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ARTICLE 1: INTRODUCTION AND DEFINITIONS

Section 101 Definitions: Purpose

The purpose of this and following sections is to define the development control terms and expressions and the descriptive classifications which appear frequently in this law. Terms and expressions which are used infrequently are defined in the body of the text where they are used.

To the extent possible the definitions herein are intended to correspond with established definitions found in general development control practice. Particularly, definitions correspond with those of the U.S. Bureau of the Census and the New York State Uniform Fire Prevention and Building Law as well as other applicable state and federal laws and regulations.

Except where specifically defined in these sections all terms and expressions carry their customary dictionary meanings.

Section 102 General Definitions

102.1 Words used in the present tense include the future, and words used in the plural include the singular.

102.2 Occupied or Used are to be considered as though followed by the words "or intended, arranged, or designed to be occupied (or used)".

102.3 Comprehensive Plan: a plan prepared by the Planning Board pursuant to Section 272-a of the NYS Town Law, for the development of the entire area of the town. The plan is intended to include such features existing and proposed as will provide for the improvement of the town and its future growth, protection, and development, and will afford adequate facilities for the transportation, distribution, comfort, convenience, public health, safety, and general welfare of its population. (See Section 272-a of the NYS Town Law for the full text.)

102.4 Official Map: the map established by the Tompkins County Planning Department, showing streets, highways, and parks, and drainageways, both existing and proposed. State and county facilities are shown for reference only.

102.5 Development: any man-made change to improved or unimproved real estate, including to buildings or other structures, site modifications such as filling, paving, excavation, or mining operations.

102.6 District: an area of land, with precise boundaries, as recognized by the Town Board.

Section 103 Subdivision Definitions

103.1 Subdivision:

- division of a lot or lots into two or more lots or:
- realignment of boundary lines between lots so as to separate land from one lot and attach it to another or:
- separation of noncontiguous lots (e.g., lots transected by public or quasi-public rights-of-way) into separate lots of record without new boundary alignment.

No distinction is made between subdivision and re-subdivision.

103.2 Minor Subdivision: subdivision of land resulting in two to four new lots, which:

- 1) does not include new streets, utility extensions, clustering, public open space or facilities;
- 2) does not conflict with any regulations, official map, or other Town development policy; and
- 3) does not adversely affect use or development of adjoining land.

103.3 Major Subdivision: subdivision of land resulting in five or more lots, or otherwise not qualifying as a Minor Subdivision. A Major Subdivision may involve new public right-of-way, utility extensions, or other new public facilities. Any cluster subdivision or other subdivision which deviates from the established Town Development Policy will generally be considered a Major Subdivision.

103.4 Cluster Subdivision: subdivision of land according to Major Subdivision procedures, but in which the Planning Board exercises discretion given it by the Town Board to vary application provisions of local laws (usually minimum lot sizes in the development regulations) for the purpose of preserving scenic, recreational, or other open space resources of the community. A cluster subdivision features open space in part of the site, residential development clustered in part of the site, and no change from the overall density allowed by the development regulations through conventional subdivision design.

103.5 Sketch Plat: a sketch of a proposed subdivision showing the form, layout, roads, public facilities, and other information specified in Section 207; the first-stage submission to the Planning Board, sufficient for the proposal to be classified as to type of review required and for the Planning Board to make general recommendations as to any adjustments needed to satisfy the objectives of these regulations.

103.6 Preliminary Plat: a drawing, clearly marked "Preliminary Plat", showing the salient features of a proposed subdivision including information specified in Section 232; the second-stage submission to the Planning Board for purposes of its detailed consideration and public hearing.

103.7 Final Plat or Subdivision Plat: a drawing in final form, showing a proposed subdivision containing all information and detail required by law and by these regulations as specified in Town Subdivision Regulations, the final-stage submission to the Planning Board for review, public hearing, and approval, and which, if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

Section 104 Access Definitions

104.1 Street: a term used interchangeably with road, avenue, lane, and highway, among others; a right-of-way improved or intended to be improved for traffic. Included are state highways, county highways, town highways, and private streets.

104.2 Public Street: a street of any type except private.

104.3 Major Arterial Street: a street with the capacity to serve heavy flows of traffic and which is intended primarily as a route for traffic between heavy traffic generating areas.

104.4 Collector Street: a street which serves or is designated to serve as a trafficway for a neighborhood or as a feeder to a major arterial street.

104.5 Local Street: a street intended to serve primarily as an access to abutting properties.

104.6 Dead-End Street or Cul-de-sac: a street or a portion of a street with only one vehicular traffic outlet.

104.7 Street Pavement: the wearing or exposed surface of the roadway used by vehicular traffic.

104.8 Street Width: the width of right-of-way, measured at right angles to the centerline of the street.

104.9 Town Right-of-way (unimproved): a strip of land owned or controlled by the Town government for the purpose of providing access to abutting lots or for providing a bed for a future improved roadway. All Town rights-of-way are shown on the Town of Enfield Official Map. Unless otherwise indicated all Town rights-of-way are 50 feet wide.

104.10 Town Highway (seasonal maintenance): a strip of land controlled or owned by the Town government for the purpose of providing access to abutting lots and providing a bed for an improved roadway which is maintained for traffic only during the part of the year designated by the Town Board. All town highways (seasonal maintenance) are shown on the Town of Enfield Official Map; unless otherwise indicated they are 50 feet wide.

104.11 Town Highway (all-year maintenance): strip of land controlled or owned by the Town government for the purpose of providing access to abutting lots and providing a bed for an improved roadway which is maintained for traffic throughout the year. All Town highways (all year maintenance) are shown on the Town of Enfield Official Map; unless otherwise indicated they are 50 feet wide.

104.12 Easement: a strip of land over which a party has some legal rights short of ownership, e.g.:

- an access easement
- a driveway to an interior lot
- a utility easement
- a strip of land along which runs a utility line or an overhead power transmission line.

Section 105 Lot Definitions

105.1 Lot of Record: a lot for which there is a map on file in the County Clerk's Office. The map must bear the County Clerk's seal with date of filing and, if applicable, the County Health Department's seal indicating approval of the lot or lots for water and sewer systems installation.

105.2 Development Lot: a continuous unbroken lot described by the boundary lines on the Assessor's Tax Maps, but not crossing any public right-of-way or street.

105.3 Lot: an area of land in single ownership of record. This term is synonymous with parcel. Lot refers exclusively to a development lot unless indicated otherwise.

105.4 Deed Lot: a lot as described on a deed, often including land out to the centerline of the public right-of-way.

105.5 Lot Line: the boundary line of a lot.

105.6 Street Line: a lot line dividing a lot from a public street. Minimum frontage is measured along a street line.

105.7 Frontage: the lot line dividing a lot from a public right-of-way. A street line.

105.8 Corner Lot: a lot having frontage on two streets where they intersect.

105.9 Double (or Multiple) Frontage Lot: a lot having frontage on two (or more) streets at points other than where they intersect.

105.10 Principal Frontage: on lots with two or more frontages, the one considered the main access to the lot.

105.11 Secondary Frontage: on lots with two or more frontages, all those frontages other than the Principal Frontage.

105.12 Interior Lot: a lot which has no frontage on any public street.

Section 106 Yard Definitions

106.1 Yard: the part of a lot which is open to the sky and which lies between the building line and the lot line.

106.2 Front Yard: the yard between the front building line and the lot line along the principal and secondary frontages; extending the full width of the lot. Corner lots have front yards on each frontage.

106.3 Rear Yard: the yard between the rear building line and the rear lot line, extending the full width of the lot. Triangular lots and corner lots do not have a rear yard.

106.4 Side Yard: the yard between the building line and the side lot line, extending from the front yard in a direction away from the principal frontage.

150 feet minimum road frontage
Minimum 1-acre lot

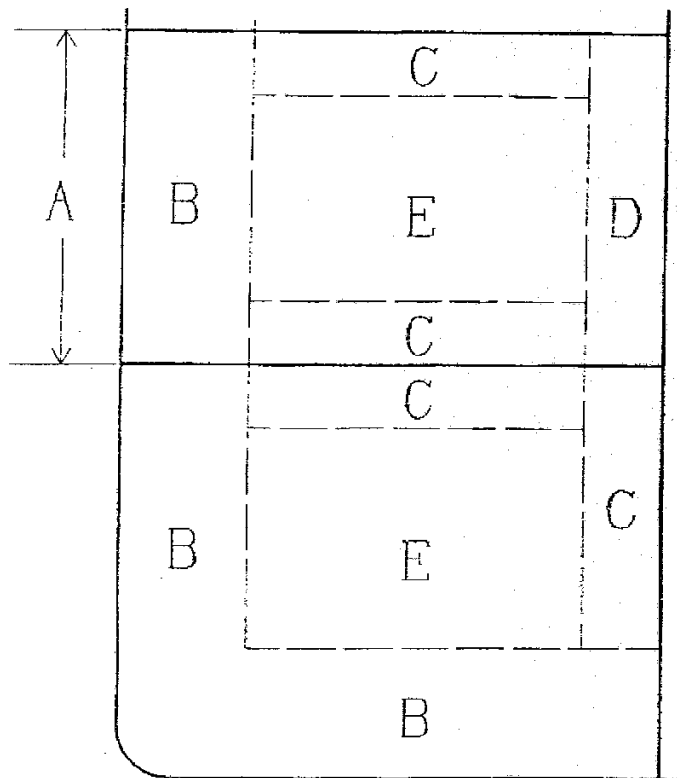


Figure 1. A. Frontage B. Front Yard
C. Side Yard D. Rear Yard
E. Buildable Area of Lot

Section 107 Facility Definitions

107.1 Facility: may be a tangible building.

107.2 Structure: an assembly of materials located on or permanently affixed to the ground, directly or indirectly, usually including underground parts, such as a foundation, and above ground parts. A building is one type of structure.

107.3 Building: a structure wholly or partially enclosed within exterior walls, or within exterior party walls, and a roof, affording shelter to persons, animals, or property. A building is designed for the shelter and enclosure of human activities.

107.4 Principal Building: the building in which the activity on the lot is concentrated; generally the largest, most valuable, and most conspicuous building or building on the lot.

107.5 Accessory Building: a building the use of which is incidental to that of the principal building, and which is located on the same lot.

107.6 Accessory Structure: a structure other than a building, the use of which is incidental to that of the principal building, and which is attached thereto or is located on the same lot.

107.7 Building Line: a line formed on the finished grade of the lot by vertical lines down from the extreme edge of the building; the drip line.

107.8 Distance Separation: an open space between buildings or between a building and an interior lot line.

107.9 Alteration: a change or rearrangement in the structural parts, an enlargement, or moving from one location or position to another of a structure.

Section 108 Residential Definitions

108.1 Household: one or more persons occupying a housing unit.

108.2 Housing Unit: a discrete unit of residential space designed to be occupied by a household: a dwelling unit or a rooming unit. Housing unit does not include Group Quarters (See 108.7).

108.3 Dwelling Unit: a facility designed or used for living quarters by a household, including provisions for cooking and sleeping. A dwelling unit always has its own kitchen; it always has a separate entrance; it always has its own bathroom; it usually has more than one room.

108.4 Apartment: a dwelling unit in a building containing other dwelling units or nonresidential facilities.

108.5 Multiple Dwelling: a residential building containing three or more dwelling units.

108.6 Rooming Unit: a facility designed or used for living quarters by a household. A rooming unit never has its own kitchen; it may have its own bathroom; it usually has only one room; and it is usually found in the same building with other residential facilities. A rooming unit is usually found in rooming houses, hotels, and motels. In some cases a rooming unit is a component of a Group Quarters facility.

108.7 Group Quarters, General: a residential facility in which parts of the living accommodations are discrete units and parts are not (e.g., separate rooms for sleeping or study, shared kitchen and dining room), such as found in dormitories, monasteries, group homes, and prisons.

108.8 Group Quarters, Institutional Occupancy: Group Quarters occupancy by one or more persons under custody or care, such as:

- children in an orphanage.
- patients in a nursing home or in a chronic disease ward or institution.
- prisoners in a penitentiary or jail.

Note: Halfway houses are not institutional group quarters.

108.9 Group Quarters, Non-institutional Occupancy:

- a. Occupancy by college- or university-level students of:
 - 1) School-owned and/or operated dormitories;
 - 2) Fraternity and sorority houses; or
 - 3) Privately owned and operated off-campus rooming and boarding houses occupied by ten or more persons unrelated to each other.
- b. Occupancy by nurses, interns, and staff of hospital dormitories.
- c. Occupancy of all halfway houses, including those that provide medical care and/or where residents stay involuntarily.
- d. Occupancy of shelters, missions, and similar residential facilities for the homeless.
- e. Occupancy of any living quarters (other than those classified as institutional group quarters, above) which is occupied by ten or more persons unrelated to each other, e.g., a large rooming or boarding house, a large commune, etc.

Note: The quarters occupied by a staff member (and any members of his or her family) within any group quarters is a housing unit provided it meets the criteria of separateness and direct access; otherwise it is a separate non-institutional group quarters. See Section 108.2.

108.10 Site-built House: a house which is produced with all of its major components being constructed on the site. It is subject to the construction standards found in Chapter B of the New York State Uniform Fire Prevention and Building Code.

108.11 Manufactured Housing: a general term encompassing both the Factory-manufactured Home and the Mobile Home as regulated in Chapter D of the New York State Uniform Fire Prevention and Building Code. See 108.12 and 108.13.

108.12 Factory-manufactured Home (Residential Building): Factory-manufactured Homes must be constructed and installed in accordance with subchapter B of the New York State Uniform Fire Prevention and Building code. They are required to bear an Insignia of Approval issued by the State Fire Prevention and Codes Council. The insignia signifies that the factory-built elements are designed and constructed in compliance with Chapter B of the New York State Uniform Fire Prevention and Building Code.

A Factory-manufactured Home incorporates structures or components which are:

- 1) designed for residential occupancy,
- 2) constructed by a method or system of construction whereby each structure or component is wholly or in substantial part manufactured in an off-site manufacturing facility, and
- 3) intended for permanent installation on a building site.

Factory-manufactured Homes may be one-unit, two-unit, or multiple unit dwellings. Factory-manufactured Homes are usually designed to be placed on a full perimeter foundation. They are not built on a permanent chassis.

108.13 Mobile Home (Residential Building): A Mobile Home must be constructed in accordance with regulations set forth in the Code of Federal Regulations, Title 24, Housing and Urban Development, Chapter XX, Part 3280, Manufactured Home Construction and Safety Standards. Every Mobile Home must have a manufacturer's label which certifies that to the best of their knowledge and belief the Mobile Home is in compliance with all applicable federal construction and safety standards.

A Mobile Home must be installed in accordance with Part 1223 of the New York State Uniform Fire Prevention and Building Code. A Mobile Home is a structure which is:

- 1) built on a permanent chassis,
- 2) designed to be installed with or without a permanent foundation, and
- 3) intended to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the Mobile Home.

A Mobile Home is transportable in one or more sections, which, in the traveling mode, are eight body feet or more in width or forty body feet or more in length, or when erected on site, enclose three hundred twenty or more square feet of floor space.

108.15 Mobile Home Park: a lot where four or more Mobile Home (Residential Buildings) are located or which has facilities for four or more such buildings.

108.16 Modular Home: a house which is assembled on site from large components produced in a factory and transported to the site. The term 'Modular Home' has no regulatory significance since both Factory-manufactured Homes and Mobile Homes (e.g., double wide) can be considered modular.

Sections 109-199: reserved.

ARTICLE 2: SUBDIVISION REGULATIONS

Section 201 Declaration of Policy

Pursuant to Section 276, of the Town Law of the State of New York, the Planning Board of the Town of Enfield is hereby authorized and empowered:

- a) to approve Plats showing lots, blocks, or sites, with or without streets or highways;
- b) to approve the development of entirely or partially undeveloped Plats already filed in the office of the clerk of the county; and
- c) to conditionally approve Preliminary Plats, within the Town of Enfield.

It is declared to be the policy of the Planning Board to consider Major Subdivision Plats as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things, that land to be subdivided must be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or menace; that proper provision must be made for drainage, water supply, sewerage, and other needed improvements; that all proposed lots must be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets must compose a convenient system conforming to the Official Map, if such exists, and must be properly related to the proposals shown on the Comprehensive Plan, if such exists, and must be of such width, grade, and location as to accommodate the prospective traffic, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings; and that proper provision must be made for open spaces for parks and playgrounds.

To ensure that subdivisions are made in accordance with this policy, these regulations

The Town of Enfield
Subdivision Regulations

have been adopted by the Planning Board in 2007, approved by the Town Board on July 10, 2013 and amended by the Town Board on August 13, 2014.

Section 202 Plat Review of Existing Undeveloped Subdivisions

The Planning Board may, on direction of the Town Board, review, for purposes of revision, those Plats already on file with the County Clerk if 20 percent or more of the Plat is undeveloped for reasons other than terrain, drainage, soil conditions, or the like. Legislative authority for such review is found in New York Town Law, Section 276.

Section 203 Applicability and Legal Effect

203.1 Applicability. These regulations apply to:

- a) all division of land into two or more lots, whether new streets, public facilities, or utility extensions are involved or not;

- b) any transfer of land from lot to lot by relocating lot boundary lines; and
- c) any other land transaction which requires filing of a Plat with the County Clerk.

203.2 Legal Effect: Land Use Regulations. Whenever any subdivision of land is proposed to be made, and:

- a) before any site modifications are made and
- b) before any permit for the erection of a structure in such proposed subdivision is granted, the subdivider or a duly authorized agent must apply for in writing and receive approval of the proposed subdivision in accordance with these regulations.

203.3 Legal Effect: Filing of Plats with County Clerk. Before any Plat of land in the Town of Enfield is filed with the County Clerk the Plat must be approved by the Town Planning Board in accordance with the procedures of this Article. This is a requirement of New York Town Law, Section 278.

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

203.5 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 regulations as a whole or any part thereof other than the part so declared to be invalid.

Section 204 Types of Subdivisions and Procedures

These regulations recognize three types of subdivision (see Section ~~203.4~~103 Subdivision Definitions) which are subject to different review and approval procedures. ~~by the Planning Board at public meetings.~~

204.1 Two Lot minor Subdivision: Subdivision resulting in two new lots and no new public facilities. Review requires submission of a Plat Map to the Town Code Enforcement Officer who has been granted the authority to approve minor two lot subdivisions. After review and approval the Code Enforcement Officer will provide a record of the subdivision to the Planning Board. Lots must comply with the Plat Requirements of section 220 of these regulations and approval authority for Two Lot Minor Subdivisions by the CEO for a parcel is limited to once every twelve months from when the plat is signed and stamped by the CEO. The intent of this approval authority is to allow individual landowners the ability to sell lots from time to time with existing road frontage and is not intended for a land developer to circumvent the subdivision approval process.

204.2 Minor Subdivision: resulting in three to four new lots and no new public facilities. Review includes required submissions by subdivider and at least one public hearing by the Planning Board.

~~204.1-3~~ Major Subdivision: including new public streets, utility extensions, clustering, deviation from established Town policy, or resulting in five or more lots. Review includes required submissions by subdivider and at least one public hearing by the Planning Board.

~~204.2~~ Minor Subdivision: ~~resulting in two to four new lots of less than five acres each and no new public facilities. Review includes required submissions by subdivider and at least one public hearing by the Planning Board.~~

Section 205 Coordination with County Health Department

The provisions of the Tompkins County Sanitary Code do not replace nor are they replaced by the provisions of these Subdivision Regulations.

When the Sketch Plat is first reviewed by the Planning Board and classified as to subdivision type the Board may indicate to the subdivider the applicability of the Sanitary Code. The determination of applicability of the Code, however, is made by officers of the County Health Department. Any lot proposed must be large enough to accommodate a septic system that meets all Tompkins County Health Department requirements.

INITIATION OF SUBDIVISION REVIEW

Section 206 Initiation of Subdivision Review: Submission of a Sketch Map

206.1 Material Submitted to Planning Board: To initiate review and approval of any subdivision or re-subdivision an owner/subdivider of land must submit to the Planning Board at least ten days prior to the regular meeting of the Board:

- a) a written request to approve the proposed subdivision, including any information the owner considers pertinent, and
- b) two copies of a Sketch Plat of the proposed subdivision (a Sketch Plat must comply with the requirements of Section 207),

for the purposes of the preliminary discussion and classification as to type of subdivision review procedure to be followed.

206.2 Attendance at Planning Board Meeting. The owner/subdivider, or an authorized representative, must attend the meeting of the Planning Board at which the Sketch Plat is presented to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

206.3 Acceptance of Application. The Planning Board shall determine whether the Sketch Plat meets the requirements of Section 207 and may, if the Sketch Plat is insufficiently complete, reject the application with reasons given in writing. It may also make specific recommendations in writing to be incorporated by the applicant in any subsequent submission to the Planning Board.

Section 207 Sketch Plat: Information to be Included

The Sketch Plat 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 1:2,400) to enable the entire tract to be shown on one sheet. The Sketch Plat shall be submitted, showing the following information:

- a) The entire Parcel with the location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- b) All existing structures, wooded areas, streams, wetlands, flood hazard areas, and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
- c) The name of the owner and of all adjoining property owners as disclosed by the current tax role.
- d) The tax map, block, and lot numbers of all lots shown on the Plat.
- e) All the utilities available and all streets as they appear on the Official Map.
- f) The proposed pattern of lots (with dimensions), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
- g) All existing restrictions on the use of land, including easements, covenants, and development district boundary lines.

Section 208 Classification as to Type of Subdivision Review Procedure

Based on an acceptable Sketch Plat, or in the case of certain simple subdivisions, a verbal description, the subdivision is to be classified at this time by the Planning Board as to whether it is subject to the Minor Subdivision, or the Major Subdivision review procedure of these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety, and welfare, that a Minor Subdivision procedure include some of the requirements specified for the Major Subdivision procedure.

To determine which type of subdivision review is required, carry out the following steps:

Step One: Ask each of the following five questions:

1. Are any new streets needed?
2. Are any utility extensions needed?
3. Are there any conflicts with the Comprehensive Plan, Official Map, or the Development Regulations?
4. Is the proposal for a cluster subdivision?
5. Will the subdivision result in five or more lots?

If the answer to any one of the above questions is "Yes" the proposal is reviewed as a Major Subdivision (Section 103.4), comprising:

- 270) a) Preliminary Plat Submission**
 - 1) Public Hearing, Preliminary
 - 2) Planning Board Action on Preliminary Plat

271) ~~b)~~ Final Plat Submission

- 1) Public Hearing on the Final Plat
- 2) Planning Board Action 011 Final Plat

c) Acceptance of Improvements by Town Board

Step Two: If the answer is "No" the proposal is reviewed as a Minor Subdivision (Section 103.2).

Section 209 Planning Board Use of Consultants and Services of County and Regional Planning Staff

The Planning Board may choose at any point in the subdivision review process to retain consultants or refer to the county or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters.

Sections 210-219: reserved.

MINOR SUBDIVISION REVIEW

Section 220 Minor Subdivision Review Procedure

If the review of the Sketch Plat provided for in Sections 207-208 results in the determination that the Minor Subdivision Review Procedure applies, the provisions in Sections 221 through 225 ARE to be followed.

Section 221 Minor Subdivision: Application and Fee

Within six months after classification of the Sketch Plat as a Minor Subdivision by the Planning Board (see Section 207-208), the subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require a re-submission of the Sketch Plat the Planning Board for re-classification. The Plat shall conform to the layout shown on the Sketch Plat plus any recommendations made by the Planning Board. The application shall also conform to the requirements listed in Sections 207- 208.

Five copies of the Subdivision Plat shall be presented to the Planning Board at the time of submission of the Subdivision Plat.

All applications for Plat approval shall be accompanied by a fee set forth by the Enfield Town Board and amended from time to time by like resolution.

The “submission date” of the Subdivision Plat is the date when the application for Plat approval is accepted by the Code Enforcement Officer.

Section 222 Application Requirements for Minor Subdivision Plat Review

The Subdivision Plat application shall include the following information:

- a) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- b) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified 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 Planning Board, and shall be referred to and shown on the Plat.
- c) All on-site sanitation and water supply facilities (if any) shall be designed to meet the minimum specification of the Tompkins County Sanitary Code, and a note to this effect shall be stated on the Plat and signed by an officer of the County Health Department.
- d) Proposed subdivision name (if any), name of the town and county in which it is located.
- e) The date, north point, map scale, and the name and address of the owner of record and the subdivider.

Section 223 Subdivider to Attend Planning Board Meeting, Minor

The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board at which the Subdivision Plat (Minor) is first discussed.

Section 224 Public Hearing on Subdivision Plat, Minor

A public hearing may be held by the Planning Board within 45 days from the time of submission of the Subdivision Plat for approval. The hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing.

The Plat upon which the public hearing is held shall be in a suitable form for filing with the County Clerk, i.e., it shall be printed upon or be clearly drawn in India ink upon drafting film. The size of the sheet shall be 24 by 36 inches, or 18 by 24 inches, or other size approved by the Planning Board.

Section 225 Action on Subdivision Plat, Minor

The Planning Board shall take the following actions:

- a) The Planning Board shall, within 45 days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of the Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the Plat.
- b) Upon granting conditional approval with or without modification to the Plat, the Planning Board shall empower the Planning Board Chair to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.
- c) Within five days of the resolution granting conditional approval, the Plat shall be certified by the Code Enforcement Officer as conditionally approved, a copy shall be filed, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat.
- d) Upon completion of the requirements in the resolution of approval, the Plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a Plat shall expire 180 days after the date of the resolution granting such approval. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

Sections 226-229: reserved.

MAJOR SUBDIVISION REVIEW: PRELIMINARY PLAT

Section 230 Major Subdivision Review Procedure

If it is determined in the Sketch Plat classification process in Section 208 that the Major Subdivision Review Procedure applies, the provisions of Section 230 through 250 are to be followed. The general sequence of steps is as follows:

- a) Subdivider files a Preliminary Plat for public hearing, review, and Planning Board approval.
- b) Planning Board may require revisions.
- c) Planning Board approves Preliminary Plat, thereby giving subdivider approval to do detailed work on Final Plat.
- d) Final Plat is submitted for public hearing, Planning Board review, and approval.
- e) Final Plat, with any additional changes required by the Planning Board, is signed by the Chair of the Planning Board.
- f) Signed Final Plat is filed with County Clerk.
- g) Lots may be offered for sale.

Section 231 Major Subdivision Preliminary Plat; Application and Fee

Prior to the filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked with the words “Preliminary Plat” and shall be in the form described in Section 232 hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the NYS Town Law and Section 232 of these regulations, except where a waiver may be specifically authorized by the Planning Board.

Five copies of the Preliminary Plat shall be presented to the Code Enforcement Officer at the time of submission of the Preliminary Plat.

All applications for Plat approval shall be accompanied by a fee set forth by the Enfield Town Board and amended from time to time by like resolution.

The time of submission of the Preliminary Plat shall be considered the date on which the application for approval of the Preliminary Plat, complete and accompanied by the required fee and all data required by Section 232 of these regulations, has been filed with the Code Enforcement Officer. The Officer shall note the date on the Preliminary Plat.

Section 232 Major Subdivision Preliminary Plat and Accompanying Data

The following documents shall be submitted for approval:

- a) Proposed subdivision name, name of the town and county in which it is located, date, true north point, scale, name and address of owner of record, subdivider, engineer or surveyor, including license number and seal.
- b) The name(s) of all subdivisions immediately adjacent and the name of the owners of record

of all adjacent property.

- c) Development district, including exact boundary of districts, where applicable, and any proposed changes in the development district lines or the development regulations text applicable to the area to be subdivided.
- d) All parcels of land proposed to be dedicated to public use and the condition of such dedication.
- e) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of 8 inches or more as measured 3 feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
- f) Location of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades, and directions of flow.
- g) Contours with intervals of 10 feet or less as required by the Planning Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.
- h) The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, if such exists, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or public ways proposed by the developer.
- i) The approximate location and size of all proposed water lines, valves, hydrants, and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Tompkins County Sanitary Code. Profiles of all proposed water and sewer lines.
- j) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing or alternate means of disposal.
- k) A Storm Water Pollution Prevention Plan (SWPPP) meeting NYSDEC requirements.
- l) Plans and cross-sections showing the proposed location and types of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers, and storm drains, and the size and type thereof, the character, width, and depth of pavements and subbase, the location of manholes, basins, and underground conduits.
- m) Preliminary designs of any bridges or culverts which may be required.
- n) The proposed lot lines with approximate dimensions and area of each lot.
- o) Where the topography is such as to make difficult the inclusion of any of the 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 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision or the Official Map.
- p) 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. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Planning Board, and shall be referred to and shown on the Plat.
- q) If the application covers only a part of the subdivider's holding, a map of the entire tract, drawn at a scale of not less than 1:4,800 showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted so that the part of the subdivider's holding submitted can be considered in the light of the entire holding.
- r) A copy of any covenants or deed restrictions intended to cover all or part of the tract.
- ~~†) The projected average daily water demand from existing and proposed on-site wells, and their location on the site plan survey with respect to property lines, existing or proposed~~

water bodies, roads, and buildings.

- s) A Full Environmental Assessment Form (EAF, long form) with Part 1 filled in.

Section 233 Subdivider to Attend Planning Board Meeting, Major

The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

Section 234 Study of Preliminary Plat

The Planning Board shall study the practicability 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, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the location of existing trees and other natural features, the presence of historic buildings and sites, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map, and Development Regulations, if such exist.

Section 235 Public Hearing and Review of the Preliminary Plat

Actions to be taken by the Planning Board are the following:

- a) With 45 days after the receipt of a Preliminary Plat by the Code Enforcement Officer, the Planning Board shall hold a public hearing, which 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 may provide that the hearing further advertise in such manner as it deems most appropriate for full public consideration of such Preliminary Plat.
- b) Within 45 days after the date of the public hearing, the Planning Board shall approve, approve with modification, or disapprove the Preliminary Plat. The grounds for modification, if any, or the grounds for disapproval shall be stated in records of the Planning Board. The time in which the Planning Board must take action on such Plat, may be extended by mutual consent of the subdivider and the Planning Board.
- c) When approving a Preliminary Plat, the Planning Board shall state in writing the modifications, if any, it deems necessary for submission of the Plat in final form. Within five days of the approval of such Preliminary Plat it shall be certified by the Code Enforcement Officer as granted preliminary approval, and a copy filed, a certified copy mailed to the owner, and a copy forwarded to the Town Board.
- d) Failure of the Planning Board to act within the 45-day period shall constitute approval of the Preliminary Plat.

Section 236 Planning Board Approval of the Preliminary Plat

236.1 Conditional Approval of Preliminary Plat. When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to:

- a) modifications to the Preliminary Plat,
- b) the character and extent of the required improvements for such waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and welfare, and
- c) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plat.

236.2 Effect of Approval of Preliminary Plat. Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat. It is only an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat.

Sections 237-239: reserved.

MAJOR SUBDIVISION REVIEW: FINAL PLAT

Section 240 Major Subdivision Final Plat Application

240.1 Time Limitations. The subdivider shall, within six months after the approval of the Preliminary Plat, file with the Planning Board an application for approval of the Final Subdivision Plat in final form, using the approved application blank available from the Code Enforcement Officer. If the Final Subdivision Plat is not submitted for approval within six months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Subdivision Plat and require re-submission of the Preliminary Plat.

240.2 Plats and Drawings. A subdivider intending to submit a Final Plat for the approval of the Planning Board shall provide the Code Enforcement Officer with a copy of the application and three dark line copies of the Plat (~~one in India ink on drafting film or an acceptable equal~~), the original and one copy of all offers of cession, covenants, and agreements, and two ~~prints~~ dark line copies of all construction drawings.

240.3 Official Date of Submission. The ~~“~~“submission date”~~”~~ of the Final Subdivision Plat is the date on which the application for approval of the Final Plat is accepted by the Code Enforcement Officer.

Section 241 Major Subdivision Final Plat and Accompanying Data

The Final Plat to be filed with the County Clerk shall be a dark line print ~~printed upon linen, or be clearly drawn in India ink upon tracing cloth~~. The size of the sheets shall be 24x36 inches or 18x24 inches and shall have a margin of 2 inches for binding, outside of the border, along the remaining sides. The Final Plat shall be drawn at a scale of no more than 1:1200, and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Plat shall show:

- a) Proposed subdivision name or identifying title and the name of the town and county in which the

subdivision is located, the name and address of the owner of record and the subdivider, the name, license number, and seal of the licensed land surveyor.

- b) Street lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use.
- c) Sufficient data acceptable to the Planning Board to determine readily the location, bearing, and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referred to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
- d) The length and bearing of all straight lines, radii, length of curves, central angles of curves, and tangent bearings shall be given for each street. 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. The Plat shall show the boundaries of the property, location, graphic scale, and true north point.
- e) The Plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter there shall be submitted with the Final Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
- f) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- g) Lots and blocks within a subdivision shall be numbered and lettered in alphabetic order in accordance with the prevailing Town practice.
- h) Permanent reference monuments shall be located and referred to upon the Final Plat and shall be set:
 - 2) at all corners and angle points of the boundaries of the original tract to be subdivided;
 - 3) at all street intersections, angle points in street lines, points of curve, and
 - 4) at such intermediate points and additional points as shall be required by the Planning Board.

Monuments shall be constructed in accordance with specifications of the Planning Board. When the permanent reference monuments refer to the State system of plane coordinates they shall also conform to the requirements of the State Department of Public Works.

- i) All lot corner markers shall be permanently located satisfactorily to the Planning Board.
- j) Construction drawings including plans, profiles, and typical cross-sections as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins, and other facilities.
- k) Water and sewer facility proposals contained in the Final Subdivision Plat shall be properly endorsed and approved by the Tompkins County Department of Health. Applications for approval on plans for sewer or water facilities will be filed by the subdivider with all necessary town, county, and state agencies. Endorsement and approval by the Tompkins County Department of Health shall be secured by the subdivider before official submission of the Final Subdivision Plat for approval by the Planning Board.

Section 242 Public Hearing and Review of the Final Plat

Within 45 days of the submission of a Major Subdivision Final Plat in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a

newspaper of general circulation in the Town at least five days before the hearing, provided however, that when the Planning Board deems the Final Plat to be in substantial agreement with a Preliminary Plat approved under Sections 230-236, and modified in accordance with requirements of such approval if such Preliminary Plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

Section 243 Planning Board Action on Proposed Final Subdivision Plat

243.1 Actions by Planning Board. The Planning Board action shall be by resolution to conditionally approve with or without modification, disapprove, or grant final approval (see Section 221-225) and authorize the signing of the Plat by the Chair of the Planning Board. The action is to be taken within 45 days after the public hearing, if one was held, and if no public hearing was held, within 45 days of receipt of the Plat by the Code Enforcement Officer. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a Final Plat within the time prescribed therefore shall be deemed approval of the Plat.

243.2 Conditional Approval. Upon resolution of conditional approval of the Final Plat the Planning Board shall empower the Planning Board Chair to sign the Plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution the Plat shall be certified by the Code Enforcement Officer as conditionally approved and a copy filed with the Code Enforcement Officer and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Final Plat.

243.3 Certification by Chair of Planning Board. Upon completion of such requirements the Plat shall be signed by the Chair of the Planning Board.

243.4 Expiration of Approval. Conditional approval of a Final Plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted. These extensions shall not exceed two additional 90-day periods.

Section 244 Required Improvements

Before the Planning Board grants final approval of the Final Subdivision Plat, the subdivider shall follow the procedure set forth in either subparagraph one or subparagraph two below.

- 1) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the New York State 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 such other periods as the Planning Board may determine

appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

- 2) The subdivider shall complete all required improvements to the satisfaction of the Planning Board, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the cost of such improvements not approved by the Planning Board. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

The required improvements shall not be considered to be completed until the installation of the improvements have been approved by the Planning Board and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to subparagraph two, then the map shall be submitted prior to endorsement of the Plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph one, such bond shall not be released until such a map is submitted.

Section 245 Waivers: Certain Required Improvements

Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of mollifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Development Regulations.

In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Section 246 Modification of Design of Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Planning Board that unforeseen conditions make it necessary or preferable to modify the location or design of the required improvements, the Planning Board may upon approval by a previously delegated member of the Planning Board, authorize modifications, provided that these modifications are in keeping with the Planning Board's approval and do not extend to the waiver or substantial alteration of function of any improvements required by the Board. The Planning Board shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

Section 247 Inspection of Improvements

At least five days prior to commencing construction of required improvements the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in

writing of the time when they propose to commence construction of the improvements so that the Town Board may cause inspection to be made 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.

Section 248 Proper Installation of Improvements

If the Planning Board Chairperson finds, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector, and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Subdivision Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Subdivision Plat.

Section 249 Final Approval of Subdivision Plat

249.1 Signature from Planning Board. Upon completion of the requirements in Sections 250 through 258 above and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the Office of the County Clerk.

249.2 Prompt Filing. Any Subdivision Plat not so filed or recorded within thirty days of the date upon which the Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

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

Section 250 Public Streets and Recreational Areas

250.1 Public Acceptance of Streets. The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on the Subdivision Plat. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements, and/or rights of way. A written statement of acceptance must be filed by the Highway Superintendent and the Town Attorney before any road shall be accepted by the Town Board.

250.2 Ownership and Maintenance of Recreational Areas. When a park, playground, or other recreation area has been shown on a Plat, approval of the Plat shall not constitute an acceptance by the Town of the recreation area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development,

equipment, and maintenance of such recreation area.

Sections 251-259: reserved.

CLUSTER SUBDIVISIONS

Section 260 Cluster Subdivisions

260.1 Authority. Whereas pursuant to resolution of the Town Board, the Planning Board is empowered to modify applicable provisions of the Development Regulations in accordance with the provisions of Section 281 of the NYS Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities, and to preserve the natural and scenic qualities of open lands, the following shall be the procedure and standards.

260.2 Initiation of Cluster Subdivision Procedure. A subdivider may request the use of Town Law Section 281 simultaneously with or subsequent to presentation of the Sketch Plat as described in Section 207. The Planning Board, upon initial review of a Sketch Plat, may decide that a cluster subdivision is appropriate for the site and instruct the subdivider to submit a cluster subdivision Sketch Plat for the site regardless of who initiates the cluster subdivision, and the procedures of a Major Subdivision are followed.

260.3 Sketch Plat. A subdivider shall present the Plat, along with a proposal in accordance with the provisions of a standard Sketch Plat which is consistent with all the criteria established by these Subdivision Regulations, including streets being consistent with the street specifications and lots being consistent with Development Regulations. Using the standard Sketch Plat and the minimum lot size regulations as its guide, the Planning Board computes the maximum number of dwelling units that could be placed on the land being subdivided. The number so determined is the maximum number of dwelling units that may be allowed in the cluster subdivision.

260.4 Park, Recreation, Open Space, or Other Municipal Purposes. If the application of this procedure results in a Plat showing land available for park, recreation, open space, or other municipal purposes directly related to the Plat, then necessary conditions as to ownership, use and maintenance of such lands for their intended purposes shall be set forth by the Planning Board.

260.5 Plat Submission. Upon determination that such Sketch Plat is suitable for the procedures under Town Law, Section 281 and subsequent to the resolution authorizing the Planning Board to proceed, a Preliminary Plat meeting all of the requirements of the resolution shall be presented to the Planning Board and thereafter the Planning Board shall proceed with the required public hearings and other requirements of these Regulations.

260.6 Types of Development. The procedure is applicable to nonresidential or residential developments. The dwelling units permitted may be, at the discretion of the Planning Board, detached, semidetached, attached, or multistory residential structures.

260.7 Filing: Notation on Development Map. Upon making final approval of a Plat on which Town Law, Section 281, Cluster Subdivision provisions have been used, the Code Enforcement Officer shall be charged with keeping the Town Development Map and shall make appropriate notations and references thereon.

Sections 261-269: reserved.

SUBDIVISION DESIGN

Section 270 General Requirements and Design Standards

In considering applications for [Major](#) subdivision of land, the Planning Board shall be guided by the standards set forth in the following sections. The standards shall be considered minimum requirements.

However, where the Planning Board finds that, due to the special circumstances of a particular Plat, the meeting of certain standards or the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Development Regulations.

In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Section 271 General Considerations

271.1 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~~f~~ peril from fire, flood, or other menace.

271.2 Conformity to Official Map and Comprehensive Plan. Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Comprehensive Plan.

Section 272 Street Layout

272.1 Relation to Topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property and all streets shall be arranged so as to obtain as many building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

272.2 Width, Location, and Construction. Streets shall be of sufficient width, suitably located, and adequately constructed:

- to conform with the Comprehensive Plan and Official Map,
- to accommodate the prospective traffic, and
- to afford access for firefighting, snow removal, and other road maintenance equipment.

The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and

shall be coordinated so as to compose a convenient system.

272.3 Block Size: Blocks generally shall not be less than 400 feet nor more than 1200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion that a 4-foot wide paved foot path be included.

272.4 Arrangement (Continuation). The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water lines, and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impractical, the above conditions may be modified.

272.5 Reserve Strips Prohibited. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.

272.6 Street Connections. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

272.7 Local Streets. Local streets shall be so laid out that their use by through traffic will be discouraged.

272.8 Cul-de-sac and Loop Streets. The creation of cul-de-sac or loop residential streets (See Section 274) will be encouraged whenever the Board finds that such types of streets are needed or desirable.

272.9 Special Treatment along Major Circulation Routes: When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

272.10 Other Required Streets. When a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

272.11 Provision for Future Re-Subdivision: Where a tract is subdivided into lots substantially larger than the minimum size required the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

Section 273 Street Design

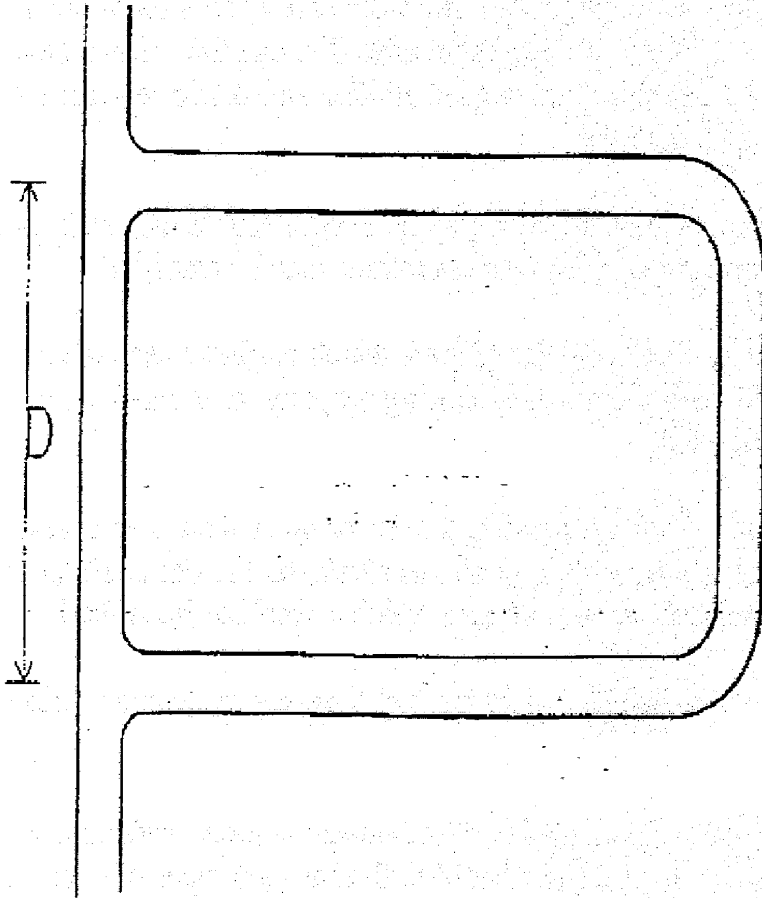
273.1 Widths of Rights-of-Way. Road Rights of Way and Pavement width shall conform to the Town of Enfield Road Construction Specifications~~Streets shall have the following width (When not indicated on the Comprehensive Plan or Official Map, if such exists, the classification of streets shall be determined by the Board.~~

Minimum Right of Way

Pavement

Major Arterial Street 66 feet x 38 feet; Collector Street, 60 feet x 30 feet; Local Street 50 feet x 30 feet.

273.2 Loop Roads. The two intersections of a loop road with the main road must be a minimum of 400 feet apart.



273.3 Cul-de-sac Streets. Cul-de-sac streets shall terminate in a circular turn-around having a minimum outside right-of-way diameter of 100 feet and a minimum-right-of-way width of 50 feet. At the end of a temporary dead-end street a temporary turn radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement. The Board may require the reservation of a 20 foot wide easement for continuation of pedestrian traffic and utilities to the next street.

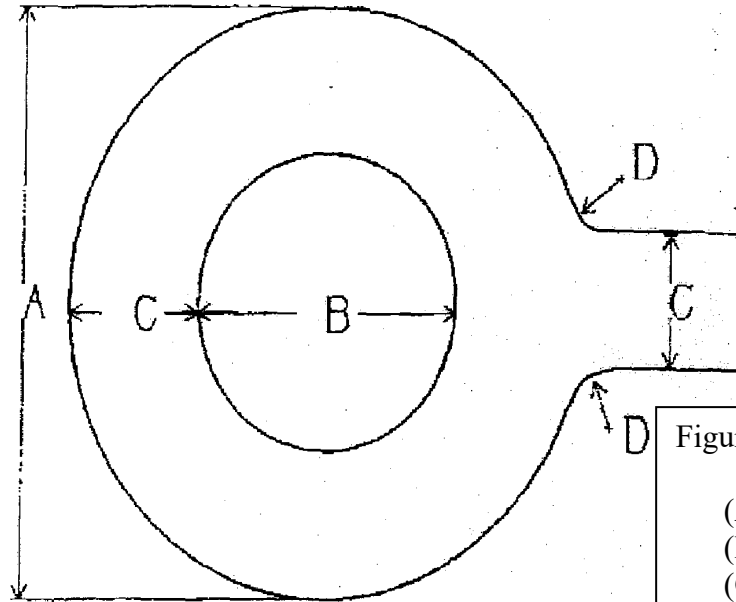


Figure 3. Dimensions of Circle Drive

- (A) Minimum outside diameter: 200 feet
- (B) Minimum inside diameter: 100 feet
- (C) Minimum right of way: 50 feet
- (D) Minimum streetline radius: 200 feet

Section 274 Grades, Curves, and Intersections

274.1 Grades. Grades of all streets shall conform in general to the terrain, and shall not be less than 0.5 percent nor more than 6 percent for major or collector streets, or 10 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection. A combination of steep grades and curves shall be avoided.

274.2 Intersections with Major Arterial Roads. Local or collector street openings into such Major Arterial Roads, shall, in general, be at least 500 feet apart.

274.3 Street Jogs. Street jogs with centerline offsets of less than 125 feet shall not normally be permitted.

274.4 Angle of Intersection. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

274.5 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 Planning Board so that clear visibility shall be provided for a safe distance.

274.6 Street Line Radii at Intersections. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.

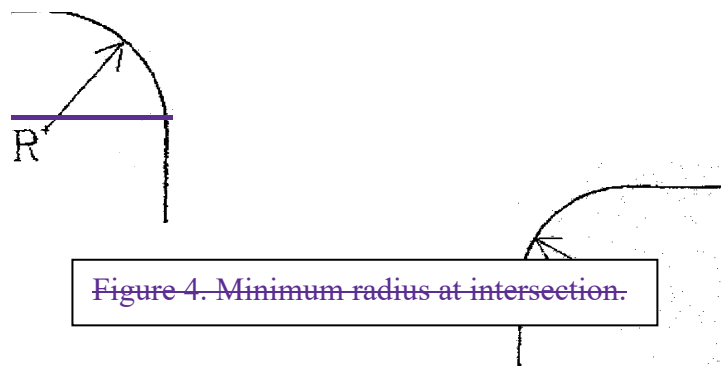
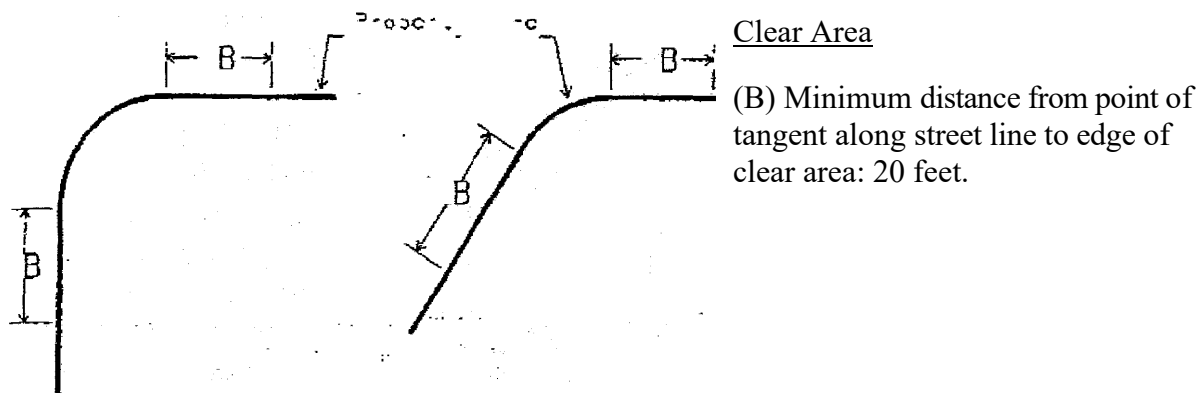


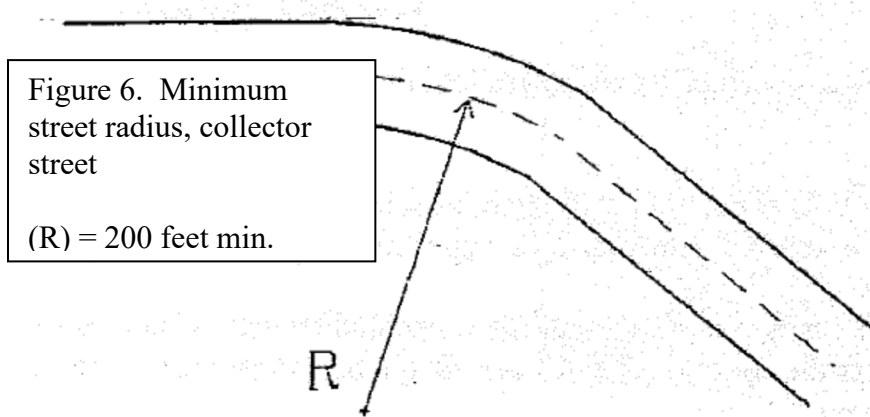
Figure 4. Minimum radius at intersection.

274.7 Visibility at Intersections. To provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded on the following figure shall be cleared of all growth (except isolated trees) and obstructions above a level 3 feet higher than the centerline of the street. If directed, ground shall be excavated to achieve visibility.



Clear Area
 (B) Minimum distance from point of tangent along street line to edge of clear area: 20 feet.

274.8 Curve Radii. In general, street lines, within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of the street shall not be less than 400 feet on major streets, 200 feet on collector streets, and 100 feet on minor streets.



Section 275 Street Design in Commercial Areas

275.1 Service Streets or Loading Spaces in Commercial Development. Paved rear service streets of not less than 20 feet in width, or in lieu thereof adequate off-street loading space, suitably dust free surfaced, shall be provided in connection with lots designed for commercial use.

275.2 Free Flow of Vehicular Traffic Abutting Commercial Developments. In front of areas designed for commercial use, or where commercial use is contemplated, the street 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 through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

Section 276 Improvements in High Density Subdivisions

276.1 Improvements. Streets shall be graded and improved with pavements, curbs, and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety, and general welfare. Pedestrian easements shall be improved as required by the Planning Board. Such grading and improvements shall be approved as to design and specifications by the Planning Board.

Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.

Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting

standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town electrical inspector.

276.2 Utilities in Streets. The Planning Board shall, whenever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

276.3 Utility Easements. Where topography is such to make impractical the inclusion of utilities within the street right-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Whenever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

Section 277 Street Names

277.1 Type of Name. All street names shown on a Preliminary Plat or Subdivision Plats shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.

277.2 Names to be Substantially Different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names in this or nearby municipalities, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction sharply or at a corner without a change in street name.

Section 278 Lots

278.1 Lots to be Buildable. The lot arrangement shall be such that in constructing a building in compliance with the development regulations, there will be no foreseeable difficulties for reasons of topography or other natural conditions.

278.2 Side Lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variation from this rule will give a better street or lot plan.

278.3 Corner Lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site, and to avoid obstruction of free visibility at the roadway intersection. See Section 207.

278.4 Driveway Access. Driveway access and grades shall conform to specifications of the Town Driveway Law, if one exists. Driveway grades between the street and the setback line shall not exceed 10 percent.

278.5 Monuments and Lot Corner Markers. Permanent monuments meeting specifications approved by the Planning Board as to size, type, and installation, shall be set at such block corners, angle points, points of curves in streets, and other points as the Planning Board may

require and their location shall be shown on the Subdivision Plat.

Section 279 Drainage Improvements

279.1 Removal of Spring and Surface Water. The subdivider may be required by the Planning Board to carry away by pipe or watercourse 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 street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

279.2 Watercourses. Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by a means of culverts or other structures of design approved by the Planning Board. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream there shall be provided a storm water easement or drainage right-of-way as required by the Planning Board, and in no case less than 20 feet in width.

279.3 Drainage Structure to Accommodate Potential Development Upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The Planning Board shall approve the design and size of the facility based on anticipated run-off from a ten-year storm under conditions of total potential development permitted by the Development Regulations in the watershed.

279.4 Responsibility of Drainage Downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Planning Board. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of such condition.

279.5 Land Subject to Flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard, but such land within the Plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or improved in a manner satisfactory to the Planning Board to remedy the hazardous conditions.

Section 280 Parks, Open Spaces, and Natural Features

280.1 Recreation Areas Shown on Town Plan. Where a proposed park, playground, or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph 207. Such areas or areas may be dedicated to the town or county by the subdivider if the Town Board approves such dedication.

280.2 Parks and Playgrounds not Shown on Town Plan. The Planning Board shall require that the Plat shows sites of a character, extent, and location suitable for the development of a park, playground, or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat.

The Board shall require that not less than 3 acres of recreational space be provided per 20 dwelling units shown on the Plat. However, in no case shall the amount be more than 10 percent of the total area of the subdivision. Such area or areas may be dedicated to the town or county by the subdivider if the Town Board approves such dedication.

280.3 Information to be Submitted for Evaluation of the Proposed Recreation Site. In the event that an area to be used for a park or playground is required by the Board to be shown on the Plat, the subdivider shall submit to the Board, prior to final approval, a reproducible site map of the proposed park or playground area at a scale not smaller than 1:3,600, with the following features shown thereon:

- a) The boundaries of the area, giving lengths and bearings of all straight lines, radii, lengths, central angles, and tangent distances of all curves.
- b) Existing features such as brooks, ponds, clusters of trees, rock outcrops, and structures.
- c) Existing, and if applicable, proposed changes in grade and contours of the area and areas immediately adjacent.

280.4 Waiver of Plat Designation of Area for Parks and Playgrounds. In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for park, playground, or other recreation purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirements that the Plat show land for such purposes.

If the Board does waive this requirement it shall then require as a condition to approval of the Plat a payment to the Town of Enfield an amount which represents the value of the amount of land which otherwise would have been acceptable as a recreation site as determined with the standards set forth in Section 280. Such payment shall be made to the Town at the time of Final Plat approval, and no Plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that:

- a) is suitable for public park, playground or other recreational purposes, and
- b) is so located that it will serve primarily the general neighborhood in which the land is covered by the Plat lies, and
- c) shall be used only for park, playground or, other recreational land acquisition or improvements.

Such money may also be used for the physical improvement of existing parks or recreational areas serving the general neighborhood in which the land shown on the Plat is situated, providing the Planning Board finds there is a need for such improvements.

280.5 Preservation of Natural Features. The Planning Board shall, whenever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, historic spots, and similar irreplaceable assets. No tree with a circumference of 25 inches or more as measured 3 feet above the base of the trunk shall be removed unless the tree is within the right-of-way of a street as shown on the final Subdivision Plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a circumference of 25 inches or more as measured 3 feet above the base of the trunk be removed without prior approval by the Planning Board.

Sections 281-289: reserved.

Section 290 Town Specifications for Required Road Improvements

All required improvements shall be constructed or installed to conform to the Town of Enfield Road Construction Specifications, ~~which are found below~~. Further specifications and consultation may be obtained from the Planning Board.

Layout Specifications:

Right of Way: 50 feet minimums in level terrain. Additional right of way may be required where deep cuts or fills are needed.

Width of Road : 20 feet minimum.

Shoulder Width: 6 feet minimum.

Curve radius: If considered necessary for road maintenance purposes the Highway Superintendent may require greater road curve radiuses than the standards in the following sections.

Sight Distance: Sight distance shall be at least 300 feet minimum at intersections.

Construction Specifications:

Before placing any gravel, the subgrade shall be crowned to 5 percent grade and well compacted.

Adequate ditches shall be provided by builder. The minimum ditch grade shall be 0.5 percent. Town will run ditches.

Culverts shall be placed in natural waterways, at low spots in grade, and in other spots where required.

Builder will furnish culverts and install head walls if requested by Highway Superintendent. All culvert sizes and lengths shall be determined and culvert designs approved by the Highway Superintendent before installation.

Underdrains shall be placed in low wet areas where side hill seepage is encountered or in other areas where required.

Approved gravel base shall be placed 18 inches deep from ditch to ditch and well compacted. All depth measurements refer to compacted depths. The top lift shall be crushed gravel or crusher run stone, 20 feet wide and 6 inches deep centered on base and compacted. The total compacted depth of gravel shall be 24 inches. Gravel base will be compacted at 9 inch lifts, top grade compacted at the 6 inch lift. Town roller will be furnished at the discretion of the Highway Superintendent.

Crown on road: 2 percent grade.

- Right of way: 50 feet minimum.
- (A) Total pavement: 32 feet minimum
- (B) Road material: 20 feet minimum
- (C) Shoulder: 6 feet minimum
- (D) Subgrade crown: 5 percent
- (E) Surface crown: 2 percent
- (F) Shoulder crown 6 percent

Fill section:

~~(H) Bermslope: 65 percent max.~~

Cut section:

~~(I) Inside slope: 50 percent max.~~

~~(J) Outside slope: 65 percent max.~~

~~(K) Base gravel depth: 18 inches~~

~~(L) Total gravel depth: 24 inches~~

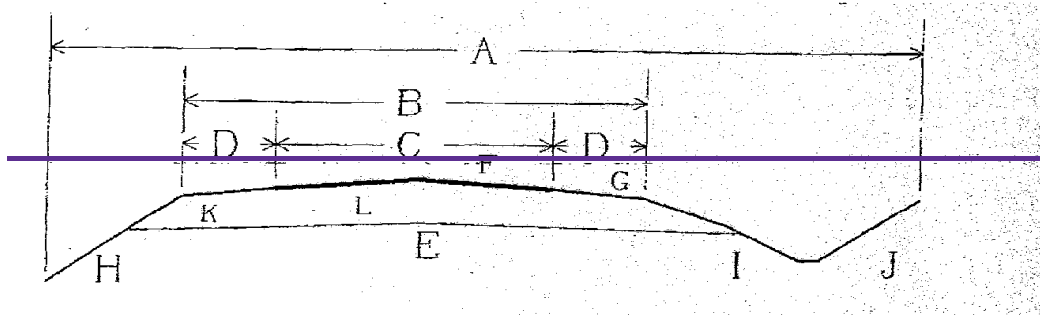


Figure 7. Local Road cross section, not to scale.

Sections 291-299 reserved.