conforms to Town Law and construction specifications as prescribed in this Regulation. Such required improvements to a private road shall be a condition of subdivision approval.

H) Debris and Waste

Cut trees, timber, debris, junk, rubbish or other waste materials may be buried within the proposed right-of-way but must be outside limits of highway embankments. All debris and waste material shall be disposed of in a manner approved by the Road Review Committee.

I) Soil Preservation

1) Soil Preservation and Final Grading

Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, to retain the natural contours, to limit storm water runoff, and to conserve the natural vegetative cover and soil. No top soil or excavated material shall be removed from its natural position except where necessary to the improvement of lots and the construction of roads and related facilities in accordance with the approved plan. Topsoil shall be restored to its original depth and properly seeded and fertilized in those disturbed areas not occupied by buildings or structures.

2) Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

J) Water Bodies

No more than twenty-five per cent (25%) of the area of a lot may be under water.

K) Other Improvements

The Planning Board may require the following improvements where the subdivision adjoins existing services or special districts: sidewalks, curbs, gutters, road lighting, road signs, road trees, school bus pickup areas, water mains, sanitary sewers, storm drains, fire hydrants or other utilities. The Planning Board may require such improvements as it considers necessary in the interest of the public health, safety and welfare.

L) Bond Or Financial Guarantee To Include Lot Improvement

The bond or financial guarantee as approved by the Planning Board shall include an amount to guarantee completion of all requirements contained in Article 400 of these Regulations including, but not limited to, soil preservation, final grading, lot drainage, seeding, removal of debris and waste, and all other lot improvements required by the Planning Board.

Whether or not a Certificate of Occupancy has been issued, at the expiration of the bond or financial guarantee, the local government may enforce the provisions of the bond where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

503. Roads

A) Road Layout

1) Location, Width, and Construction

Roads shall be of sufficient width, suitably located and adequately constructed to conform to the Town's Master Plan and to accommodate the prospective traffic and to afford satisfactory access to police, fire fighting, snow removal and other road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

2) Continuation of Roads into Adjacent Properties Arrangement

The arrangement of roads shall provide for their continuation between adjacent properties where such continuation is determined necessary for proper traffic movement, effective fire protection, efficient provision of utilities, and/or where such continuation is in accordance with a proposal shown in the Town Comprehensive Plan. Alternatively, if a road continuation is not determined to be warranted by the circumstances, or would result in unsafe traffic conditions or otherwise jeopardize the public safety and welfare, the Planning Board may require such road to be terminated short of the boundary lines of the subdivision.

3) Special Treatment Along Major Roads

When a subdivision abuts or contains an existing or proposed major road, the Board may require the development of marginal access roads.

4) Provision for Future Resubdivision

Where a tract is subdivided into lots substantially larger than the minimum size and frontage recommendations in these Regulations, the Planning Board may require that roads and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these Regulations.

5) Dead End Roads

The creation of a dead-end road shall not interfere with normal traffic circulation in the area. The Planning Board may require, where needed or desirable, the reservation of a twenty foot (20') wide easement on the subdivision boundary to provide for the continuation of pedestrian traffic, utilities, and/or drainage facilities to the next road. The entrance at a dead-end road shall bear a "Dead End" sign. Dead-end roads shall be terminated in a cul-de-sac or T.

6) Intersections With Collector Or Major Road

Minor or secondary road openings into such roads shall, in general, be at least five hundred feet (500) apart.

7) Offset Intersection

Offset intersections with line offsets of less than one hundred twenty-five feet (125') shall be avoided.

8) Angle of Intersection

In general, all roads shall join each other so that for a distance of at least sixty feet (60') the road is approximately at right angles to the road it joins. No road shall intersect with another at an angle of less than eighty (80) degrees except a minimum of sixty (60) degrees as allowed by the Planning Board after review. Provision shall be made for adequate grading, sight lines and width of road mouth.

9) Relation to Topography

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

10) Road Names

All road names shown on the Preliminary Plat and Final Plat shall be approved by the Planning Board. Proposed road names shall be substantially different in sound and spelling from present road names in the town so as not to cause confusion. A road which is a continuation of an existing road shall bear the same name.

B) Road Design Standards

1) General

In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, emergency vehicles, fire fighting, snow removal, sanitation and road maintenance equipment and school buses, the following design standards are hereby required. All roadway and related construction, whether to be offered for dedication or not, shall be the responsibility of the applicant unless otherwise indicated, and shall be in accord with the standards of this Section, summary charts A and B as found in the Appendix of these Regulations and other relevant road standards developed by the Town of Roxbury.

2) Changes in Grade

All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Road Review Committee so that clear visibility shall be provided for safe distance. A combination of steep grades and curves shall be avoided.

3) Watercourses And Bridges

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

4) Visibility of Intersections

In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is shown shaded on Sketch A, shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the road. If directed, ground shall be excavated to achieve visibility. An easement for the enforcement of this provision shall be granted to the owner of the road and notation to this effect made on the Final Plat.

5) Slope Easements

Where steep slopes beyond the road right-of-way may require maintenance, an easement may be required for such purpose. Where the embankment slope is located on private land outside the subdivision, such easement shall be permitted only where the appropriate rights have been secured in a form satisfactory to the Town Attorney and suitable for recording in the office of the County Clerk.

6) Road Lighting Standards

Where required by the Planning Board, road lighting of a design and location approved by the appropriate utility company and the Planning Board shall be provided and installed by the applicant.

7) Road Signs

Road signs, of the type approved by the Road Review Committee, including highway warning and directional signs, shall be provided by the applicant and placed at all locations, within the road right-of-way and in locations approved by the Road Review Committee.

C) Commercial Roads

1) Service Roads or Loading Space in Commercial Development

Paved rear service roads of not less than twenty feet (20') in width, or in lieu thereof, adequate off-road loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

2) Free Flow of Vehicular Traffic Abutting Commercial Developments

In front of areas designed for commercial use, or where commercial use is contemplated, the road width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

D) Road Dedications and Reservations

1) New Perimeter Roads

Road systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-roads. The Planning Board may authorize a new perimeter road where the applicant improves and dedicates the entire required road right-of-way width within the subdivision.

2) Widening and Realignment of Existing Roads

Where a subdivision borders on an existing road which is narrower than the recommended right-of-way width as specified for such roads in these Regulations, or where a subdivision borders an existing road planned for widening or realignment in such a way as to require the use of some land in the subdivision, the Planning Board may require the subdivision plat to show such areas which shall be marked "Reserved for Road Realignment (or Widening) Purposes".

3) School Bus Pickup Areas

Where a subdivision contains or abuts a major or collector road, the Planning Board may require that the applicant reserve, clear, grade, pave or otherwise improve an area of such size and location as will provide a safe and suitable place for use by children awaiting school buses. Such area shall be included within the boundaries of the proposed subdivision except that it shall be outside the existing and proposed road right-of-way. Such an area shall be attached to the road right-of-way and shall be maintained subject to the maintenance agreement required by Article 309 B). The layout and design shall be subject to Planning Board approval.

504. Drainage Improvements

The Planning Board may require that the applicant make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

A) Removal of Spring and Surface Water

The applicant may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in

the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the town construction standards and specifications.

B) Accommodation of Upstream Drainage Areas

Drainage facilities shall in each case be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside the subdivision, based on a fifty (50) year storm and assuming conditions of maximum potential development within the water shed. The applicant shall be responsible for submitting such computations to the Planning Board in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage installations. Concentrated drainage from lots onto the road right-of-way shall not be permitted.

C) Effect on Downstream Drainage Area

The Planning Board may also require a study of the effects of the subdivision on existing downstream drainage facilities. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the owner of such downstream facility and the Town Board of such potential condition and may withhold approval of the subdivision until provision has been made for the correction of said potential condition.

D) Wetlands

Areas shown on DEC maps as official freshwater wetlands shall be regulated according to the provisions contained in Article 24 of the NYS Environmental Conservation Law, including subsequent amendments, which is adopted herein by reference.

E) Flood Plain Areas

Flood plain areas shall be those defined on the Official H.U.D. Flood Hazard Maps. These flood areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.

F) Drainage Easements
Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose as required by the Road Review Committee, and in no case less than twenty feet (20') in width.

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements shall be provided for such across properties outside the road lines and with satisfactory access to the road.

A note to this effect shall be shown on the Final Plat.

505. Water Facilities

A) Wells and Central Water Systems

Wells and central water systems must conform to Part 75 of New York State Department of Health Regulations and other applicable regulations governing community water systems.

B) Water Mains, Fire Hydrants and Fire Ponds

Where required by the Planning Board, the applicant shall install water mains and fire hydrants of the type and in a manner prescribed by the regulations of the appropriate water or fire district or other municipal agency having jurisdiction. Where the installation of water mains and fire hydrants is not immediately required, the Planning Board may require the installation of dry hydrants where it is determined that such hydrants are desirable and a satisfactory source of water supply can be made available in a reasonable future period of time.

In situations determined appropriate by the Planning Board, it may require the construction or enlargement of a pond or other water body for the purpose of providing such a water supply.

506. Sewage Facilities

A) Community Systems

If the applicant is proposing to install a community sanitary sewer facility, he shall install it in a manner prescribed by the Town of Roxbury instituted sewer district, and in accordance with the regulations of the New York State Health Department and New York City Board of Water Supply.

B) Individual Systems

All lots shall be of sufficient size, width and depth to insure that an individual on-site sewage disposal system may be installed in compliance with New York State Department of Health standards. Percolation tests will be required on all new parcels, and the sites of these tests shall be indicated on the Final Plat. Percolation tests shall be the responsibility of the surveyor.

507. Sidewalks or Walkways

A) General

The Planning Board may require sidewalks or walkways as it deems necessary to provide for the safety of pedestrians. The construction of a walkway or sidewalk shall be of suitable materials approved by the Road Review Committee.

B) Easements for Pedestrian Access

The Planning Board may require, in order to facilitate pedestrian access from roads to schools, parks, public areas, and roads to neighboring areas, the reservation of perpetual unobstructed easements for such purposes.

508. Utility Improvements

A) General

All utility lines and related equipment for providing electric power and communication services shall be installed in the manner prescribed by the regulations of the utility company having jurisdiction. All utilities shall be shown on the construction drawings.

B) Fire Alarm Signal Devices

Where required by the Planning Board, the applicant shall install fire alarm signal devices, including necessary ducts, cables and other connecting facilities, of a type and in a manner and location prescribed by the appropriate fire district or other municipal agency having jurisdiction.

C) Easements

Where topography or other conditions are such as to make impractical the inclusion of utilities within road rights-of-way, perpetual unobstructed easement shall be provided for such utilities across properties outside the road lines and with satisfactory access to road.

509. Non-Single Family and Commercial Subdivisions

A) General

The applicant, for approval of the subdivision, shall cause to be prepared and shall file with the application a plan showing that a development meeting all the above described standards, as well as other Town applicable development standards and requirements, is feasible on each of the lots in the proposed subdivision. The Planning Board shall approve such a plan, and the approved plan shall be filed in the records of the Planning Board with the approved Subdivision Plat.

B) Standards

1) Vehicular Access

Each lot shall have adequate width of space between the road frontage giving it vehicular access and the portion or portions of the lot where parking and loading areas can be located, allowing for the location of a building or buildings on the lot. Such width of access to such parking and loading areas shall be adequate for two directions of vehicular travel, unless a one-way traffic flow is to be planned, in which case a notation to that effect shall be placed on the Subdivision Plat in a form satisfactory to the Planning Board and Town Attorney.

2) Traffic Flow

Areas planned for off-road parking and loading on adjoining lots in the subdivision shall be so located that movement of traffic between adjoining lots will be possible, thereby minimizing the number of necessary vehicular entrances and exits crossing the road sidewalk in the subdivision, increasing safety to pedestrians on the sidewalk, increasing convenience to those using the lots in the business or industrial buildings in the subdivision. An easement or easements, in form satisfactory to the Town Attorney, permitting such flow of traffic between parking areas on adjoining lots, shall be indicated on the Plat.

3) Sidewalks

Sidewalks, if deemed necessary and required, shall be at least four feet (4') in width, with a tree planting area of at least six feet (6') in width along the road curb.

4) Buffer Planting Areas

An area at least ten feet (10') in width, or more if required by the Planning Board as part of a development plan, shall be reserved along all boundaries of a lot adjoining residential areas. Where this part of the lot is on a slope, the buffer area shall be located at the top of each slope and shall be reasonably level to accommodate the buffer planting.

5) Parking Requirements

The Planning Board may require that paved off-road parking areas be provided for each dwelling and/or commercial unit in the subdivision to meet the needs of the occupants and their guests without interference with normal traffic.

510. Environmental Considerations

A) Preservation of Natural Features

Existing natural features which are of ecological, aesthetic or scenic value to residential development or to the Town as a whole, such as wetlands, water courses, water bodies, rock formations, stands of trees, historic spots, views and vistas, man made features indigenous to the area, such as stone walls and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision and where appropriate, the Planning Board may require the inclusion of such features in permanent reservations.

1) Trees

A conscious effort should be made to preserve all worthwhile trees and shrubs which exist on the site. On individual lots or parcels, care should be taken to preserve selected trees to enhance the landscape treatment of the development. For subdivisions of twenty- five (25) acres or greater a forestry management plan, as defined in Article 200 of these Regulations, shall be prepared and submitted as part of the application process should the applicant include tree cutting in the subdivision.

The Planning Board may require the planting of road trees in subdivisions which are lacking in trees or in which a substantial loss of trees will occur in the process of road construction. Such trees shall be of a hardwood variety indigenous to the neighborhood, and shall be at least two inches (2") caliper at a height of six inches (6") above ground planting level. Where they are required by the Planning Board, such trees shall be planted along both sides of the road, within the road right-of-way, and spaced approximately sixty feet (60') on center.

2) Soil

Natural fertility of the soil shall be preserved by disturbing it as little as possible.

A) Flood Areas

Land subject to regular flooding shall not be subdivided if such subdivision would increase the flood danger to the property or to other upstream or downstream properties. The provisions of this section shall apply to all land falling within the one hundred-year food area (Zone A) as located on the Flood Insurance Rate Maps of the Federal Emergency Management Agency.

B) Steep Slopes

Development of steep slope [over fifteen per cent (15%)] sites will be acceptable if erosion and sedimentation control measures are incorporated into the design, construction, and operation of the development according to standards set by the U.S. Soil Conservation Service.

C) Sediment Control

The applicant shall provide effective sediment control measures for planning and construction of subdivisions. Use of the following technical principles shall be applied as deemed appropriate by the County Soil and water Conservation District.

1) The smallest practical area of land shall be exposed at any one time during the development.

2) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3) Temporary vegetation and/or emulsion shall be used to protect critical areas exposed during development.

4) Sediment basins, debris basins, (silting basins or silt trips) shall be installed and maintained to remove sediment from runoff waters on land undergoing development.

5) Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development.

6) Permanent final vegetation and structures should be installed as soon as practical in the development.

7) The development plan should be fitted to the type of topography and soils so as to create the least erosion potential.

8) Wherever feasible, natural vegetation should be retained and protected.

E) Performance Standards

The interpretation and regulations of this Subdivision Regulation will be guided by the following performance criteria:

1) Will not result in undue water or air pollution.

2) Has sufficient water available for the reasonable foreseeable needs of the subdivision or development.

3) Will not cause unreasonable burden on an existing water supply, if one is to be utilized.

4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

5) Will not cause unreasonable highway congestion or unsafe condition with respect to use of the highway, existing or proposed.

ARTICLE 600. DOCUMENTS TO BE SUBMITTED

601. Sketch Plan

The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than four hundred feet (400') to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted showing the following information:

A) A location map to indicate the relationship of the proposed subdivision to existing community facilities which will serve or influence the layout, such as existing road patterns, schools, parks and other public lands, local villages and hamlets, and special districts, including school, fire, agricultural, etc.

B) All existing structures, burial grounds, railroad rights-of- way, existing property lines, wooded areas, streams or watercourses, flood hazard areas, wetlands, quarries or excavations, bedrock outcrops and other significant physical features within the area to be subdivided and within two hundred feet (200') thereof. Topographic conditions shall be indicated at contour intervals of not more than ten feet (10').

C) The name of the owner, the name of the professional person(s) responsible for the subdivision design, and the names of all adjoining property owners as disclosed by the most recent municipal tax records within five hundred feet (500') of any perimeter boundary of the subdivision.

D) The proposed subdivision name, the tax map sheet, block and lot numbers, scale, north arrow and acreage involved.

E) All the utilities currently available, including any existing easements, and all roads which are proposed, mapped, or built.

F) The proposed pattern and approximate dimensions and area of lots, road layout, recreation area, proposed surface water drainage, sewerage and water supply within the subdivision area.

G) *All existing restrictions on the use of land, including easements, covenants, or zoning divisions.*

602. Minor Subdivision Plat

In addition to the information required by Section 601, the following shall be submitted for Minor Subdivisions only:

A) A copy of such covenants or deed restrictions as are proposed to cover all or part of the tract.

B) An actual field survey of the boundary lines of the tract, giving complete description 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 as approved by the Town Planning Board or its agent and shall be referenced and shown on the Plat.

C) All individual on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of any applicable State, County, Town or New York City agencies having jurisdiction and a note to this effect shall be stated on the plat.

D) The proposed subdivision name, the date, north arrow, map scale and name and address of property owner and applicant and the names of adjoining property owners as listed on Sketch Plan.

E) The Plat shall conform with the filing requirements of the Delaware County Clerk's office.

603. Major Subdivision Preliminary Plat

The Preliminary Plat shall be submitted at a scale of one inch (1") equals one hundred feet (100'), or another scale approved by the Planning Board, whichever most clearly illustrates the applicant's proposal. The Preliminary Plat shall be clearly marked "Preliminary Plat" and shall include:

A) Proposed subdivision name, name of town and county, name and address of property owner, subdivider, engineer or surveyor preparing the plan, including license number and seal, date, true north point and scale.

B) The name of all subdivisions immediately adjacent, if any, and the names and addresses of the owners of record of all property adjacent to the subdivisions and within five hundred feet (500') of any perimeter boundary.

C) The approximate location and dimensions of all property lines, the total acreage of the proposed subdivision, the location of any zoning district lines, special districts or municipal boundary lines affecting the subdivision.

D) All parcels of land proposed to be dedicated to public use for roads, highways, easements, parks or other public facility and the conditions of such dedication.

E) The location of all existing structures and pertinent features, including railroads, water bodies, watercourses, wetlands, flood hazard areas, stonewalls, rock outcrops, wooded areas, and any other significant existing features that may influence the design of the proposed subdivision area and within two hundred feet (200') of any outside perimeter, plus accurate topography at a vertical contour interval of not less than ten feet (10'). The topographic data shall be determined by field survey unless the Planning Board specifically waives this requirement and/or permits the substitution of topographic information obtained from other sources determined satisfactory for the particular case.

F) Location of existing sewers, water mains, culverts and drains serving the property, with pipe sites, grades, direction of flow and existing easements.

G) The width, location and names of any roads or public ways or places shown on the Official Map or in the Master Plan, if such exists, within the area to be subdivided and the right- of-way width, location, grades, proposed and existing easements and road profiles of all roads or public ways proposed by the developer. Contours with intervals of five feet (5') or less as required by the Planning Board, including elevations on existing roads.

*__H)__ *Approximate location and size of all proposed water lines, valves, fire hydrants, and sewer lines or alternative means of water supply or sewage disposal and treatment, including sites for on-site systems as provided in the Public Health Law. Profiles of all proposed water and sewer mains. If septic systems are proposed, the results of soil bearing and soil percolation tests shall accompany the Preliminary Plat. Where on-site water supply systems are proposed, the quality and quantity of water available shall be indicated.*

I) Storm drainage plan indicating the approximate location and size of proposed lines, their profiles and connection to existing lines or alternative means of disposal, including existing and proposed drainage easements. Temporary measures to control erosion shall also be shown.

J) Construction plans, profiles, cross-sections and other drawings as required to show the proposed location and types of all improvements required by Article 500 or by the Planning Board or proposed by the applicant.

K) Preliminary designs of any bridges or culverts which may be required.

L) The proposed lot lines with approximate dimensions and area of each lot. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances made and certified to by a licensed land surveyor. Corners of the tract shall also be located on the ground and marked by monuments as approved by the Road Review Committee and shall be referenced and shown on the Plat.

M) Where the topography or design is such as to make difficult the inclusion of required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty feet (20') in width and which shall provide satisfactory access to an existing or proposed public road or public open space shown on the subdivision or Official Map.

N) A copy of any covenants or deed restrictions that are intended to cover any lot in all or part of the tract.

O) If the Preliminary Plat submitted for approval covers only a part of the applicant's entire holding in the area, then a map shall be prepared, at a scale of not less than one inch equals four hundred feet (1"=400'), showing the entire tract as it relates to the parcel included on the Preliminary Plat.

P) A site location sketch, at a maximum scale of one inch equals two thousand feet (1"=2000'), showing the general situation of the applicant's property with respect to surrounding properties and roads, including all utility lines.

604. Major Subdivision Final Plat

The Final Plat, to be approved by the Planning Board and filed in the Office of the County Clerk, shall be drawn at the same scale as the Preliminary Plat and shall conform to the filing requirements of the Delaware County Clerk. When more than one (1) sheet is required, an additional index map on the same size sheet shall be prepared and included for filing showing to scale the entire subdivision with lot and block lines clearly legible. The Final Plat submission shall show:

A) Proposed subdivision name or identifying title, the name of the Town and County in which it is located, the name and address of the owner of record and of the applicant (if other than owner), the name, certification and seal of the registered engineer or licensed land surveyor who prepared the plat, the names of the owners of record of adjoining properties and of properties directly across the road. Scale, true north point and date.

B) Location of existing buildings, wooded areas, wetlands, ponds, creeks, drainageways, stone walls, burial grounds, large trees and other features to be retained or removed.

C) Sufficient data to enable the Planning Board to determine readily the location, bearing and length of every road line, lot line, boundaryline and to reproduce such lines upon the ground. The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each road. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. Where applicable, these data may be referenced to monuments and tied into other reference points previously established.

D) The Final Plat shall show, by proper designation thereon, all public open spaces for which deeds are included and the title(s) to which is reserved by the developer. For any of the latter, there shall be submitted with the Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore. All offers of cession and all covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their form and legal sufficiency.

E) Roads, pedestrianways, lots, reservations, easements, and other areas to be dedicated to public use.

F) Notations explaining any drainage, sight, slope, road widening, park area or other reservations or easements, as may be required by the Planning Board, including any self-imposed restrictions or covenants.

G) The boundaries of the property, location, total acreage included in the entire subdivision and the identification number and acreage of all lots and land reservations within the proposed subdivision. Lots and blocks shall be numbered or lettered in accordance with the prevailing Town practice.

H) Permanent reference monuments and lot corner markers shall be shown and their location referenced on the Final Plat.

I) A site location map, at a scale no greater than one inch equals two thousand feet (1"=2,000'), showing the location of the applicant's property with respect to surrounding land and roads.

J) Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size, grade and type of roads, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers, storm drains, pavement and sub-base, manholes, catchbasins, and other improvements as required by the Planning Board or proposed by the applicant.

K) The following notes shall be placed upon the Final Plat:

1) No Building Permit shall be issued to any property owner within this subdivision other than to the owner or applicant unless all improvements are completed and approved in accordance with the Planning Board's resolution of approval of this plat.

2) Sanding, snowplowing and other similar maintenance of highways within this subdivision shall be the responsibility of the developer until such time as the Town accepts the roads.

L) Certification from the health department of jurisdiction of sewage disposal and water supply systems. No modification may be made after Department of Health certification.

M) Statement from the appropriate town officials certifying that required improvements have been satisfactorily installed or that an acceptable bond for such installation has been filed with the Town Clerk.

N) Form for endorsement by Planning Board Chairman as follows:

"Approved by Resolution of the Roxbury Town Planning Board"

_____

(Chairman) (Date)

TOWN OF ROXBURY

Design Standards For New Roads
In Major Subdivisions

CHART A

MINIMUM RIGHT-OF-WAY

60 feet

MINIMUM PAVEMENT WIDTH

18 feet

MINIMUM SHOULDER WIDTH

5 feet

MINIMUM DITCH WIDTH

4 feet per ditch, from shoulder to opposite or back side of ditch

SLOPE GRADE (CUT AND FILL)

1 on 2 desired, 1 on 1½ maximum allowed, or flatter

CROWN SLOPE

1/2 inch/foot or more

SHOULDER SLOPE

1 inch/foot

MAXIMUM GRADE

10% - Grades up to 13% shall be allowed for up to 10% of road length pending Planning Board review. No grade within 60' of an intersection shall exceed 3%. Grades over 10% shall be double surface treated.

MINIMUM GRADE

1%

TURNAROUND DIAMETER ON DEAD END STREET

90 feet pavement minimum
120 feet right-of-way minimum

MINIMUM CENTERLINE RADIUS OF CURVE

100 feet

MINIMUM RADIUS AT INTERSECTION

20 feet right-of-way
30 feet pavement

MINIMUM TANGENT LENGTH BETWEEN CURVES

100 feet

MINIMUM SIGHT DISTANCE

200 feet

MINIMUM SIGHT DISTANCE AT INTERSECTIONS

200 feet along street
75 feet across corner at intersection

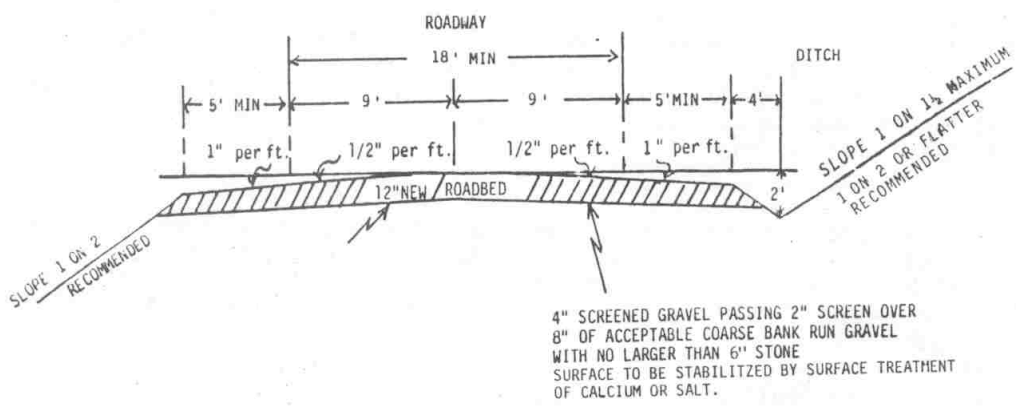
MINIMUM LENGTH OF VERTICAL CURVE

(see reference chart)

SIDEWALKS (IF REQUIRED)

1 at 4 feet

RECOMMENDED TYPICAL SECTION FOR ROADS



4" SCREENED GRAVEL PASSING 2" SCREEN OVER
8" OF ACCEPTABLE COARSE BANK RUN GRAVEL
WITH NO LARGER THAN 6" STONE
SURFACE TO BE STABILITZED BY SURFACE TREATMENT
OF CALCIUM OR SALT.

DRAINAGE

1. USE 18" MIN. & LARGER CULVERTS AND SHALL MEET STATE STANDARDS EXCEPT THAT 12" DRIVEWAY PIPES ARE REQUIRED.
2. USE 13" x 22" PIPE ARCHES AS EQUIVALENT 18" MIN.
3. PLACE ONE GUIDE POST AT EACH END.
4. SKEW CULVERTS (20°MIN.) ON GRADES OF 4% OR MORE WITH EXCEPTION OF EXISTING WATER COURSES.
5. CONSTRUCT DRY STONE MASONRY HEADWALLS INSTALLLING "L" SHAPED HEADWALLS WHERE APPROPRIATE.
6. ALL CULVERTS IN ACCESS OF 4' REQUIRE POURED HEAD-WALLS; AND CONCRETE WING WALLS MAY BE REQUIRED WHERE APPROPRIATE.

GENERAL NOTES

1. 60' MIN. R.O.W. ANY EXISTING STONE WALLS PARALLEL TO THE ROAD SHOULD BE INCLUDED IN THE DEDICATED RIGHT-OF-WAY.
2. REMOVE BRUSH FOR SIGHT DISTANCE SEED AND MULCH ALL DISTURBED AREAS.

CHART B

TOWN OF ROXBURY
ADDITIONAL DESIGN STANDARDS FOR NEW ROADS
IN MAJOR SUBDIVISIONS

NEW ROAD BED

Compacted, 12" minimum using coarse bank run gravel with no larger then 6" stone. Top 4" should be crushed or screened gravel which will pass through a 2" screen or equivalent.

All roadways are to be stabilized with salt or calcium, including shoulders.

1) Calcium chloride – Minimum 11 ton/mile
2) Sodium chloride – Minimum 18-20 ton/mile
3) The following materials are not acceptable for final grade or sub-grade: top soil, clay, mud, plain dirt, trees, brush, or stumps. If sub-grade is of poor material, more gravel may be required. Grades over 10% shall be double surface treatment.

Optional – A hard surface road may be constructed by the developer. It requires a minimum double surface treatment of no less than 1/3 gallon per square yard of bituminous material as recommended by Town Highway Superintendent. First course no less than No. 1 stone, second course No. 1A.

SIDE SLOPES

Remove brush for sight distance and seed and mulch all disturbed areas. Seed mixture should use the following rate of batch per acre: 10# Red Fescue, 43 Rye, 7# Crown Vetch.

SHOULDERS

Shoulders shall be gravel rather than dirt to permit drainage from road bed.

BRIDGES

Where a bridge is necessary, it is to be 24' wide, carry a maximum legal New York State load, accommodate the water flow of a 50-year storm, and any wood used in construction shall be pressure treated. Bridge plans shall be prepared by a New York State licensed engineer and shall be submitted to the Town Highway Superintendent for approval in consultation with the County Highway Department prior to the start of construction.

DRIVEWAYS

Where driveway pipes are necessary, move ditch line back to 19' from centerline. Blend change in alignment 50' ahead and 60' beyond centerline of drive. Minimum 30' of 12" pipe required. All driveways shall have a landing area of at least 20' in length as measured from the edge of the shoulder, with a maximum slope of 3%.

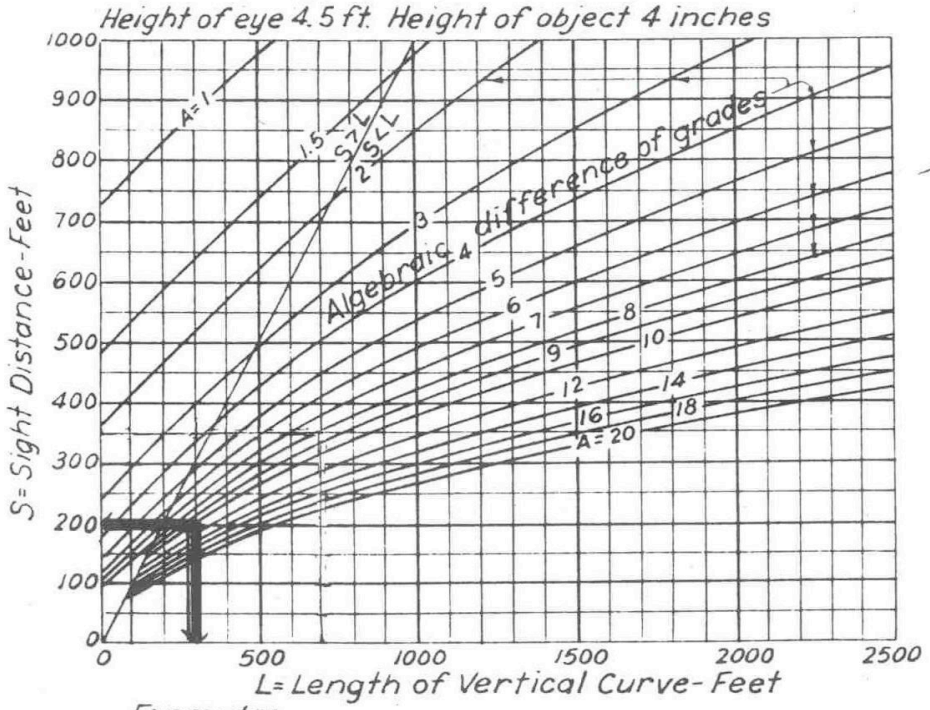
DRAINAGE PIPES

All drainage pipes shall be 18" minimum.

APPLICATIONS FOR TOWN TAKEOVER

All applications must conform to Sections 170 and 171 of the Town Highway Law. There may be additional requirements by the Town Board before dedication is considered.

ROADS — SIGHT DISTANCE -



Formula:

When $S > L$ $S = \frac{7.28}{A} + \frac{L}{2}$ When $S < L$ $S = 3.82\sqrt{\frac{L}{A}}$ A = algebraic diff. of grades ÷ 100.

- NON-PASSING SIGHT DISTANCE CHART.*

Example

Given:

Design speed (assume 30 m.p.h.).

% of intersecting grades.

Required:

Length of vertical curve for non-passing sight distance.

Solution:

Non-passing sight distance from table on Page 3-61 = 200 ft.

Algebraic diff. = + 4 - (-4) = 8

Determine L from chart = 250 ft.

CHART C