

SUBDIVISION OF LAND

Chapter 125

Town

of

ROCHESTER

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Chapter 125

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Town Board of the Town of Rochester 8-21-1962. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 125-1. Power and authority; title; when effective.

- A. By authority of a resolution adopted by the Town Board at a meeting on August 21, 1962, pursuant to the provision of § 276 of the Town Law, the Planning Board of the Town of Rochester has the power and authority to approve, modify and disapprove plats for subdivision within the Town of Rochester.
- B. This chapter shall be known and may be cited as the "Land Subdivision Regulations of the Town of Rochester, New York."
- C. This chapter shall take effect immediately following a public hearing and adoption by the Town of Rochester Planning Board and approval by the Town Board of the Town of Rochester.

§ 125-2. Declaration of policy

It is declared to be the policy of the Town of Rochester Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. This shall be interpreted to include the following objectives which shall guide the Planning Board decisions:

- A. 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. Proper provision shall be made for water supply, drainage, sewerage and other needed improvements and utilities.
- C. Proposed streets shall compose a convenient system conforming to the Official Map and Development Plan.
- D. Streets shall be of such widths, grade and location as to accommodate present and prospective traffic.
- E. All development shall facilitate adequate fire protection and provide access for fire-fighting equipment.
- F. Open space for parks and playgrounds of suitable location, size and character shall be provided wherever appropriate.
- G. In case any of this chapter shall conflict or be inconsistent with any provision of the Town Law, the relevant provision of the Town Law shall apply.

ARTICLE II Terminology

§ 125-3. Use and interpretation of words.

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- B. The word “shall” is always mandatory. The word “may” is permissive. “Building” or “structure” includes any part thereof. A “building” includes all other structures of every description except fences and walls, regardless of dissimilarity to conventional building forms. The word “lot” includes a corporation as well as an individual.
- C. The phrase “used for” includes “arranged for,” “designed for,” “intended for” and “occupied for.”

§ 125-4. Definitions.

For the purpose of this chapter, certain words used herein are defined as follows:

ARTERIAL ROAD — A road which serves or is designed to be used primarily for fast or heavy traffic. [Amended 2-2-1989 by L.L. No. 2-1989]

BOARD OR PLANNING BOARD — The Planning Board of the Town of Rochester.

COLLECTOR ROAD — A road which carries traffic from minor roads to the major system of arterial roads, including the principal entrance roads of a residential development and roads for circulation within such a development. [Amended 2-2-1989 by L.L. No. 2-1989]

CUL-DE-SAC ROAD: A road with only one means of vehicular ingress and egress and with a turnaround at its terminus.

CURB — A low barrier usually along the pavement lone of a street, road or highway, controlling surface drainage and separating vehicular areas from pedestrian and/or landscaped areas.

EASEMENT — An acquired right of use on the property of another.

ENGINEER or TOWN ENGINEER — The duly designated engineer of the Town of Rochester or, in lieu of such an official, the Superintendent of Highways, the Building Inspector, or the planning consultant or engineer employed by or assigned to the Planning Board.

MARGINAL ACCESS ROAD — A minor road which is parallel to and adjacent to an abutting properties and protection from through traffic.

MASTER PLAN OR DEVELOPMENT PLAN — A comprehensive plan prepared by the Planning Board, which indicated the general locations recommended for the various functional classes of public works, places and structures and for the general physical

development of the Town of Rochester and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

MINOR ROADS — A road intended to serve primarily as access to abutting properties. [Amended 2-2-1989 by L.L. No. 2-1989]

OFFICIAL DATE OF APPLICATION — A date when a subdivision, plat or preliminary layout shall be considered submitted to the Planning Board, as provided in § 276 of the Town Law, hereby defined to be the date of the meeting of the Planning Board at which all required surveys, plans and data described in Article III are submitted.

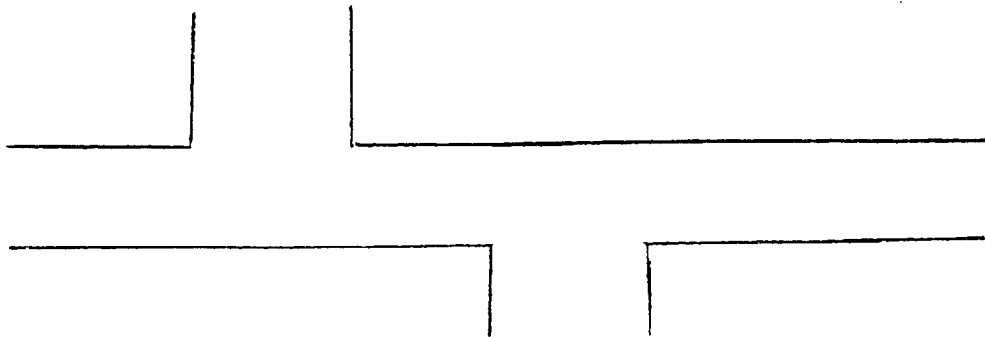
OFFICIAL MAP — A map established by the Town Board under § 270 of the Town Law, showing roads, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

PRELIMINARY LAYOUT — A preliminary drawing showing the proposed layout of a subdivision which is submitted to the Planning Board for its consideration and conditional approval.

PRIVATE ROAD — Any road which is not open for public use. [Amended 2-2-1989 by L.L. No. 2-1989]

ROAD JOG [Amended 2-2-1989 by L.L. No. 2-1989]:



ROAD PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic.

ROAD WIDTH — The width of the right-of-way or the distance between property lines, on opposite sides of a road.

SKETCH PLAN — A freehand sketch made on a topographic survey map showing the layout of roads, lots and other features of a proposed subdivision in relation to existing conditions.

SUBDIVIDER — Any person, firm, corporation, partnership or association which shall lay out, for the purpose of development and/or sale, any subdivision, as defined herein, either for himself, itself or for others.

SUBDIVISION:

- A. The division of any parcel of land into five or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development.
- B. Notwithstanding the above, the division of any parcel of land into less than five lots, plots or sites for the purpose, whether immediate or future, of transfer of ownership or building development when such resulting lots involve any new street or road or extension of municipal facilities or do not front on an existing public road shall be considered a subdivision.

ARTICLE III

Procedure for Land Subdivision

§ 125-5. Mandatory procedures.

Whenever any subdivision of land is proposed, before any contract for the sale of any part thereof and before any permit for the erection of a structure in such proposed subdivision is granted, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures, which includes, basically, three steps: preapplication review and classification; preliminary layout; and final plat.

§ 125-6. Preapplication review and classification. [Amended 2-2-1989 by L.L. No. 2-1989]

- A. Prior to filing an application or before preparing a preliminary layout, the subdivider shall submit to the Planning Board a sketch plan of the proposed subdivision layout together with data concerning the area including the information specified in § 125-12 in order to discuss the appropriateness of the proposed layout, the suitability of the land for development and the general requirements for improvements.
- B. The Planning Board shall inform the subdivider within 30 days after submission whether his sketch plans and data, as submitted or modified, does or does not meet the objectives and requirements of this chapter, the Master Plan, Official Map or the Zoning Chapter. If said plans and data do not meet the objectives and requirements, the Board shall express its reasons therefor.
- C. The preapplication review does not require formal application to the Planning Board or payment of fee.

§ 125-7. Preliminary layout. [Amended 2-2-1989 by L.L. No. 2-1989]

Upon receiving an informal agreement by the Planning Board regarding the general program and objectives, in accordance with § 125-6A, the subdivider shall prepare a preliminary layout

together with improvement plans and other supplementary documents as specified in § 125-13, an environmental assessment form (EAF) as required by the New York State Environmental Quality Review Act and follow standards set forth in Article III of this chapter. During the preparation of a preliminary plat containing five or more lots, the subdivider should consult the County Health Department so that the plat presented to the Planning Board will also be acceptable to the County Health Department.

- A. Submission and fees. The submission to the Planning Board for conditional approval of a preliminary layout shall be accompanied by a standard handling fee as established by the Town Board and recommended by the Planning Board. In the event that the Planning Board is required to retain the services of an independent engineer to review any portion of a subdivision application to ensure its compliance with any and all state and local laws, costs for such services shall be paid by the applicant.
- B. Conditional approval. The Planning Board shall:
- (1) Review the preliminary layout; the environmental assessment form and other supplementary documents:
 - (a) To determine their conformity with the Master Plan, the Zoning Chapter and with this chapter.
 - (b) To assess their practicability taking into consideration the requirements of the community and the best use of the land being subdivided.
 - (c) To analyze their proposed lot sizes; sewage and water systems; drainage; and arrangement, location, grades and widths of roads.
 - (d) To consider their effect on future development of adjoining lands as yet unsubdivided.
 - (2) Discuss with the subdivider any changes deemed advisable.
 - (3) Discuss with the subdivider the kind and extent of all public improvements and lands to be constructed, installed or dedicated by him or, in lieu of improvements, the amount of performance bond required to be posted.
 - (4) Discuss with the subdivider any required public improvements which may be waived.
- C. The Planning Board shall hold a public hearing on the preliminary plat within 62 days after the official date of application, in accordance with § 276 of the Town Law. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing.¹
- D. Preliminary conditional approval. Within 62 days of the public hearing, the Planning Board shall grant conditional approval or disapprove the preliminary plat. "Conditional approval" means approval of the layout as set forth in the preliminary plat, but subject to approval of the plat in final form. The action of the Planning Board shall be noted on all copies of the preliminary layout and the conditions imposed attached thereto.²

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- E. Such conditional approval shall automatically expire after six months, unless extended by formal action of the Planning Board, as provided in § 125-27B.
- F. Conditional approval of preliminary layout shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval only to guide the subdivider in the preparation of the final plat which shall be submitted for the approval of the Planning Board and for eventual recording after compliance with the requirements of this chapter and with any conditions specified in the conditional approval.

§ 125-8. Final plat.

A. Submission.

- (1) Following conditional approval of the preliminary layout, the subdivider shall prepare a final plat, together with other supplementary documents, in accordance with § 125-14 and follow standards set forth in Article V of this chapter.
- (2) The final plat and other supplementary documents shall be filed with the Planning Board within six months after the date of conditional approval of the preliminary layout, unless such time limit is extended by formal action of the Planning Board in accordance with § 125-27B.
- (3) Upon receipt of the application and after having found that the application is in full compliance with the regulations, the Planning Board shall sign and return a receipt which shall indicate the official date of application. In case of deficiencies in the application, the Planning Board shall advise the developer of the deficiencies within 30 days subsequent to the date of receipt of the application. [Amended 2-2-1989 by L.L. No. 2-1989]
- (4) If the subdivider so desires, the final plat may consist of only that portion of the approved preliminary layout which he proposes to record and develop at one time, provided that such portion conforms to all applicable requirements of this chapter and that the subdivision is being submitted for approval progressively and in contiguous sections satisfactory to the Planning Board.

B. Approval.

- (1) Within 15 days after the official date of application, the Planning Board shall determine if a public hearing shall be held for the final plat. This determination shall be made based on the conformity of the final plat with the approved preliminary plat. If the Planning Board decides the final plat conforms with the approved preliminary plat or portion of, the Planning Board may waive the public hearing and approve or approve with conditions the final plat within 62 days of the official date of application. [Amended 2-2-1989 by L.L. No. 2-1989³]
- (2) If the Planning Board decides the final plat does not conform with the approved preliminary plat and disapproves the same, then the Planning Board shall schedule a public hearing within 62 days after the official date of application, in accordance with

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 276 of the Town Law. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing. The Planning Board shall approve, modify and approve or disapprove the final plat within 62 days of the date of the public hearing, unless otherwise extended by consent of the applicant. Failure of the Planning Board to act within the time allotted shall result in the automatic approval of such final plat. Certification of the Town Clerk as to the official date of application and the failure of the Planning Board to hold a public hearing or take action within the sixty-two-day period after the date of the public hearing shall be issued to the subdivider upon demand and shall be sufficient, in lieu of any written notation or endorsement of other evidence, as final approval. If the Planning Board disapproves the final plat, reasons for such disapproval shall be so stated. **[Amended 2-2-1989 by L.L. No. 2-1989⁴]**

- (3) No plat which is an extension, section or portion of any previously submitted plat shall be approved until and unless all conditions necessary for approval of such previously submitted plat have been satisfied and final approval shall have been granted in accordance with this chapter.
- (4) If the Planning Board disapproves the final plat, reasons for such disapproval shall be so stated upon its records.
- (5) Whenever the subdivision as a whole contains five or more building lots, the developer shall submit the final plat as approved by the Planning Board to the County Health Department for approval.
- (6) No subdivision plat shall be approved when such proposed structures or proposed new roads shall have frontage on, access to or be otherwise directly related to any county road, existing or proposed, as shown on the County Official Map, except in accord with § 239-K of the General Municipal Law. The Town Planning Board shall notify the County Planning Board, if any, or Commissioner of Public Works of such subdivision, and the County Planning Board shall report to the Town Planning Board within 30 days on its approval or disapproval or on its approval subject to stated conditions. The final plat may be approved by the Town Planning Board subject to stated conditions, notwithstanding such reports, when the application of such report will act to deprive the owner of reasonable use of his land. **[Amended 2-2-1989 by L.L. No. 2-1989]**
- (7) No authorized officer of the Planning Board shall sign the final plat for approval until all of the conditions required to be fulfilled prior to such endorsement have been satisfied, including but not limited to completing road improvements or posting a guarantee satisfactory to the Town Board and approval from the Ulster County Health Department when required. Conditional approval of the final plat shall expire 180 days after the date of adoption of the resolution granting such approval unless all of the conditions required to be fulfilled prior to the signing of the final plat have been certified as completed. In accordance with § 125-27B(2) of this chapter, the Planning Board may extend said time period by not more than two additional periods of 90

⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

days each if, in its opinion, such extension is warranted by the particular circumstances involved. [Amended 2-2-1989 by L.L. No. 2-1989¹]

C. Filing.

- (1) Within 62 days next following the date of endorsement of the final plat by the authorized officer of the Planning Board or the date of issuance by the Town Clerk of a certificate of nonaction and after approval by the County Health Department, if applicable, the subdivider shall file the final plat with the County Clerk. Otherwise, such final approval shall expire as provided in § 276 of the Town Law. On and after such expiration date, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.²
- (2) At the time the Planning Board grants approval, it may permit the plat to be subdivided and developed in two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the plat. In accordance with § 276 of the Town Law, the applicant may file a section of the approved plat with the County Clerk if said section constitutes at least 10% of the total number of lots contained in the approved plat. In these circumstances, plat approval on the remaining sections of the plat shall remain in effect until the expiration of the exemption period in accordance with the provisions of § 265-a of the Town Law. When a plat is filed by section with the County Clerk, the applicant shall, within 30 days, file with the Town Clerk the entire approved plat.³
- (3) Three black and white prints of the final plat showing the recording date of the County Clerk thereon shall be submitted to the Planning Board after filing with the County Clerk. [Amended 2-2-1989 by L.L. No. 2-1989]
- (4) It shall be the duty of the County Clerk, in accordance with § 278 of the Town Law,⁴ to notify the Planning Board, in writing, within three days of the filing of any plat approved by the Planning Board, identifying such plat by its title, date of filing and official file number.
- (5) No changes, erasures, modifications or revisions, other than those requested by the County Health Department or other such agency or to correct metes and bounds, shall be made on any subdivision after final approval has been given by the Planning Board and the plat has been duly filed with the County Clerk unless such plat has first been resubmitted to the Planning Board and such change, erasure, modification or revision has been approved by the Board. Any plat so changed without first being resubmitted to the Planning Board and reapproved shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Editor's Note: Former § 278, Record of plats, of the Town Law has now been redesignated by L. 1992, c. 727, as § 279, subdivision review; record of plats.

§ 125-9. Building permits and certificates of occupancy.

- A. Upon approval of final plat and posting of a bond in accordance with §§ 125-14C, 125-15A and B of this chapter or upon certification of the completion of installation of all required improvements to the satisfaction of the Town Board and the posting of a bond in accordance with § 125-15A, the subdivider may be issued building permits for the construction of buildings in accordance with the approved final plat, Chapter 140, Zoning, and the Town Building Code.
- B. Certificates of occupancy.⁵
- (1) Certificates of occupancy shall only be issued upon certification by the Code Enforcement Officer that all required public improvements in a subdivision as shown on the approved final plat have been completed in accordance with town standards, in accordance with Chapter 140, Zoning, and the Town Building Code.⁶
 - (2) No certificate of occupancy shall be issued until the grading and respreading of topsoil has been completed in accordance with § 125-18F, unless a bond in an amount sufficient to guarantee the proper grading of the property and the respreading of the topsoil has been posted as per § 125-15C.

ARTICLE IV**Required Documents and Improvements****§ 125-10. General requirements.**

Any subdivider who proposes a subdivision in the Town of Rochester shall submit plats and documents and comply with the regulations regarding the posting of bonds and the construction of improvements and utilities as provided in this article.

§ 125-11. General requirements for conditional and final approval.

- A. One original drawing and four black and white prints of all required plans, plats or surveys and eight copies of all other supplementary documents and written applications shall be filed with the Town Clerk.⁷
- B. All original drawings shall be submitted on sheets of translucent material, suitable for reproduction, 30 inches by 40 inches or 20 inches by 20 inches. Horizontal scales of one inch equals not more than 100 feet shall be used. When more than one sheet is required to show the plat within the prescribed scale, an index sheet of the same size shall be submitted showing the entire proposed subdivision with lot and block numbers clearly legible, at a scale of one inch equals no more than 600 feet. In addition, the outlines of the development shall be accurately shown on a scale of one inch equals 1,600 feet for transposition to the Official Map, if any.

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁶ Editor's Note: See Ch. 78, Fire Prevention and Building Construction.

⁷ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. All submission shall bear the following information: the proposed subdivision name, identifying title, the words "Town of Rochester, Ulster County, New York," the date of submission and survey and the name and address of the record owner or subdivider. Names, addresses, certification and seals of registered engineers or surveyors engaged to prepare drawings; north arrows; and graphic scales shall appear.
- D. Space shall be provided on all submission for required endorsements by appropriate agencies.

(Cont'd on page 12511)

§ 125-12. Preapplication documents.

The sketch plan may be a sketch made directly on a print of the United States Geological Survey (USGS) topographic survey of the proposed subdivision area. It shall show, in simple sketch form, the relationship between existing physical conditions and the proposed layout of streets, lots and other features and such other data as the Planning Board considers necessary for its review of the sketch plan.

- A. The location map shall show the relationship of the proposed subdivision to existing community facilities which serve it. It shall include main traffic arteries and general information on surrounding land uses.
- B. General subdivision information shall describe or outline the existing conditions of the site and the proposed development wherever necessary to explain and supplement the sketch plan and location map. This information should include existing data on covenants, land characteristics, available community facilities and utilities and data as to the proposed number of residential lots, business areas, playgrounds, parks and other public areas, protective covenants, utilities and street improvements.

§ 125-13. Plats and documents for conditional approval.

- A. The preliminary layout, in addition to the requirements of §§ 125-11C and D, shall show both the existing condition data and proposed conditions as follows:

- (1) Existing condition data (required):

- (a) Boundary lines. Bearings and distance of lines and total acreage (including the entire area to be subdivided and the remainder of the tract owned by the subdivider).
- (b) Easements. Location, width, identification and purpose.
- (c) Streets on and adjacent to the tract. Name, width of right-of-way and location; type, width and elevation of surfacing; any legally established center line elevations; walks, curbs, gutters, culverts, etc.
- (d) Utilities (existing or proposed by public agencies or utility companies) on and adjacent to the tract. Location of septic tanks; location, direction of flow, size and invert elevation of sanitary sewers, storm sewers, culverts, water mains and gas lines; (if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones and invert elevations); location of fire hydrants, utility poles and streetlighting standards.
- (e) Ground elevations on the tract. For land that slopes less than approximately 2%, show spot elevations at all breaks in grade, along all drainage channels or swales and other necessary points. For land that slopes regularly more than 2%, show contours at five-foot intervals, if such information is sufficient for planning purposes, or show contours at two-foot intervals if necessary because of irregularly sloped land or need for more detailed data for preparing plans and construction drawings.

- (f) Other conditions on the tract. Watercourses, floodplains, rock outcrops, wooded areas, isolated preservable trees, buildings and structures and other significant features.
 - (g) Other conditions on adjacent land. Approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, power lines, towers and other nearby nonresidential land uses or public open spaces.
- (2) Existing conditions data (at discretion of Planning Board):
- (a) Subsurface conditions on the tract. Location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
- (3) Proposed site improvements:
- (a) Streets. Names, right-of-way and roadway widths, grades and profiles.
 - (b) Other rights-of-way or easements. Location, width and purpose.
 - (c) Location of utilities (if not shown on other exhibits).
 - (d) Lot lines, lot areas, lot numbers and block numbers.
 - (e) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
 - (f) Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
 - (g) Minimum building setback lines.
 - (h) Site data, including number of residential lots, minimum lot size, park acreage, etc.
 - (i) Approximate location, size, grades and profiles of all proposed water lines and sewer lines. Indicate connections with existing lines, if any, locations of valves, hydrants, manholes and drop inlets, if any, if individual sewage disposal systems are proposed, a typical location of septic tanks and leaching fields or seepage pits shall be shown.
 - (j) Approximate grading plan if natural contours are to be changed more than two feet.
 - (k) Location and species of new street trees.
- B. A vicinity map, drawn at a scale of one inch equals not more than 600 feet showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area, shall indicate:
- (1) All existing adjacent parcels of land together with the names of the record owners, platted and unplatted; namely, those directly abutting or directly across any and all

streets adjoining the proposed subdivision. Platted land shall be referred to by name, recording date and subdivision number.

- (2) Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - (3) The boundaries and designations of zoning districts affecting the tract.
 - (4) An outline of the platted area together with its street system. If the preliminary layout submitted covers only a part of the subdivider's entire holding, an indication of the future probable street and drainage system of the remaining portion of the tract shall be shown.
- C. Deed description and survey map of tract boundaries made and certified by a licensed land surveyor.
- D. Other preliminary plans may be required by the Planning Board, including the following:
- (1) Street profiles showing existing surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; and
 - (2) Typical cross sections of the proposed grading, roadway and sidewalk, type and depth of surfacing and subbase, location of streetlighting fixtures, street signs and street trees.

§ 125-14. Plats and documents for final approval.

- A. The final plat, in addition to the requirements of § 125-11C, shall show the following:
- (1) Location, names and widths of existing streets, highways and easements, building lines, parks and other public properties abutting the site.
 - (2) Tract boundary lines, street right-of-way lines, easement and other right-of-way lines and property lines of residential lots and other sites; accurate dimensions, bearings, deflection angles and radii and arcs of all curves shall be shown.
 - (3) Name and right-of-way width of each street or other right-of-way.
 - (4) Location to identify each lot or site; lot areas in square feet.
 - (5) Location, dimensions and purpose of easements.
 - (6) Accurate outline and designation of purpose of all areas to be dedicated or reserved for public use for which deeds of cession are included and any other spaces which are not to be dedicated.
 - (7) Block, lot and section numbers.
 - (8) Minimum building setback line on all lots and other sites and outline of proposed buildings.
 - (9) Names of record owners, if known, of adjoining unplatted land.

- (10) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
 - (11) Certification by surveyor or engineer certifying to accuracy of survey and plat.
 - (12) Certification of title showing that applicant is the owner.
 - (13) Statement by owner dedicating streets, right-of-way, sites for public use and easements for public utilities.
 - (14) Plans and profiles showing the exact location, size, type and invert elevations of existing and proposed water mains, sanitary sewers and stormwater drains; profiles of all utility lines at points of interference; and the location of fire hydrants and all gas or other underground utilities or structures.
 - (15) The location and type of the following improvements: street paving, sidewalks, curbs and private sewage disposal systems.
 - (16) Grading plan showing present and proposed contours at five-foot intervals for land that slopes more than 2% and at two two-foot intervals for land that slopes less than 2%.
 - (17) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line and boundary line in order to reproduce such lines upon the ground. Where practicable, these should be referenced to monuments, included in the state system of plane coordinates, if any, and in any event should be tied to reference points previously established by public authority, if any.
 - (18) For each street, the length of all straight lines and the deflection angle, radius, tangent distances and bearings and length of all curves and arcs shall be given for subsequent inclusion on the Town Official Map.
 - (19) All dimensions shall be shown in feet and decimals of a foot. All angles of the lines of each lot shall be given to the nearest 10 seconds.
- B. Cross sections and profiles of all proposed streets shall be submitted showing grades approved by the Superintendent of Highways; width of roadway; type and depth of surfacing and subbase; location, size and type of curbs; locations and widths of sidewalks and the location and size of utility mains, if any. The profiles shall be drawn to standard scales and elevation along center lines of streets, showing existing and proposed elevations. Where a proposed new street intersects an existing street, the elevations of such existing street shall be shown for 100 feet from each such intersection. All elevations must be referred to established or approved local bench marks, if any. Designs for any bridges or culverts, if required, shall also be included.
- C. A certificate by the Town Clerk shall be submitted certifying that the subdivider has complied with one of the following alternatives:
- (1) That all public improvements have been installed to the satisfaction of the Town Engineer and any other official or body authorized by law to act and in accordance with requirements specified in § 125-16 of this chapter and not specifically waived by the Planning Board as provided in Article VI; or

- (2) That a performance bond, certified check or other security in compliance with § 277 of the Town Law and § 125-15 of this chapter has been posted in a sufficient amount to assure such completion of all required improvements and is available to the Town of Rochester.⁸
- D. The plat shall be endorsed with the necessary agreements in connection with easements or releases. Offers of cession to the town shall be presented prior to plat approval. Formal offers of cession to the town of all streets and open spaces, not marked on the plat with notation to the effect that such cession will not be offered, shall be filed with the Planning Board prior to plat approval.
- E. The Planning Board may require a written agreement between the subdivider and the Town Board tendering cession of all land included in streets, highways, parks or public open spaces not specifically reserved by the subdivider. Such agreement shall bear the endorsement of the Town Attorney as to its legal sufficiency. For all public open spaces for which deeds of cession are not included, there shall be submitted documents showing the manner in which such areas are to be maintained and the provision made therefor. The approval by the Planning Board of subdivision plat shall not be deemed to constitute or imply the acceptance by the town of any street, park, playground or other open space shown on said plat.
- F. Written agreement, in accordance with § 125-17A, that public utility companies will make necessary service installations where required by the Planning Board.
- G. Such other certificates, affidavits, endorsements or approvals as may be required by the Planning Board shall also be submitted.

§ 125-15. Performance bonds or other security.⁹

- A. Bonds or other security posted by the subdivider in compliance with § 125-14C shall be in an amount determined by the Planning Board or other appropriate town departments designated by the Planning Board to cover the full cost of required public improvements.
- (1) Such performance bonds or other security shall be approved by the Town Attorney as to form and manner of execution.
- (2) Such performance bonds or other security shall run for a term to be fixed by the Planning Board, but in no case for longer than three years. Such term may be extended by the Planning Board with the consent of the parties thereto.
- (3) If the Planning Board shall decide at any time during the term of the performance bond or other security that the extent of building development which has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond or other security; or improvements have been installed in accordance with § 277 of the Town Law and as required by the Planning Board in sufficient amount to warrant reduction in the face amount of such bond or security;

⁸ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

then, upon approval by the Town Board, the Planning Board, after due notice and public hearing, may modify its requirements for any or all such improvements, and the face value of such performance bond or other security shall thereupon be reduced by an appropriate amount, so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced proportionately.

- (4) If the Planning Board or an appropriate Town Officer appointed by it finds upon inspection that any of the required improvements have not been constructed in accordance with the plans and conditions approved and specified by the Planning Board, then the subdivider and the bonding company, if any, shall be severally and jointly liable for the costs of completing said improvements originally specified by the Planning Board.
 - (5) Such performance bonds or other security shall be released to the subdivider only upon certification by the Town Board that all required improvements have been satisfactorily completed.
- B. The subdivider shall also post with the Town Clerk a bond or other security in an amount of 10% of the original performance bond or other security to assure the satisfactory condition of all required improvements for a period of one calendar year next following the date of certification of satisfactory completion, installation or construction of such improvements.
- C. A bond or other security in an amount sufficient to guarantee the proper grading of the property and the resspreading of the topsoil shall be posted before issuance of a certificate of occupancy.

§ 125-16. Public improvements.

In making determinations regarding the necessity and extent of the installation of such public improvements, the Planning Board shall take into consideration the prospective character and uses in the proposed subdivision, whether dense residential, open residential, business or industrial.

- A. The Planning Board shall require the installation of the following public improvements in accordance with Town Law:
- (1) Streets and highways suitably placed, paved and improved;
 - (2) Monuments suitably placed and installed in accordance with § 125-18H of this chapter and may require in areas of intensive development:
 - (a) Sidewalks.
 - (b) Curbs.
 - (c) Water mains.
 - (d) Sanitary sewers.
 - (e) Storm sewers.

- (f) Street signs.
- (g) Street trees.
- B. All improvements as required shall be installed in accordance with standards, specifications and procedures acceptable to the appropriate town departments or as provided in this chapter.
- C. Unless a bond is posted in accordance with § 125-15, all improvements as required shall have been completed, installed or constructed and so certified before approval of final plat shall be granted and before any building permits or certificates of occupancy shall be issued in accordance with § 125-9.

§ 125-17. Public utilities.

- A. When public utility facilities are to be installed, the subdivider shall submit to the Planning Board written assurance from each public utility company that such company will make the necessary service installations within reasonable time after acceptance of streets by the town.
- B. The final plat shall show statements by the owner granting the necessary easements or other releases for installation of required public utilities.

ARTICLE V
Subdivision Design Standards

§ 125-18. General requirements.

The subdivider shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered minimum standards and shall be varied from or waived only as provided in Article VI. Particular attention should be given to matters outlined in § 277 of the Town Law as well as to the specific requirements of this chapter with regard to parks, playgrounds, open spaces, roads, pedestrian ways, lots and blocks and public utilities.

- A. Character of land. Only land that is of such character that it can be used without danger to health or peril from fire, flood or other menace shall be subdivided for building purposes.
- B. Preservation of natural features. The Planning Board may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, historic spots and similar irreplaceable assets.
- C. Conformance with the Zoning Chapter and Master Plan. Subdivision plats and improvements provided shall conform to the Zoning Chapter of the Town of Rochester and shall be in harmony with the Master Plan for the area in which the subdivision is located. **[Amended 2-2-1989 by L.L. No. 2-1989]**
- D. Plats with access through other municipalities. Whenever access to a subdivision is through land of another municipality, the Planning Board may require certificates from authorities having jurisdiction that such access is adequately improved or that a legally

adequate performance bond has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.

- E. Resubdivision. Resubdivision of all or part of the land covered by an existing plat which has been laid out prior to adoption of these subdivision regulations shall follow requirements for an original plat, including the vicinity map. Such replat shall show clearly what area or areas have been vacated. It shall also show the file number of all previous plats of the same area with dates of filing.
- F. Preservation of topsoil. No topsoil shall be removed from any land excepting that in areas over which heavy equipment will be operated the topsoil shall be stripped and piled on the property. When final grades have been established and construction activities have been completed, the entire property shall be suitably graded and recovered with the topsoil, seeded and maintained until a permanent vegetation has been established. **[Amended 2-2-1989 by L.L. No. 2-1989]**
- G. Watercourses. Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by bridges, culverts or other permanent structures of a design approved by town officials. Where a subdivision is traversed by a watercourse, a drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way according to specifications of the engineer, but in no case less than 25 feet in width.
- H. Monuments. Monuments shall be constructed in accordance with the specifications of the town and the requirements of the State Department of Public Works. They shall be set at all corners, at angle points of the boundaries of the original tract, at all street intersections and points of curve and at such intermediate points as shall be required by the Superintendent of Highways; the locations thereof shall be shown on the subdivision plat. The corner of all lots shall be marked with either metal markers $\frac{3}{4}$ inch in diameter or concrete markers three inch square. Markers shall be at least 24 inches in length and placed into the ground to grade.

§ 125-19. Parks, playground and public open spaces. [Amended 2-2-1989 by L.L. No. 2-1989¹⁰]

- A. Conformance with Master Plan. Where a proposed park, playground or land for other public use is shown on the Master Plan and is located in whole or in part within the proposed subdivision, the Planning Board may request the subdivider to reserve such area which lies within the subdivision, provided that the amount of land to be reserved for park purposes shall not exceed 10% of the total area of the subdivision.
- B. Large-scale development. In large-scale developments or developments of a size and nature not proposed or anticipated by the Master Plan, the Planning Board may request the subdivider to reserve sites for playgrounds and parks whose character, extent and location will be suitable to the need created by such development, whether or not such sites are shown on the Master Plan. Such areas reserved for playgrounds and/or parks shall be, in the judgment of the Planning Board, of reasonable size for neighborhood playgrounds or

¹⁰ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

other recreation uses. In general, the Planning Board shall require and the subdivider shall reserve 10% of the gross area of the subdivision for this purpose.

C. Minimum size.

- (1) In general, the Planning Board will not require the reservation of open space as required by §§ 125-19A and B if the total acreage of such land is below ½ acre. The Planning Board will require the reservation of even smaller parcels if they can be made contiguous to existing parks; and it reserves the right to waive or modify all reservations if the character and location of such potential park land is not appropriate for such purpose.
- (2) If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, then the Board shall require as a condition to approval of any such plat a payment to the town in an amount set from time to time by resolution of the Town Board,¹⁴ which amount shall be available for use by the town for neighborhood park, playground or recreation purposes, including the acquisition of property.

§ 125-20. Roads. [Amended 2-2-1989 by L.L. No. 2-1989]

- A. General objectives. Roads shall be of sufficient width, suitably graded and located and adequately constructed to accommodate the prospective traffic and to afford adequate light and air, to facilitate fire protection and to provide access for fire fighting, snow removal and other road maintenance equipment and shall be coordinated so as to compose a convenient system properly related to the proposals shown on the Master Plan or Official Map. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties, and no property shall be rendered inaccessible from an existing public road or from a proposed road in a subdivision for which a completion bond has been posted.
- B. Arrangement. The arrangement of roads in the subdivision shall provide for the entrance and continuation of principal roads from adjoining subdivisions and for the extension of principal roads into adjoining land which has not yet been subdivided. Such arrangement shall be required in order to facilitate fire protection, movement of traffic and the construction or extension, currently or as needed in the future, of necessary utilities and public services, such as sewers, water and drainage facilities.
- C. Drains, culverts and ditches. All drains, culverts, ditches and other necessary road drainage improvements required by the Planning Board shall provide adequate drainage of all roads and other public lands, shall conform to the town specifications and shall be acceptable to the Superintendent of Highways. The installation of these improvements shall be at the expense of the subdivider and shall be adequately designed to carry the full effects of a twenty-five-year storm. When drainage facilities are proposed which have a contributing drainage area in excess of 50 acres, such facilities shall be adequately designed to carry the full effects of a one-hundred-year storm.
- D. Road classification.

¹⁴ Editor's Note: The fee schedule is on file in the town offices.

- (1) Arterial roads are generally state and county highways serving and connecting large areas of the community. Where the proposed subdivision contains or is adjacent to an existing or proposed arterial road, the Planning Board may require service roads, dead-end roads, reverse-frontage lots, screen planting and other treatment to protect adjacent properties, to separate arterial and local traffic and to create lots suitable for the appropriate use of the land between the roads and the right-of-way of the arterial road.
 - (2) Major collector roads are generally through roads connecting different developed areas of the community to state and county highways. Major collector roads may also be classified as arterial roads.
 - (3) Minor collector roads connect major collector roads to major, minor and private roads serving no more than 200 residential units.
 - (4) Major roads connect minor and private roads with minor or major collectors serving no more than 50 residential units.
 - (5) Minor roads may have permanent dead ends with suitable turnarounds or connect other minor roads, but may not serve more than 25 residential lots.
 - (6) Private roads may have gravel surfacing, have permanent dead ends or connecting other roads serving no more than 25 residential units, and the lots being serviced by these roads must be subject to a filed maintenance agreement.
 - (7) Driveways are privately owned and maintained and serve no more than four residential units.
- E. Road connections. Subdivisions containing 25 lots or more shall have at least two connections with existing roads.
- F. Standards for road design.

Road Type ¹	Major Collector	Minor Collector	Major Road	Minor Road	Private Road	Drive-Way ²
Minimum right-of-way (feet)	60	50	50	50	50	50
Pavement width (feet)	20	20	18	18	18	18
Shoulder width (feet)	4	3	3	3	2	—
Surface type	Pavement	Pavement	Pavement	Gravel	Gravel	Gravel
Maximum grades	8%	10%	10%	12%	12%	15%
Minimum grades	1%	1%	1%	1%	1%	1%
Minimum radius (horizontal curves) (feet)	300	200	150	100	100	50

Road Type ¹	Major Collector	Minor Collector	Major Road	Minor Road	Private Road	Drive-Way ²
Number of residential units	>200	<200	<50	<25	<25	<4
Minimum length of vertical curves ³	50	40	35	30	30	20
Minimum tangent between reverse horizontal curves	200	150	100	100	100	—
Minimum sight distance (feet)	350	300	275	200	200	100

NOTE:

¹On-street parking is not permitted on any of the above road classifications.

²Requires road maintenance agreement.

³Times percent difference in algebraic grade.

G. Widening or realignment of existing roads.

- (1) Where a subdivision borders an existing road and the Official Map or Master Plan indicates plans for realignment or widening of the road that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "Reserved for Road Realignment (or Widening) Purposes."
- (2) Where a development abuts an existing road and future widening may be required, the Planning Board may require that the subdivider dedicate additional right-of-way equal to 1/2 the required right-of-way width to meet the requirements of Subsection F if the subdivision abuts one side of the road or the full required right-of-way width to meet the requirement of Subsection F if the subdivision abuts both sides of the road.

H. Road intersections. Intersection of roads shall be at angles of approximately 90°, but in no case shall two roads intersect at any angle smaller than 60°. To achieve this, an oblique road should be curved when approaching an intersection. Crossroad (four-cornered) intersections shall be avoided insofar as possible, except at important traffic intersections. All corners of pavement at road intersections shall be rounded by curves of 25 feet radius.

I. Sight triangles. Within the triangular area formed at corners by the intersecting road pavement lines, for a minimum distance of 75 feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping to a height of 30 inches shall be permitted to obstruct such 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 subdivision plat.

J. Road jogs. Road jogs with center line offsets of less than 150 feet shall not be permitted.

K. Dead-end roads. No dead-end roads without proper turnarounds are permitted. The Planning Board may require that a temporary circular turnaround of a minimum of 45 feet

in radius be provided on temporary dead-end roads, with the notation on the plat that the land outside the road right-of-way shall revert to abutting property owners whenever the road is continued.

- L. Cul-de-sac. Culs-de-sac or permanent dead-end roads and driveways shall generally not exceed 2,000 feet in length or six times the minimum lot width of the lots along said road, whichever is greater, measured from the center line of the continuous road providing the only access to the cul-de-sac or turnaround. The cul-de-sac shall terminate in a circular turnaround having a minimum radius of 45 feet for the outside curb at the closed end and a minimum right-of-way radius of 60 feet.
- M. Easements in cul-de-sac. Where needed or desirable, the Planning Board may require the reservation of a twenty-foot wide easement at the end of culs-de-sac to provide for continuation of pedestrian traffic and utilities into the next roads.
- N. New roads. All roads shown on the preliminary layout or the subdivision plat shall be named, and all road names shall be substantially different in order not to be confused in sound or spelling with present road names in the Town of Rochester, except that roads which join or align with roads of an abutting subdivision or area shall bear the same name.
- O. Road preparation.
 - (1) All boundaries of the proposed road shall be marked with permanent markers at all corners and on tangents of over 100 feet markers shall be set on the road boundaries at not over 500 foot intervals.
 - (2) The right-of-way shall be completely cleared of all brush and scrub trees for its full width, unless otherwise laid out by the Town Superintendent of Highways.
 - (3) All drainage structures to be installed shall be of accepted design and shall be of adequate size and length to carry the full effects of a twenty-five-year storm.
 - (4) The proposed roads shall be graded, such grading shall conform to the typical cross section as provided by the Highway Superintendent of the town and shall be constructed to grades as indicated on the approved profile and plans.
 - (5) All subbase materials to be applied shall be not less than the required width of pavement and shoulder combined or 20 feet, whichever is greater, and not less than 15 inches in depth. All materials, not suitable for subbase within the limits of the proposed road width, shall be removed to a depth not less than 15 inches below the proposed finished grade, and the excavated areas must be backfilled with not less than 12 inches of compacted hard shale, well-graded gravel, quarry rubbish or other satisfactory subbase material or, when clay ground is found or other unsuitable material, six inches of sand shall be applied when deemed necessary by the Town Highway Superintendent.
 - (6) After thorough compaction, the subbase shall be trimmed to present an even surface with a six-inch crown, three inches below proposed finished grade and rolled with a five- to ten-ton power roller.
 - (7) Utility poles shall be set in such a location that they will normally be in back of the curbline and between the curbline and the theoretical sidewalk line.

- (8) Any subsurface structures, such as water, gas, sewer lines, electric or cable television, must be installed previous to application for the acceptance of the road by the Town Superintendent of Highways and shall be installed in compliance with good, common practices.
- (9) Any deviation from any of the foregoing requirements can only be made by a written release from the Town Superintendent of Highways, such release to accompany the owner's petition for the acceptance of the proposed road.

P. Road surfacing.

- (1) Base material shall be applied and consist of a three-inch-thick layer of three-fourths-inch crushed washed stone and must be bladed to smooth, even alignment both along the center line and across the road section by providing a minimum six-inch crown from the center line to the edge of the road and compacted by rolling with a five- to ten-ton power roller.
 - (2) Asphaltic priming oil shall be applied at the rate of 1.0 gallon per square yard or as directed by the Town Superintendent of Highways. The oil must be applied not less than the required width of pavement.
 - (3) The oiled surface shall be uniformly covered with sufficient five-eighth inch or one-fourth-inch washed crushed stone to completely cover the prime coat.
 - (4) The prime coat must be allowed to penetrate and set for three days or longer, if so directed by the Town Superintendent of Highways.
 - (5) Prime surface cover material shall then be hand-broomed or lightly drag-broomed to ensure that any excess cover material is evenly distributed. If ordered by the Town Superintendent of Highways, excessive loose stone shall be removed.
 - (6) Rapid curing cutback asphalt material of a grade to be determined or approved by the Town Superintendent of Highways shall then be applied at a rate of $\frac{1}{3}$ gallon to $\frac{1}{2}$ gallon per square yard.
 - (7) This surface shall be uniformly covered with five-eighth-inch to one-fourth-inch washed crushed stone and rolled with a five- to ten-ton power roller.
 - (8) Hand broom or light-drag broom the surface to distribute cover material evenly and reroll with a five- to ten-ton power roller.
 - (9) Any damage that may be done to the finished surface by the movement of contractor's equipment shall be repaired to the satisfaction of the Town Superintendent of Highways before the final acceptance of the road.
 - (10) Alternate road surfacing may consist of three-inch-thick layer of bituminous pavement plant mix applied by paving machine with a one-inch-thick fine aggregate bituminous wearing surface.
- Q. Road trees. Trees shall be planted on both sides of a road, in locations approved by the Planning Board, except where unnecessary because of existing tree growth or undesirable because of existing tree growth or undesirable because of special circumstances. They shall generally:

- (1) Be located near the property line and be spaced approximately 50 feet apart, subject to variations made necessary by driveways and road corners as well as by the species of trees planted.
 - (2) Have a caliper of two inches or larger measured at a height of at least six inches above ground level and shall have a minimum height of 12 feet from the ground level. The species of trees to be approved by the Planning Board.
- R. Utility poles. Utility poles shall be set in such a location that they will normally be in back of the curbline and between the curbline and the theoretical sidewalk line. Where overhead utility wires are to exist, trees of a type that will grow to a limited height and not interfere with the wiring shall be used.
- S. Any deviation from any of the above specific engineering and construction requirements can only be made by a written release from the Town Superintendent of Highways, such release to accompany the owner's petition for the acceptance of the proposed town highway.

§ 125-21. Pedestrian ways.

- A. Sidewalks on collector roads. All roads designated as collector roads shall have a sidewalk at least four feet wide on both sides of the road, except that, at the discretion of the Planning Board, one sidewalk may be eliminated. All such sidewalks shall be so placed that there will be a distance of at least three feet between the sidewalk and the road paving or 2½ feet between the sidewalk and curb and a distance of at least three feet between the outer edge of the sidewalk and the right-of-way line. Planting of road trees will be permitted in the space between the sidewalk and the right-of-way line only.
- B. Sidewalks on minor roads. All minor roads shall be provided with sidewalks on both sides of the road, except that, at the discretion of the Planning Board, one or both sidewalks may be eliminated. The size and location of such sidewalks shall be the same as for collector roads.

§ 125-22. Lots and blocks.

- A. Lot layout. Lots shall be laid out and arranged to avoid any foreseeable difficulties by reason of unusual topography or other natural conditions and to permit construction of buildings in full compliance with Zoning, Chapter 140.
- B. Deep lots. Lots shall not be of unreasonable depth, thus encouraging the later creation of a second building lot at the rear, but if such depth is unavoidable, provision should be made wherever possible in the layout of the subdivision for roads which may be added later, through resubdivision, to serve the development of the rears of deep lots.
- C. Corner lots. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line and side yard requirement of the zoning district in which the lot is located and generally should be of increased size.
- D. Double-frontage lots. Double-frontage lots shall be avoided, except where necessary to separate residential areas from major traffic arteries or other incompatible use. In such

cases a planting screen easement at least 10 feet wide providing no right of access to the lot shall extend along the lot line abutting the traffic artery right-of-way or incompatible use.

- E. Minimum lot size and density. Each lot shall meet the minimum area, width and depth requirements as established by the Chapter 140, Zoning.
- F. Side yard lines. All side yard lines of lots shall be approximately at right angles to straight street lines and radial or nearly radial to curved street lines.
- G. Driveway access. Wherever possible, lots shall be laid out so that driveways have access to a road which is intended to carry the least traffic. **[Amended 2-2-1989 by L.L. No. 2-1989]**
- H. Block design. Each block shall normally be designed to provide two rows of lots, but irregularly shaped blocks indented by cul-de-sac roads and which contain interior parks will be acceptable. Block lengths generally shall not exceed 1,500 feet in length. In long blocks, the Planning Board may require the reservation through the block of a twenty-five-foot-wide easement to accommodate utilities and/or pedestrian traffic.

§ 125-23. Public improvements and utilities.

A. Placement.

- (1) Underground public improvements and utilities required by the Planning Board shall be placed within road right-of-way in accordance with standards designated by the Town Engineer. Where topography makes such placement impracticable, perpetual unobstructed easements at least 15 feet wide shall be provided for utilities along lot frontages abutting the road lines, with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and their layout shall be as regular as possible. If placed in the road right-of-way, underground utilities required by the Planning Board shall be placed between the paved roadway and the sidewalk or right-of-way line to simplify location and repair of lines.
 - (2) The subdivider shall install, at his own expense, such additional drainage structures as may be required by the Town Engineer if, in his opinion, such additional structures will further improve the durability and maintenance of rights-of-way.
 - (3) Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the town or special district may be installed by the town in a private road, provided that a public easement of satisfactory size to the Town Board is obtained for such improvement or utility.
- B. Water mains. Where a water main does not exist or is not accessible, but the subdivision is located reasonably near a water supply network, the subdivider shall install such main together with all necessary valves, cutoffs, fire hydrants, pumps, booster tanks, storage tanks, meters and other equipment necessary to make such water system conform to the standards of the town. All such mains and appurtenant items of the water system equipment as may be necessary shall be installed at the expense of the subdivider in accordance with town specifications and subject to the approval of the Town Engineer and all other authorities having jurisdiction.

C. Sanitary sewer systems.

- (1) Where a public sanitary sewer system is reasonably accessible, the subdivider shall connect into the sewer and provide a sewer connection for each lot.
- (2) Where a public sanitary sewer is not reasonably accessible, but where the plans for the sanitary sewer district in which the subdivision is located have been prepared, the subdivider shall install sewers in conformity with those plans, although a connection with an existing main may not be immediately possible. In such cases and until such connection can be made with the sewer system of the district, the subdivider shall provide private separate sewer facilities which shall conform to the requirements of all authorities having jurisdiction.
- (3) Where no existing or planned public sewers exist, lots shall be provided with separate sewer facilities. Such lots shall be of sufficient size, according to the character of the land and the size of the system, to provide adequate leaching or satisfactory performance of the system, in compliance with regulations of the town, the Ulster County Health Department and other appropriate authorities.

D. Storm sewers. The subdivider shall install all necessary storm drainage sewers and appurtenant facilities at his expense, in accordance with standards of the Superintendent of Highways and of all other authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the subdivider shall make proper connection thereto, otherwise the subdivider shall provide appropriate means and methods for stormwater runoff satisfactory to the Planning Board and all other authorities having jurisdiction.

ARTICLE VI
Special Conditions

§ 125-24. Variations.

- A. Request by the subdivider for variations, modifications, waivers or time extensions in connection with provisions of this chapter shall be presented, in writing, to the Planning Board, prior to any regular meeting; shall explain the request in detail, making reference to the specific provisions of this chapter which are concerned; shall state the interpretation, change or permission desired; and shall present the specific reasons for such request. The Planning Board within 30 days next following the date of such request shall reply, in writing, to the subdivider, granting either approval or disapproval of such request and in case of disapproval shall state the reasons therefor.
- B. Wherever extraordinary hardship may face the subdivider as a result of the strict application of this chapter, the Planning Board may approve variations from this chapter in order to provide substantial justice and secure the public interest. Such variations shall, however, not have the effect of negating the intent, purpose and policies of Chapter 140, Zoning, the Development Plan and these or other applicable regulations.
- C. Wherever due to unusual topographic conditions the continuation of streets or the placement of lots and improvements are rendered undesirable or impracticable, the Planning Board may approve variations from this chapter.

- D. In granting variances and modifications, the Planning Board may require such alternative conditions as will secure substantially the same objectives of the standards or regulations so varied from or modified.

§ 125-25. Modification.

- A. The Planning Board may modify the standards and requirements of this chapter in the case of a plan and program for a neighborhood unit or other large-scale development which, in its judgment, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs for the tract when fully developed and populated and which also provides such covenants or other legal provisions to assure conformity with and achievement of the general policies and objectives of this chapter.
- B. The Planning Board, after authorization by resolution of the Town Board, may modify applicable provision of Chapter 140, Zoning, of the Town of Rochester simultaneously with the approval of a subdivision plat. Such action is authorized in accordance with and subject to the provisions of § 278 of the Town Law.¹⁵

§ 125-26. Waivers.

The Planning Board may waive, subject to appropriate conditions, the requirements of this chapter relative to the provision and design of any or all such public lands and improvements which, in its judgment of the special circumstances of a particular plat or plats, are not requisite to the interests of the public health, safety and general welfare of the town; or are not appropriate because of inadequacy or lack of connecting facilities adjacent to or in the proximity of the proposed subdivision.

§ 125-27. Time extensions.

- A. The Planning Board is empowered to establish its own rules or procedure for the granting of time extension and the revoking of approvals, so long as they are not in conflict with this chapter or the provisions of the Town Law pertaining to subdivision plats.
- B. The Planning Board may extend:
- (1) The six-month conditional approval period as specified in § 125-7E, provided that the proposed subdivision fully conforms to Chapter 140, Zoning, in effect at the time such extension is applied for.
 - (2) The time for satisfying all of the conditions required to be fulfilled prior to the signing of the final plat by an authorized officer of the Planning Board, if, in its opinion, such extension is warranted by the particular circumstances thereof, for not to exceed two additional periods of 90 days each.¹⁶

¹⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I); former Section 7.5, Expiration, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 125-28. Default.¹⁷

Performance bonds and other securities in default shall subject the subdivider to action in accordance with § 125-15A(4).

ARTICLE VII
Enforcement; Administration

§ 125-29. Penalties for offenses; lien.

- A. If any person transfers or sells or agrees to sell as, owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, without submitting the subdivision for review or before final approval has been obtained, such person shall be subject to a maximum fine of \$350 or imprisonment not to exceed six months, or both, for the first offense; for a second offense within five years, a fine of not less than \$350, nor more than \$700, or imprisonment not to exceed six months, or both; and for a third and subsequent offense within five years, a fine of not less than \$700, nor more than \$1,000, or imprisonment not to exceed six months, or both. Each parcel, plot or lot so disposed of shall be deemed a separate violation.¹⁸
- B. In any such action the transferee, purchaser or grantee shall be entitled to a lien upon the tract of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid and also reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within one year after the date of the recording of the instrument of transfer, sale or conveyance of said land.

§ 125-30. Authority to sign plats.

The Chairman and the Secretary of the Planning Board or in their absence the Acting Chairman and the Acting Secretary are hereby authorized to sign approved subdivision plats.

§ 125-31. Amendments.¹⁹

This chapter or any portion thereof may be amended, supplemented or repealed at any time by the Town Board on its own motion or by petition or by recommendation of the Planning Board. All proposed amendments shall be referred to the Planning Board for study and recommendation, and the Town Board shall hold a public hearing thereon, as provided by law, prior to taking action on any proposed amendment.

¹⁷ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁸ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).