

## **ARTICLE I – GENERAL PROVISIONS**

### **I – 1 Legislative Authority**

By the authority of the resolution of the Town Board of the Town of Jackson adopted on August 3, 1988, as well as further resolutions adopting amendments on April 8, 1992 and October 6, 2004, all adopted pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Jackson is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the clerk of the county and to conditionally approve preliminary plats, within the Town of Jackson.

### **I – 2 Citation**

These regulations which shall be known as, and which may be cited as, the “Town of Jackson Land Subdivision Regulations” having been adopted by the Town Planning Board on February 6, 1990, and approved by the Town Board on February 7, 1990. Meetings shall be in accordance with by-laws adopted by the Town Board of the Town of Jackson on June 7, 1989.

### **I – 3 Effective Date**

These regulations shall take effect immediately.

### **I – 4 Application**

No subdivision of any lot, tract or parcel of land shall be affected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these regulations. All plans for subdivision shall be submitted to the Jackson Planning Board for review and recording in the Planning Board’s minutes. The provisions contained herein shall apply to all land within the limits of the Town of Jackson.

### **I – 5 Policy**

**I-5.1** It is declared to be the policy of the board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town of Jackson. This means among other things:

- (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, sewer and other needed public 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 width, grade and location as to accommodate present and prospective traffic, and shall comply with the requirement listed herein and the town highway ordinance, if such exists.
- (e) All development shall facilitate adequate fire protection and provide access for firefighting equipment and other emergency equipment.
- (f) Open space for parks, playgrounds and green areas of suitable location, size and character shall be provided whenever appropriate.
- (g) The proposed development shall be aesthetically compatible with the existing development and character of the Town of Jackson.

\* Where, or as may be, approved.

I-5.2 Nothing in these regulations shall prohibit the subdivider from self-imposed restrictions, not in violation of these regulations on the development. Such restrictions, however, shall be indicated on the plat.

#### I – 6 Inconsistency with Town Law

Should any of these regulations conflict or be inconsistent with any provisions of the Town Law, such provision of the Town Law shall apply.

#### I – 7 Separability Clause

Should any section or provision of these 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.

### **ARTICLE II – PROCEDURE FOR FILING SUBDIVISION APPLICATIONS**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale or lease of, or any offer to sell or lease any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted,

the subdivider or his duly authorized agent shall apply in writing for the approval of such proposed subdivision in accordance with the following procedures. Any person intending to offer a portion of his or her property for sale who is uncertain as to the exact amount of property to be subdivided may come before the Planning Board to discuss the matter with the Board and the Board may determine that the person can offer the property for sale provided that the person includes in the contract of sale that the sale is contingent upon Planning Board approval and that Planning Board approval is secured before the sale.

## II – 1 Pre-Application Review

### II-1.1 Submission of Sketch Plan

The applicant land shall, prior to subdividing or re-subdividing land, submit to the clerk of the Planning Board at least seven (7) days prior to the regular meeting of the board two (2) copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article IV, for the purpose of classification (major – minor) and preliminary discussion, including appropriate SEQR assessment form.

### II-1.2 Other Government Agency Requirements

The applicant shall submit a proposed list and the Planning Board shall determine the requirements of the appropriate governmental agencies whose approval is required by these regulations, and which must eventually approve any subdivision plat coming within their jurisdiction.

### II-1.3 Discussion of Requirements and Classifications

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board 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 made on the sketch plan.

Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. When the subdivision is classified by the Planning Board as a major or minor subdivision a notation to that effect shall be made on the sketch plan. The Board may require, however, when it deems necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for a major subdivision. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Article III, and Article II-2 of these regulations. If it is classified as a major

subdivision, the subdivider shall then comply with the procedures outlined in Article III, and Article II-3 & II-4 of these regulations.

#### II-1.4 Study of Sketch Plan

The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission to the Planning Board.

#### II-1.5 Fees

There shall be no payment of fees with the filing of a sketch plan.

### II – 2 Approval of Minor Subdivision

#### II-2.1 Application

- A) Within six (6) months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of the subdivision plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to recommendations made by the Planning Board. Said application shall conform to the requirements list in Article IV.
- B) A landowner who has completed the requirements for a minor subdivision may not apply for another minor subdivision permit, on the same premises, until a period of three (3) years has elapsed since the original approval.

#### II-2.2 Fees

All application for plat approval for a minor subdivision shall be accompanied by a fee of ONE HUNDRED (\$100.00) dollars.

#### II-2.3 Number of Copies

Seven (7) copies of the subdivision plat shall be presented to the clerk of the Planning Board at least fourteen (14) days prior to a scheduled monthly meeting of the Planning Board.

#### II-2.4 Subdivider to Attend Planning Board Meeting

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.

#### II-2.5 When Officially Submitted

The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least fourteen (14) days prior to which the application of the plat approval, complete and accompanied by the required fee and all data required by Article IV of these regulations, has been filed with the clerk of Planning Board.

#### II-2.6 Public Hearing

A public hearing shall be held by the Planning Board within forty-five (45) days from the time of the submission of the subdivision plat for approval. Said hearing shall be advertised in the newspaper of general circulation in the town at least five (5) days before such notice and shall include tax mapping numbers, lots and block numbers.

#### II-2.7 Action of Subdivision Plat

The Planning Board shall, within forty-five (45) days from the date of the public hearing approve, modify and approve or disapprove the subdivision plat.

### II – 3 Approval of Major Subdivision

II-3.1 Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in Article II, Section 3, hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of Section 276 and 277 of the Town Law, and Article IV, (IV-4) Section 4 of these regulations, except where a waiver may be specifically authorized by the Planning Board. The application for conditional approval of the preliminary plat shall be accompanied by a fee of FIVE HUNDRED (\$500.00) dollars, plus TWO HUNDRED (\$200.00) dollars per lot, for each lot in the proposed subdivision.

#### II-3.2 Number of Copies

Seven (7) copies of the preliminary plat shall be presented to the clerk of the Planning Board at least fourteen (14) days prior to the regular monthly meeting of the Planning Board.

#### II-3.3 Subdivider to Attend Planning Board Meeting

The subdivider, or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.

#### II-3.4 Study of the 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 arrangements, the future development of adjoining land as yet unsubdivided, and the requirements of the master plan, the official map, and zoning regulations, if such exist.

#### II-3.5 When Officially Submitted

The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least fourteen (14) days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article IV, Section (IV-3) of these regulations, shall have been filed with the clerk of the Planning Board.

#### II-3.6 Public Hearing

A public hearing shall be held by the Planning Board forty-five (45) days after the time of submission of the subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing.

#### II-3.7 Conditional Approval of the Preliminary Plat

Within forty-five (45) days after the time of hearing of a preliminary plat, the Planning Board shall take action to conditionally approve, with or without modification, or disapprove such preliminary plat and the ground of any modification required or the ground for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute a conditional approval of the preliminary plat.

When granting conditional approval to the preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the preliminary plat; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare; and (3) the amount of improvement or the amount of all bonds therefore which it will require as a prerequisite to the approval of the subdivision plat. The action of the Planning Board plus any conditions attached

thereto shall be noted on three (3) copies of the preliminary plat. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Town Board. Conditional approval of the preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any. Prior to the approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

## II – 4 Final Plat for Major Subdivision

### II-4.1 Application for Approval and Fees

The subdivider shall, within six (6) months after the conditional approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application blank available from the clerk of the Planning Board. All applications for major subdivisions shall be accompanied by the sum sufficient to reimburse any or all sums, in excess of the application fee paid, actually incurred by the Board for engineering review fees and other expenses in relation to the project. All fees shall be paid before final approval. If the final plat is not submitted within six (6) months after conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require re-submission of the preliminary plat, based on current regulations.

No fee shall be required with the application for final approval.

### II-4.2 Number of Copies

A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the clerk of the Board with a copy of the application and seven (7) copies (one copy in ink on Mylar) of the plat, the original and true copy of all offers of cession, covenants, and agreements, and two (2) prints of all constructions drawings, at least fourteen (14) days in advance of the regular monthly Planning Board meeting at which is to be officially submitted.

#### II-4.3 When Officially Submitted

The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least fourteen (14) days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article IV, Section 4 of these regulations, has been filed with the clerk of the Planning Board.

#### II-4.4 Endorsement of State and County Agencies

Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the New York State Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary town, county, and state agencies. Endorsements and approval by the New York State Department of Health shall be secured by the subdivider before official submission of the subdivision plat.

#### II-4.5 Public Hearing

A public hearing shall be held by the Planning Board within forty-five (45) days after the time of the submission of the subdivision plat for approval.

This hearing shall be advertised in the newspaper of general circulation in the town at least five (5) days before such hearing, provided however, that when the Planning Board deems the final plat to be substantial agreement with the preliminary plat previously approved and modified in accordance with the requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive requirement for such hearing.

#### II-4.6 Action on Proposed Subdivision Plat

The Planning Board shall, within forty-five (45) days from the date of the public hearing on the subdivision plat, approve, modify and approve or disapprove the subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has complied with the provisions of Article V of this regulation.

#### II-4.7 Final Approval and Filing

Upon completion of the requirements in Article II-Sections 2 & 3 and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairperson or acting Chairperson) and must be filed by the applicant in the office of the Washington County Clerk. Any subdivision plat not so filed or recorded within sixty (60) days of the date upon which such plat is approved or



considered approved by reasons of the failure of the Planning Board to act shall become null and void, and the applicant must reapply, including applications and fees.

#### II-4.8 Plat Void if Revised After Approval

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

#### II-4.9 Public Acceptance of Streets

The approval by the Planning Board of the subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, or open space shown on such subdivision plat.

### **ARTICLE III – REQUIREMENTS AND DESIGN STANDARDS FOR ALL SUBDIVISIONS**

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereafter. The said standards shall be waived by the Board only under circumstances set forth in Article VI herein.

#### III – General Requirements

##### III-1.1 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 peril from fire, flood or other menace.

##### III-1.2 Conformity to Official Map and Master Plan

Subdivision shall conform to the official map of the town and shall be in harmony with the master plan, if such exists.

##### III-1.3 Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the town specifications, which may be obtained from the Town Authorized Engineer.

#### III-1.4 Preservation of Existing Features

Existing features which would add value to residential development, such as large trees, watercourses, historic spots and similar irreplaceable assets, should be preserved, in so far as possible, through harmonious design of the subdivision. Development shall cause minimum disturbance to existing landscaping.

### III – 2 Street Layout

#### III-2.1 Width, Location and Construction

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the master plan, if such exists, and to accommodate the prospective traffic and 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.

#### III-2.2 Relation to Topography

Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.

#### III-2.3 Block Size

Block dimensions shall be at least twice the minimum lot depth and generally not more than twelve (12) times the minimum lot width. In long blocks, the Planning Board may require the reservation, through the block, of a twenty-five (25) foot wide easement to accommodate utilities or pedestrian traffic. Blocks at least nine hundred (900) feet long are recommended with easement in blocks exceeding one thousand, two hundred (1,200) feet.

#### III-2.4 Intersections

Intersections of major streets by other streets shall be at least eight hundred (800) feet apart, if possible. Cross (four-cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least one hundred fifty (150) feet shall be maintained between offset intersections. Within forty (40) feet of an intersection, streets shall be approximately at right angles, (but in no instance shall the angle be less than seventy (70) degrees) and grades shall be limited to 1%. All street intersection corners shall be rounded by curves of at least twenty-five (25) feet in radius at the property line.

### III-2.5 Visibility at Intersections

Within the triangular area formed at corners by the intersecting street lines, for a distance of forty (40) feet from their intersection and the diagonal connecting the end point 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, shall be permitted to obstruct such visibility.

### III-2.6 Design Standards

Public and private roadways shall meet the current Town of Jackson standards. If Town of Jackson standards are non-existing, see Section III-2.7 for alternate construction requirements.

### III-2.7 Alternate Construction Requirements - General Information

#### Design Speed

30 M.P.H. See AASHTO requirements for additional criteria.

#### Rights of Way

Minimum fifty (50) feet, unless cross slope dictates otherwise. Where cross slopes cannot be installed within fifty (50) feet R.O.W., the R.O.W. shall be from top or toe of slope to top or toe of slope, plus five (5) feet each side (or “plus sufficient width to allow for construction operations”).

#### Minimum Width of Road

Travelway shall be minimum of twenty (20) feet in width, with a minimum of four (4) feet gravel shoulder each side. (See figure 1 at end of document)

#### Pavement Thickness

Travelway shall be a minimum of two and one-half (2 ½) inches of binder compacted (New York State Department of Transportation Type 3) with two (2) inches of top course compacted (New York State Department of Transportation Type 6 or 7.) (See figure 1 at end of document)

#### Subgrade

There shall be twelve (12) inches subbase material, New York State Department of Transportation Type 4 under all paved areas. (See figure 1 at end of document)

#### Grades – Residential Areas

Local – Not to exceed 10% - Preferably less than 7%.

Collector – Not to exceed 9% - Preferably less than 7%.

#### Grades – Industrial Areas

Shall not exceed 7%.

Minimum grades in all areas shall not be less than 0.5%.

#### Road Entrances

Shall enter at 90 degrees, but in no case shall be less than 75 degrees

(Documentation must be submitted as to why 90 degrees cannot be attained).

Proposed road shall drain away from existing road 2%.

Grade shall not exceed minus 3% within one hundred (100) feet of existing road.

Proposed road entering on super-elevated roads should not exceed .08 maximum roll over grade.

#### Pavement Cross Slope

Travelway – one-quarter ( $\frac{1}{4}$ ) inch per foot.

Shoulders – three-quarters ( $\frac{3}{4}$ ) inch per foot.

#### Cul-De-Sacs

Limited to eight hundred (800) feet in length.

Circular turnarounds shall have a minimum of fifty-five (55) foot radius to the edge of pavement.

#### Stopping Sight Distance – (Internal Roadways Only)

Local Streets – two hundred (200) feet minimum – 30 m.p.h.

Collector Streets - two hundred (200) feet minimum – 30 m.p.h.

All intersection sight distances shall be four hundred (400) feet - 30 m.p.h.

#### Vertical Curves

Sight distances – two hundred (200) feet minimum

#### Horizontal Curves (AASHTO)

Local – two hundred seventy-three (273) feet minimum radius – (For super elevated roads of  $\geq .06$ )

Four hundred thirty (430) feet minimum radius (for crowned roads)

Collector – Four hundred thirty (430) feet minimum radius – seven hundred (700) feet desirable

Minimum length of tangent between reverse curves shall be two hundred (200) feet minimum in all cases.

Drainage design shall be consistent with the following:

1. Retention – Differential between undeveloped 10-year storm and 50-year developed storm.
2. Cross culverts – 50-year storm.  
Remove any obstacles within twenty-one (21) feet of centerline of road, i.e. light poles, trees, stumps, etc.  
Provide traffic control devices consistent with average daily traffic volume requirements. (New York State Manual of Uniform Traffic Control)  
Provide signage (stop signs, yield signs, speed limit signs, etc.) consistent with the design of the road. All signs shall be sized and placed in accordance with New York State Highway and Traffic Law. (New York State Manual of Uniform Traffic Control).  
All roadside areas within R.O.W. shall be graded and mulched with required seedings to provide for mowing.

#### Additional

Other design specifications may be added as deemed necessary by the Highway Superintendent with approval from the Town Board.

#### AASHTO and ITE recommendations are also on file.

(AASHTO) – American Association of State Highway and Transportation Officials

(ITE) – Institute of Transportation Engineers

### III-2.8 Continuation of Streets into Adjacent Property

Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the town plan, if such exists.

If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turn-around, a minimum of fifty (50) feet in radius shall be provided on all temporary dead-end streets with the notation on the plan that land outside the street right-of-way shall revert to abutters when the street is continued.

### III-2.9 Permanent Dead-End Streets (cul-de-sacs)

Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance of not less than one hundred (100) feet. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property; however, the Planning Board may require the reservation of a 20-foot-wide easement to accommodate pedestrian traffic or utilities. A circular turn-around with a minimum right-of-way radius of sixty-five (65) feet shall be provided at the end of a permanent dead-end street. For greater convenience to traffic, and more effective police and fire protection permanent dead-end streets shall, in general, be limited in length to eight hundred (800) feet.

### III-2.10 Street Names

All streets shall be named, and such names shall be subject to the approval of the Planning Board. Names shall be sufficiently different in sound and spelling from the other street names in the town so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.

### III-2.11 Improvements

Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains, fire hydrants, and underground electric and telephone services, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite to the interest of the public health, safety and general welfare.

Underground utilities where required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines and the subdivider shall install underground service connections to the property line of each lot before the street is paved.

Grading and improvements shall conform to the specifications contained herein and any town road standards as have been adopted by the Town Board and shall be approved as to design and specifications by the Town Engineer or other duly designated town official.

### III-2.12 Highway Driveway Cuts

The Highway Superintendent shall approve all proposed driveway cuts and where it comes on to a town road.

### III – 3 Lots

#### III-3.1 Arrangement

The arrangement of lots shall be such that there will be no foreseeable difficulties for reasons of the topography or other conditions, in locating a building on each lot and in providing access to building on such lots from an approved street.

#### III-3.2 Access Across a Watercourse

Where a watercourse separates the building area of the lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Engineer or their duly designated town official.

#### III-3.3 Side Lot Lines

Side lot lines are recommended to be at right angles to the street lines unless a variation from this will provide better results.

#### III-3.4 Access from Major Streets

Lots shall not, in general, derive access exclusively from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.

### III – 4 Reservations and Easements

#### III-4.1 Parks and Playgrounds

The Planning Board may require adequate, convenient and suitable areas for parks and playgrounds, and other recreational purposes to be reserved on the plat, but in no case, more than 10% of the gross area of any subdivision. The area shall be shown and marked on the plat “Reserved for Park or Playground Purposes.”

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, the Planning Board may require as a condition to approval of any such plat a payment to the town in the amount of 10% of the appraised market value of the land to be subdivided. Such money shall be used by the town for park and recreational purposes including the acquisition of property.

#### III-4.2 Realignment or Widening of Existing Streets

Where the subdivision borders an existing street, and the official map\* or town plan\* indicates plans for realignment or widening of the streets that would require

reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plan “Reserved for Street Alignment (or Widening) purposes”.

#### III-4.3 Utility of Drainage Easements

Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street the right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.

#### III-4.4 Easements for Pedestrian Access

The Planning Board may require, in order to facilitate pedestrian access from street to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least eight (8) feet in width.

#### III-4.5 Responsibility for Ownership of Reservation

Ownership shall be clearly marked on plat on all reservations.

### **ARTICLE IV – REQUIRED DATA AND PLATS**

#### IV – 1 Sketch Plan

##### IV-1.1 Sketch Plan

The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than two hundred (200) feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following:

1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest street intersection.
2. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.



4. The tax map sheet, block and lot numbers, if available.
5. All the utilities available, and all streets which are either proposed, mapped or built.
6. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, system of drainage, sewerage, and water supply within the subdivided area.
7. All existing restrictions on the use of land including easements, covenants, or zoning lines.

#### IV – 2 Minor Subdivision Plat

IV-2.1 In the case of minor subdivision ONLY, the subdivision plat application shall include the following:

1. A copy of such covenants or deed restrictions are intended to cover all or part of the tract.
2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Town Authorized Engineer, and shall be referenced and shown on the plat.
3. All on-site sanitation water supply facilities shall be designed to meet the minimum specifications of the State Department of Health, and the Washington County Sanitary Ordinance and a note to this effect shall be stated on the plat and signed by a licensed engineer.
4. Proposed subdivision name, name of the town and county in which it is located.

#### IV – 3 Major Subdivision Preliminary Plat and Accompanying Data

The following documents shall be submitted for the preliminary approval of a major subdivision plat:

IV-3.1 Seven (7) copies of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:

1. Proposed subdivision name, name of the town and county in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
2. The name of all subdivisions immediately adjacent and the name of the owners of record and all adjacent property.
3. Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and-or the zoning ordinance text applicable to the area to be subdivided.
4. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivisions and adjacent property district, if more than one.
6. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
7. Contours with intervals of five (5) feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.
8. The width and location of any streets or public ways or places shown on the official map or the master plan, if such exists, within the areas to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarms boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
10. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means to disposal.

11. Plans and cross-sections showing the proposed location and type 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 sub-base, the location of manholes, basins and underground conduits.
12. Preliminary designs of any bridges or culverts which may be required.
13. The proposed lot lines with approximate dimensions and area of each lot.
14. 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 twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open spaces shown on the subdivision or the official map.
15. a. 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 Town Authorized Engineer, and shall be referenced and shown on the plat.
15. b. If the application covers only a part of the subdivider's entire holdings, a map of the entire tract, drawn at a scale of not less than four hundred (400) feet to the inch 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. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
15. c. A copy of such covenants of deed restrictions as are intended to cover all or part of the tract.

#### IV – 4 Major Subdivision Final Plat and Accompanying Data

The following documents shall be submitted for major plat approval:

IV-4.1 The Plat to be filed with the County Clerk shall be on polyester film or polyester photographic copies of polyester film. The sheets shall include a margin for

binding of two (2) inches, outside of the border, along the left side and a margin of one (1) inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than one hundred (100) feet to the inch and oriented with the north point at the top of the map. When more than one (1) 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:

1. 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 record owner and subdivider, name, license number and seal of the licensed land surveyor.
2. Street lines, pedestrians' ways, lots, reservations, easements and to be dedicated to public use.
3. Sufficient data acceptable to the Town Authorized Engineer 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 referenced 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.
4. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, 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.
5. Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Town Authorized Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Authorized Engineer and their location noted and referenced upon the plat.
6. All lot corner markers shall be permanently located satisfactorily to the Town Authorized Engineer, at least three-quarters ( $\frac{3}{4}$ ) inches (if metal) in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.

7. Monuments of a type approved by the Town Authorized Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided: and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Authorized Engineer.
8. Any other notation required by the Planning Board.

IV-4.2 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.

## **ARTICLE V – REQUIRED IMPROVEMENTS AND AGREEMENTS**

### **Improvements and Performance Bond**

Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either subparagraph V-1.1 or subparagraph V-2.2 below:

- V-1.1 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 Town Law and shall be satisfactory to the Town Board and the Town Authorized Engineer as to the form, sufficiency, manner of execution and surety. A period of one (1) year (or such other period as the Planning Board may determine appropriate, not to exceed three (3) years) shall be set forth in the bond within which required improvements must be completed.
- V-1.2 The subdivider shall complete all required improvements to the satisfaction of the Town Authorized Engineer, 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 costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Authorized Engineer. Any such bond shall be satisfactory to the Town Board and Town Authorized Engineer as the form, sufficiency, manner of execution, and surety.

V-1.3 The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Authorized Engineer 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 V-1.2 then said 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 V-1.1 such bond shall not be released until such a map is submitted.

#### V – 2 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 Town Authorized Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Authorized Engineer may, upon approval by the previously delegated member of the Planning Board, authorized modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or improvements required by the Board. The Town Authorized Engineer 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.

#### V – 3 Inspection of Improvements

At least five (5) day prior to commencing construction of required improvements the subdivider shall notify the Town Board in writing of the time when he proposes to commence construction of such 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.

#### V – 4 Proper Installation of Improvements

If the Town Authorized Engineer shall find, 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, and the 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 plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

#### V – 5 Utilities

The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installation necessary for the furnishing of its services within a specified time, in accordance with the approved subdivision plat.

#### V – 6 Monuments

Permanent monuments shall be set at block corners and at the beginning and end of all curves and at such other points as are necessary to establish definitely all lines of the plat, except those outlining individual lots. In general, permanent monuments shall be placed at all critical points necessary to correctly lay out any lot in the subdivision. Permanent monuments shall be constructed of concrete with a three-quarter (3/4) inch iron rod insert, having ground level dimensions at five (5) inches square, and thirty-six (36) inches long tapering to six (6) inches square at the subsurface level. Four (4) such monuments at the periphery of the plot shall have a brass cap accurately set and identified as a bench mark with the elevation labeled thereon. At the corners of each lot an iron pin one (1) inch in diameter and thirty-six (36) inches long shall be placed into the ground to grade.

### **ARTICLE VI – VARIANCES, WAIVERS, OBJECTIVES, EXEMPTIONS, ENFORCEMENTS, PENALTIES AND COURT ACTION**

#### VI – 1 Variances

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the official map, the master plan, or the zoning ordinance, if such exists.

#### VI – 2 Waivers

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.

#### VI – 3 Objectives

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

#### VI – 4 Exemptions

A Lot Line/Boundary Line Agreement, a Lot Line Adjustment, a Stand-Alone Lot or a Separately Described Lot as defined herein are exempt from these regulations provided the following procedures are met by the applicant:

1. The applicant shall complete and file an application with the Planning Board which shall be reviewed by the Planning Board.
2. The Planning Board shall review the application and confirm that the proposed action is exempt under this section of the subdivision regulations.
3. The Planning Board may impose conditions which it deems appropriate upon the confirmation of the exemption, but only subject to the approval of the Town Board.
4. There shall be no fee for an application filed seeking an exemption, but the applicant shall reimburse the Planning Board for any or all sums actually incurred by the Board.

#### VI – 5 Enforcement

The chairperson of the Planning Board or a designated representative from the Planning Board shall administer and enforce all provisions of these regulations.

#### VI – 6 Penalties and Court Action

##### VI – 6.1 Civil Penalties

Violation of any provision or requirement of these regulations or violation of any statement, plan, application or permit approved under these regulations shall be considered an offense punishable by a fine of not more than three hundred fifty (\$350.00) dollars or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years, punished by a fine not less than three hundred fifty (\$350.00) dollars nor more than seven hundred (\$700.00) dollars or imprisonment for period not to exceed six (6) months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred (\$700.00) dollars nor more than one thousand (\$1,000.00) dollars or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of these regulations shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such



violations. Each week's continued violation shall constitute a separate additional violation.

#### VI-6.2 Court Action

The imposition of penalties described in these regulations shall not prevent the town from instituting appropriate legal action in a court of competent jurisdiction to prevent any continued violation of any provision of these regulations including any illegal subdivision of land or nonconformance with any approved plat.

### **ARTICLE VII – TERMINOLOGY AND DEFINITIONS**

#### VII – 1 Use and Interpretation of Words

Except where specifically defined herein, all words used in these regulations 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, the words used in the plural number include the singular, unless the context clearly indicates the contrary.

The word “shall” is always mandatory. The word “may” is permissive. “Building” includes all other structures of every description except fence and walls, regardless of dissimilarity to conventional building forms. The word “lot” includes the word “plot” or “parcel”. The word “person” includes a corporation as well as an individual.

The phrase “used for” includes “arranged for”, “designed for”, intended for”, and “occupied for”.

#### VII – 2 Definitions

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

Arterial street – See major street

Collector street – A street which carries traffic from minor streets to the major system of secondary or arterial streets, the principal entrance and circulation streets within a development.

Dead-end-street - (cul-de-sac) A street or a portion of the street with only one vehicular outlet and with a turn-around at its terminus.

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

Engineer or Licensed Professional Engineer – Means a person licensed as a professional engineer by the State of New York.

Lot Line/Boundary Line Agreement – A written agreement by the owner of abutting parcels in which they resolve any dispute as to the exact legal description of all or any portion of the common boundary line between their parcels which dispute arose from causes such as a vague or a conflicting legal description of the common boundary line.

Lot Line Adjustment – A modification of a non-disputed existing boundary line between two parcels such that:

- a. The line is moved no more than one hundred (100) feet at either or both ends from where it currently is and no more than two (2) acres is involved in the total adjustment between parcels;
- b. No new lot is created; and
- c. No new non-buildable lot is created.

Major Street – Means a street which serves or is designated to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and-or other heavy traffic generating areas.

Major Subdivision – Any subdivision not classified as a minor subdivision.

Master or Comprehensive Plan – Means a comprehensive plan, prepared by the Planning Board pursuant to Section 272-A of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the town included any unit or part of such plan separately prepared and any amendment to such plan or its therein.

Minor Subdivision – Any subdivision containing not more than two (2) lots, in addition to the original, each fronting on an existing public street, with a minimum access of fifty (50) feet, not involving any new street or road or the extension of municipal facilities not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the master plan\*. A landowner who has completed the requirements for a minor subdivision approval may not apply for another minor subdivision permit, on the same premises, until three (3) years has elapsed since the original approval. Also, any subdivision of lands located on a private road, which road existed prior to the original adoption of these regulations, may be treated as a minor subdivision.

Minor Street – A street intended to serve primarily as an access to abutting residential properties.

Official Map – Means the map established by the town pursuant to Section 270 of the Town Law, showing streets, highways and parks and drainage, both existing and proposed.

Official Submittal Date – The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least fourteen (14) days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by these regulations has been filed with the clerk of the Planning Board.

Planning Board – The Town Planning Board.

Preliminary Plat – Means a drawing or drawings clearly marked “preliminary plat” showing the salient features of the proposed subdivision, as specified in these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Re-subdivision – A change in the subdivision plat or re-subdivision plat filed in the office of the County Clerk which change (a) affects any area reserved thereon for public use; (b) affects any street layout shown on such plat; or (c) diminishes the size of any lot shown.

Separately Described Lot – A lot which was separately described in a deed in a conveyance which was recorded prior to the original adoption of these regulations and which lot must meet subdivision regulations for a minor subdivision.

Sketch Plan – A free-hand sketch made on a topographic survey map showing the proposed subdivision in relation to existing conditions.

Stand Alone Lot – A lot which has never been separately described and which was a part of lands originally sold together, but which has become a stand alone lot by virtue of it having been separated, such as by another lot, from the rest of the land with which it was originally sold and which lot must meet subdivision regulations for a minor subdivision and which lot was created prior to the original adoption of subdivision regulations in the Town of Jackson.

Street - A right of way for vehicular traffic, including road, avenue, lane, highway, or other way.

Street Pavement – The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width – The distance between property lines.

Subdivider – Any person, firm, corporation, partnership, or association, who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or for others.

Subdivision – The division of any parcel of land into two or more lots, plots, sites, dwellings or commercial units, or other division of land, with or without streets, for the purpose of immediate or future sale or lease or building development. Such division shall include re-subdivision of plats already filed in the office of the County Clerk if such plats are entirely or partially undeveloped.

Subdivision Plat or Final Plat – Means a drawing in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or register.

Town Engineer or Town Authorized Engineer– Means the duly designated engineer of the Town whether such individual is an employee of the Town or an independent contractor hired by the Town.

Surveyor – Means a person licensed as a land surveyor by the State of New York.

\*as it may be adopted.