

Local Law Filing

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Town of Alexandria

Local Law No. 3 of the year 2012

A local law to Establish Subdivision Control in the Town of Alexandria

(Insert title)

Be it enacted by the Town Board of the Town of Alexandria as follows: .

(Name of Legislative Body)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

ARTICLE I
General Provisions

§ 1-1. Statutory authorization.

Pursuant to the authority granted to the Town in §10 of the Municipal Home Rule Law and §276, §277 and §278 of the Town Law, the Town Board of the Town of Alexandria authorizes and empowers the Planning Board of the Town of Alexandria to review and approve, conditionally approve with or without modification, or disapprove subdivision plats showing lots, blocks or sites with or without road within that part of the Town of Alexandria outside the limits of any incorporated city or village and to pass and approve the development of plats already filed in the office of the Clerk of Jefferson County if such plats are entirely or partially undeveloped.

§ 1-2. Title.

This chapter shall be known as the "Town of Alexandria Subdivision Law".

§ 1-3. Purpose.

The purpose of this chapter is to provide for orderly, efficient growth within the Town and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population. Land to be subdivided within the Town of Alexandria shall be such that it can be used safely for building or development purposes without danger to health or peril from fire, flood, or other menace and without resulting in significant damage to the ecology of the area within which it is located. Proper provisions shall be made for drainage, water, sewerage, electric, telephone, gas and other needed improvements. The proposed roads shall compose a convenient system and shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire and police protection.

§ 1-4. Administration.

This Subdivision Law shall be administered by the Planning Board, the Town Board, and the Town Zoning Officer, or such other official as designated by the Town Board.

§ 1-5. Waiver of Requirements.

When an application concerns the subdivision of uncomplicated nature, the Planning Board may waive certain submission requirements upon its finding that such requirements are not necessary to protect and preserve the public health, safety and general welfare.

§ 1-6. Definitions.

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

ADMINISTRATIVE EXPENSES - All actual expenses incurred by the Town in the processing of an application. Such expenses may include costs of copying and publication of legal notices.

AGRICULTURAL DATA STATEMENT - An identification of farm operations, within a Jefferson County Agricultural District, located within 500 feet of the boundary of property upon which an application for subdivision is being reviewed by the Planning Board.

ASSEMBLAGE – The combining of adjacent parcels to create a larger parcel.

BUILDING LOT – Any lot upon which a principal residential or commercial building can be constructed in conformance with the requirements of the Town of Alexandria Zoning Law.

BOUNDARY LINE ADJUSTMENT - The relocation of lot lines of any lot or parcel, the deed to which was previously recorded in the office of the county clerk; but not including conveyances made so as to combine existing lots by deed or other instrument.

CLUSTER DEVELOPMENT - A form of development for subdivisions that permits a reduction in lot area requirements for some or all lots in a tract, provided there is no increase in the number of lots permitted under a conventional subdivision, and where the resultant land is either 1) devoted to permanent open space, or 2) is permanently combined with the remainder of the lots, where only some of the lots are reduced in area.

COMPREHENSIVE PLAN – Also known as Master Plan for the development of the Town prepared pursuant to Section 272-a of the Town Law, which may include materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices, and instruments for the immediate and long-range protection, enhancement, growth and development of the Town, or portions thereof. The Plan may be compiled in a single document or may be multiple documents or materials established over time.

FINAL PLAT - A drawing, in final form, showing a proposed subdivision, containing all information or detail required by law and by this chapter, to be presented to the Planning Board for approval and which, if approved, must be filed or recorded by the applicant in the office of the County Clerk.

OFFICIAL SUBMISSION DATE - The date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board.

OPEN SPACE - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

PLANNING BOARD - The Town of Alexandria Planning Board.

PRELIMINARY PLAT - A drawing or drawings, clearly marked "preliminary plat," showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

RESUBDIVISION - The further division of lots or parcels.

SKETCH PLAN - A sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this chapter.

SUBDIVISION - The division of any parcel of land, regardless of use, into two or more lots, plots, blocks, sites, or parcels, including any remainder of the original parcel, with or without roads for the purpose, whether immediate or future, of transfer of ownership or building development. A reallocation or a resubdivision shall be considered a subdivision. Boundary Line Adjustment and Assemblage shall not constitute a subdivision for the purposes of this Law.

SUBDIVISION INSPECTOR – Any person appointed, designated or otherwise retained by the Town Board to carry out the functions assigned to such person by this Law. Unless a separate person is appointed by the Town Board, the Town Zoning Officer shall serve as the Subdivision Inspector.

SUBDIVISION, MAJOR - A subdivision not classified as a minor subdivision.

SUBDIVISION, MINOR - A subdivision containing two to five lots or parcels, and not involving 1) the creation of any new public road, 2) the dedication of lands or facilities to the public, 3) the extension of public water or sewerage facilities, or 4) the set-aside of open space through cluster development.

TOWN – Town of Alexandria.

TOWN BOARD – Town of Alexandria Town Board.

UNDEVELOPED PLAT - Those plats where 20% or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

ZONING LAW - The Zoning Law of the Town of Alexandria, as the same may be amended or readopted from time to time.

ARTICLE II

Review and Approval Procedure

§ 1-7. Application Fees and Review Costs.

- A. All applicants are required to pay an application fee to cover the administrative expenses of the Town. The application fees are set by resolution of the Town Board from time to time, and shall remain in effect until new fees are established by Town

Board resolution. An application shall not be deemed complete until the fee is paid to the Town.

- B. The Planning Board may seek the assistance of consultants including, but not limited to, engineers or attorneys. When such consultants are utilized by the Planning Board, the Planning Board shall require the applicant to establish an escrow account with the Town to cover these expenses. The amount of the escrow account shall be established by the Town Board in consultation with the Planning Board and the consultants, and the applicant shall be required to enter into an agreement to provide for the establishment, use and replenishment of the escrow account during the review process.
- C. All unused funds or proceeds in the escrow account shall be refunded to the applicant upon completion of the following:
 - 1. Final approval or rejection of an application, or
 - 2. Final approval for all completed improvements and submission of all final bills to the Town for its review and expenses incurred as a result of the applicant's proposed plan.

§ 1-8. Area Variances.

Where a plat contains one or more lots which do not comply with the Town of Alexandria Zoning Law, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Enforcement Officer. In reviewing any such application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

§ 1-9. General Provisions.

- A. Minor subdivisions shall be processed in the following stages:
 - (1) Sketch plan conference (optional).
 - (2) Final plat submission.
 - (3) Public hearing.
 - (4) Final plat decision.
- B. Major subdivisions shall be processed in the following stages:
 - (1) Sketch plan conference.
 - (2) Preliminary plat submission.
 - (3) Public hearing.
 - (4) Preliminary plat decision.
 - (5) Final plat submission.
 - (6) Public hearing (optional).
 - (7) Final plat decision.

§ 1-10. Preapplication Procedure.

Prior to the preparation of and the submission of a plat for approval, the subdivider should gather the necessary information and data on the existing conditions at the site; study the site suitability and opportunities for development; and develop a preliminary layout in sketch form which in turn should be submitted to the Planning Board for advice and assistance, including a preliminary environmental assessment form (EAF).

§ 1-11. Sketch Plan Conference.

- A. When a Sketch Plan Conference is required (Major Subdivision) or requested (Minor Subdivision), the subdivider shall request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board will notify the subdivider of the time, date and the place that the Planning Board will meet to consider and review such sketch plan. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat in an effort to save time in preparing maps and plans. The plan will be classified as a Minor or Major Subdivision by the Planning Board as defined by this Law. Subdivisions classified as Minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat, which shall be required for a Major Subdivision. The Planning Board may schedule a site visit and upon notification thereof to the Applicant, the Applicant shall have the property lines and the centerline of all proposed roads or streets located by temporary stakes.
- B. This step does not require formal application, fee or filing with the Planning Board.

§ 1-12. State Department of Health Approval.

New York State Department of Health approval shall be required for any subdivision containing five or more lots of five acres or less each, subdivided within any consecutive three year period. Early contact by the subdivider with this Department is recommended.

§ 1-13. Preliminary Plat.

All Major Subdivisions shall be subject to the Preliminary Plat requirements as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available at the Town Office, accompanied by all documents specified in Article III herein.

- A. Submission of complete application. The application shall not be considered complete until 1) all information as required in Article III of this Law is provided, and 2) either a negative declaration has been filed, or a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of 6 NYCRR Part 617. Upon acceptance of a completed application, the Planning Board shall establish the Official Submission Date of the application.
- B. Area variance. Where the application shows lots which are not in compliance with the Zoning Law, the Planning Board may, at its discretion, refer the application to the zoning board of appeals for the consideration of an area variance review prior to the commencement of the Planning Board review.

- C. Review of subdivision. Following the review of the Preliminary Plat and supplementary material submitted for conformity to this chapter and determination that the application is complete, the Planning Board shall hold a public hearing. This hearing shall be held within 62 days of the Official Submission Date of the plat. The subdivider shall attend the hearing. Within 62 days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the Preliminary Plat and state its reasons for disapproval. 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.
- D. Notice of public hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The applicant shall provide notice of the hearing to the owners of all land immediately adjacent to the proposed Subdivision, including land immediately opposite any adjacent right-of-ways such as streets, roads, highways, or railroads and to all farm operations identified in the Agricultural Data Statement. The applicant shall provide proof to the Planning Board that such notice was provided not less than five (5) days prior to the hearing.
- E. SEQRA review. The lead agency in the state environmental quality review process will be responsible for the making of a negative declaration or completion of a final environmental impact statement (EIS). Statement findings must accompany approval of plat. If a draft and/or final EIS is required, the applicant will be responsible for its preparation.
- F. Notice of decision. Within five days of approval, the action of the Planning Board shall be noted on three copies of the Preliminary Plat and reference made to any modifications determined. One copy shall be returned by mail to the subdivider and the other two copies retained by the Planning Board.
- G. Effect on approval. Approval of a Preliminary Plat shall not constitute approval of the Final Plat. The Preliminary Plat shall be a guide to the preparation of the Final Plat. Before submission of the Final Plat or any portion thereof for formal approval, the subdivider must comply with this chapter and all requirements set forth by the Planning Board in its review of the preliminary plat and any other State Health Department requirements.

§ 1-14. Final Plat.

All subdivisions, as defined herein, shall require Final Plat approval by the Planning Board. The subdivider shall file an application for Final Plat approval on forms available at the Town office, accompanied by documentation as specified in Article III herein, with the Planning Board. Such application shall be submitted at least ten days prior to the meeting at which it is to be considered by the Planning Board and no later than six months after the date of the Preliminary Plat approval.

- A. Submission of complete application. The Planning Board shall establish an Official Submission Date for the Major Subdivision final application. Such date shall be the date that the planning board determines the application to be complete, including all information required in Article III of this Law.

- B. Public hearing.
- (1) A public hearing shall be held by the planning board after a complete application is filed and prior to rendering a decision, unless waived pursuant to subsection D below. This hearing shall be held within 62 days of the Official Submission Date of the Plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve or disapprove the Final Plat within 62 days of the public hearing. 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.
 - (2) If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the provision violated by the Plat. Failure of the Planning Board to render a decision within the stated 62 day period shall be deemed final approval of the Plat.
- C. Public Hearing. Following a review of the Final Plat, a public hearing shall be held for a Minor Subdivision. Final Plats for Major Subdivisions which are in substantial agreement with the Preliminary Plat do not require a second public hearing. Final Plats for Major Subdivisions which are not in substantial agreement with the Preliminary Plat shall have a second public hearing. This hearing shall be held within sixty-two (62) days of the official submission of the Final Plat. The subdivider or the subdivider's agent shall attend the hearing.
- D. Notice of public hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The applicant shall provide notice of the hearing to the owners of all land immediately adjacent to the proposed subdivision, including land immediately opposite any adjacent right-of-ways such as streets, roads, highways, or railroads and to all farm operations identified in the Agricultural Data Statement at least five (5) days prior to the hearing. The applicant shall provide proof of service to the Planning Board.
- E. Decision. The Planning Board shall, by resolution, approve, approve with modification, or disapprove the Final Plat within sixty-two (62) days of the closing of the public hearing, or the Official Submission Date if no public hearing is held. The grounds for modification, if any, or the grounds for disapproval shall be stated upon the record of the Planning Board. The Planning Board shall not approve or approve with modifications any plat unless the SEQRA process has been completed.
- F. Notice of decision. Within five days of approval, the subdivider shall be notified by mail of the final action of the Planning Board. He shall record the Final Plat or section thereof in the office of the Clerk of Jefferson County, New York, within 62 days after the date of approval; otherwise the Plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the office of the Clerk of Jefferson County, New York.
- G. Conditional approval. Upon conditional approval of such Final Plat, the Planning Board shall empower a duly authorized officer to sign the Plat upon completion of such requirements as may be stated in the conditional approval resolution. The Plat shall be

certified by the Planning Board chairman. A certified statement of the requirements shall accompany the Plat, which, when completed, will authorize the signing of the conditionally approved Final Plat. Upon completion of the requirements, the Plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a Final Plat shall expire 180 days after the date of the resolution granting conditional approval. The Planning Board may, however, extend the expiration time not to exceed two additional periods of 90 days each.

H. Filing of Plats in sections.

- (1) Prior to granting conditional or final approval of a Plat in final form, the Planning Board may permit the Plat to be subdivided into two or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to ensure the orderly development of the Plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a Final Plat, subject to any conditions imposed by the Planning Board, shall be granted concurrently with conditional or final approval of the Plat.
- (2) In the event that the owner shall file only a section of such approved Plat in the office of the County Clerk or Registrar, the entire approved Plat shall be filed within 30 days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the Plat is situated. Such section shall encompass at least 10% of the total number of lots contained in the approved Plat, and the approval of the remaining sections of the approved Plat shall expire unless said sections are filed before the expiration of the exemption period to which such Plat is entitled under the provisions of § 265-a of the Town Law.

ARTICLE III

Required Documents

§ 1-15. Information required for all applications.

The following information is required for all applications:

- A. The name and address of the subdivider and any professional advisers, including license numbers and seals.
- B. A map of the property, drawn to scale, at a scale of 1 inch to 20 feet, or 1 inch to 50 feet, or such other scale as approved by the Planning Board, showing:
 - (1) The subdivision name, scale, North arrow and date.
 - (2) The subdivision boundaries.
 - (3) All contiguous properties and names of owners.
 - (4) Existing and proposed roads, utilities and structures.
 - (5) Watercourses, marshes, wooded areas, public facilities and other significant physical features on or near the site.

- (6) Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, water supply and sewage disposal facilities.
 - (7) Land contours at intervals of ten feet or other suitable indicators of slope, if deemed necessary by the planning board.
 - (8) The seal of the licensed land surveyor or professional engineer who prepared the plat, oversigned in red ink.
- C. A copy of the applicable Tax Map(s).
 - D. Existing restrictions on the use of land, including easements, covenants and zoning.
 - E. The total acreage of the Subdivision and number of lots proposed.
 - F. The building types, approximate size and cost.
 - G. A completed environmental assessment form.
 - H. A completed Agricultural Data Statement.
 - I. Such other information as may be reasonably requested by the Planning Board for the complete evaluation of the proposed Subdivision.

§ 1.16. Minor Subdivisions.

The following shall be submitted with all applications for approval of a Final Plat for a Minor Subdivision:

- A. Five copies of the Plat to be submitted to the County Clerk, prepared in a form acceptable to the County Clerk.
- B. The information specified under § 1-15, updated and accurate.
- C. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The Plat shall include the seal of the licensed land surveyor who prepared the Plat, oversigned in red ink. The corners of the tract shall also be marked by monuments of such size and type as to be in accordance with the accepted standards of the surveying profession, and their locations shown on the plat.
- D. Documents showing the results of an on-site sewage disposal evaluation conducted by a New York State licensed professional engineer.
- E. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
- F. Additional information as deemed necessary by the Planning Board.
- G. Required fees.

§ 1-17. Preliminary plat – Major Subdivisions.

The following shall be submitted with all applications for approval of a Preliminary Plat for a Major Subdivision:

- A. Five copies of the plat map, drawn to scale. The scale shall be 1 inch to 20 feet, or 1 inch to 50 feet, or such other scale as approved by the Planning Board.
- B. All information specified under § 1-14, updated and accurate.
- C. All parcels of land proposed to be dedicated to public use and the conditions of such use.
- D. Grading, landscaping and erosion plans.
- E. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
- F. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
- G. A stormwater management plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
- H. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and subbase and the location of any underground cables.
- I. Preliminary designs for any bridges or culverts.
- J. The proposed lot lines with dimensions and area of each lot.
- K. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as to be in accordance with the accepted standards of the surveying profession, and their locations shown on the Plat.
- L. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
- M. A full environmental assessment form or draft environmental impact statement, if required.
- N. Where the Preliminary Plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
- O. Additional information as deemed necessary by the Planning Board.

P. Required fees.

§ 1-18. Final plat – Major Subdivisions.

The following shall be submitted with all applications for approval of a Final Plat for a Major Subdivision:

- A. Five copies of the Final Plat to be submitted to the County Clerk, prepared in a form acceptable to the County Clerk.
- B. The proposed subdivision name and the name of the town and county in which the subdivision is located; the name and address of the record owner and subdivider; the name, address, license number and seal of the licensed land surveyor oversigned in red ink.
- C. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
- D. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
- E. 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 road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale and true North arrow.
- F. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Legal Counsel as to their legal sufficiency.
- G. Permanent reference monuments shall be shown and constructed in accordance with the accepted standards of the surveying profession.
- H. All necessary approvals of the NYS Department of Health, NYS Department of Environmental Conservation, NYS Department of Transportation, Jefferson County Highway Department, and any other involved agency.
- I. A full environmental assessment form or approved environmental impact statement, if required.
- J. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements and subbase and other facilities.
- K. Evidence of legal ownership of property.
- L. Deed restrictions, existing and proposed in form for recording.

- M. A certificate by the Zoning Officer certifying that the subdivider has complied with one of the following alternatives:
- (1) All improvements have been installed in accord with requirements of this chapter and with the action of the Planning Board giving approval of the Preliminary Plat; or
 - (2) A performance bond, irrevocable letter of credit or cashier's check or bank draft has been posted in sufficient amount as determined by the Town Legal Counsel to assure such completion of all required improvements.
- N. Any other data, such as certificates, affidavits, endorsements or other agreements, as may be required by the Planning Board in enforcement of this chapter.

§ 1-19. Waiver of Certain Requirements.

When an application concerns a Subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements, as it in its discretion deems appropriate.

ARTICLE IV Design Standards and Required Improvements

§ 1-20. Roads.

- A. Design standards.
- (1) Conformity with General Plan. The arrangement, width, location and extent of roads should conform and be in harmony with the Comprehensive Master Plan for the Town. Roads not in the Comprehensive Master Plan should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of land. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any Subdivision providing for a new road. The arrangement of roads shall be in harmony with surrounding areas and adjoining properties, and shall be coordinated so as to compose a convenient system. Public roads shall be graded and improved in accordance with the Town road specifications, or as approved by the Town Highway Superintendent. Storm drainage facilities, water mains, sewers, lights, signs, trees and fire hydrants shall be provided as required.
 - (2) Arrangement. Residential roads shall be designed to discourage through traffic whose origin and destination is not within the Subdivision.
 - (3) Location. When a proposed Subdivision is adjacent to or contains a State highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to

right-of-way and direction. The Planning Board may require a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation. Railroad rights-of-way shall receive similar consideration.

- (4) Intersections. Roads shall intersect one another at angles as near to a right angle as possible, and no intersections of roads at an angle of less than 60° shall be approved. Road intersections shall be rounded with a radius of 25 feet, measured at the right-of-way line, when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Planning Board. Road jogs with centerline offsets of less than 200 feet shall be prohibited.
 - (5) Dead-end roads. Each dead-end road shall be provided with a turnaround deemed sufficient by the Town Highway Superintendent. Turnarounds shall not be used for access to adjacent lots. Dead-end roads designed to be so permanently shall not be permitted unless provided with a turnaround.
 - (6) Access. In commercial and industrial districts, definite and assured provision shall be made for service access, such as off-road parking, loading and unloading, consistent with and adequate for the uses proposed.
 - (7) Names and numbers. Suggested names of new roads shall be submitted to the County by the Town, and shall not duplicate existing or platted roads. New roads which are extended from or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the Jefferson County emergency 911 numbering system.
 - (8) Trees. If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.
- B. Construction standards. Roads shall be constructed according to the standards adopted by the Town Board and outlined in Town of Alexandria Local Highway Design Standards, prepared by the Office of the County Superintendent of Highways, as amended.

§ 1-21. Sidewalks.

Sidewalks may be required and shall be installed as follows:

- A. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
- B. Sidewalks must be constructed to comply with generally accepted standards and shall comply with Americans with Disabilities Act (ADA) guidelines.

- C. Sidewalks shall be concrete or other approved material and have a minimum width of four feet in residential areas and five feet in commercial and industrial areas.

§ 1-22. Utilities.

Public utility improvements may be required and shall be installed at the subdivider's expense, as follows:

- A. Fire protection. Hydrants shall be of the size, type and location specified by the Insurance Services Organization and/or the Fire Departments providing primary fire protection service to the area of the Town in which the proposed subdivision is located.
- B. Street lighting. Poles, brackets and lights shall be of the size and type approved by the local power company, and location approved by the Planning Board.
- C. Electricity. Power lines shall be placed underground unless deemed not feasible by the local power company in agreement with the Planning Board, and shall be approved by the local power company.
- D. Utility services. Utility services shall be located from six to eight feet from the front property line to the centerline of the utility service between the sidewalk and curb line.

§ 1-23. Water.

- A. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, the Planning Board can require the installation of such a system as a condition to the approval of the proposed plat, and such system shall be installed at the sole expense of the subdivider and approved by the Town Board and the New York State Department of Health.
- B. Where water supply is provided through individual wells, the wells shall be constructed pursuant to NYS Department of Health standards.

§ 1-24. Sewers.

- A. If, in the opinion of the Planning Board, it is feasible and desirable to require a municipal sanitary sewer system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board in accordance with plans approved by the New York State Department of Environmental Conservation and town board.
- B. All on-site sanitary sewage treatment systems shall meet the requirements of the New York State Department of Health and Department of Environmental Conservation to the satisfaction of the Planning Board.
- C. Dry sewers may be required in those parts of the Town deemed by the Planning Board to have sufficient population density to merit community sanitary sewer systems in the future. Such requirements shall be in harmony with the Comprehensive Plan for the town.

§ 1-25. Lots.

- A. Location. All lots shall abut by their full frontage on public roads to ensure suitable access.
- B. Dimensions. The lot size, width, depth, shape and area shall comply with the Zoning Law.
- C. Pedestrian easements. In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements at least 20 feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.
- D. Setback. The provisions of the Zoning Law shall apply regarding setback lines.
- E. Lot lines. Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large-size lots and except when dictated by topography, lot lines shall be straight.
- F. Buildability. The lot arrangements shall be such that in constructing a building in compliance with the Zoning Law, there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unsuitable soils.
- G. Lot depth to width. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be prohibited.

§ 1-26. Preservation of Features.

Unique physical features, such as historic landmarks and sites, rock outcrops, hilltop lookouts, desirable natural contours and similar features, shall be preserved where possible. All surfaces must be graded and restored within six months of completion of subdivision so that no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned, where practicable, stabilized by approved methods, and undeveloped areas returned to original condition. Damage to existing trees should be avoided.

§ 1-27. Open Space.

- A. Upon a finding by the Planning Board that a proper case exists for requiring that park/recreational space be suitably located on the plat for playgrounds or other recreational purposes, the Planning Board may require that the developer satisfactorily develop any such area shown on the Plat. Any such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision will contribute. Upon such finding, the Planning Board shall require that not more than 10% of the total area of the Subdivision be allocated for park or recreational use. Such area may be dedicated to the Town by the subdivider if the Town Board approves such

dedication. Alternatively, park or recreational space may be conveyed to a homeowners association for control and joint private ownership and maintenance.

- B. The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Town as water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

§ 1-28. Stormwater Management

No stormwater shall be caused to be discharged upon neighboring properties, across public sidewalks or into public streets. Surface water drainage facilities shall be designed to handle all on-site runoff (ten-year-storm frequency as the minimum design criteria), and the discharge into public storm sewers shall be at a rate which can be adequately handled by existing storm sewers and drainageways. Where storm sewers do not exist, the Planning Board may approve alternative means of discharging stormwater upon approval of a stormwater management plan, where such alternative adequately protects the public health, safety and welfare.

ARTICLE V Improvement Guaranties

§ 1-29. General Provisions.

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, public water supply, sewage disposal, road signs, sidewalks and road surfacing will be constructed, the subdivider shall enter into one of the following agreements with the town:

- A. Construct all improvements directly affecting the Subdivision, as required by this chapter and by the Planning Board, prior to final approval of the plat.
- B. In lieu of the completion of the improvements, furnish a bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board after consultation with a professional engineer.
- C. In lieu of the completion of improvements, deposit a certified check or provide an irrevocable letter of credit in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

§ 1-30. Conditions.

- A. Before the Final Plat is approved, the developer shall have executed a subdivider contract with the Town, and a performance bond, irrevocable letter of credit, or cashier's check or bank draft shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.
- B. The performance bond cashier's check or bank draft shall be to the Town and shall provide that the subdivider, his heirs, successors and assigns, their agent or servants

will comply with all applicable terms, conditions, provisions and requirements of this chapter and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such applicable laws and regulations.

- C. Any such bond shall require the approval of the Town Board and the Town Legal Counsel as to form, sufficiency, manner of execution and surety.
- D. Wherever a cashier's check or bank draft is made or irrevocable letter of credit provided, the same shall be made payable to the Town.

§ 1-31. Extension of Time.

The construction or installation of any improvements or facilities for which guaranty has been made by the subdivider shall be completed prior to the expiration of any conditional approval granted by the Planning Board pursuant to Section 1-13 F. of this Law. The subdivider may request an extension of time, provided that he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the guaranty to construct the improvements as necessary. The same shall apply whenever the construction of improvements is not performed in accordance with applicable standards and specifications.

§ 1-32. Schedule of Completion.

When a cashier's check or bank draft or performance bond is made pursuant to the preceding sections, the Town and subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, 10% of the check deposit or performance bond shall not be repaid to the subdivider until one year following the completion, inspection and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.

§ 1-33. Modifications.

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

§ 1-34. Inspections.

Periodic inspections during the installation of improvements shall be made by the Subdivision Inspector to ensure conformity with the approved plans and specifications as contained in the subdivider's contract and this chapter. The subdivider shall notify the Subdivision Inspector when each phase of improvements is ready for inspection. At least five days prior to

commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required as determined by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the guaranty as designated in the subdivider's contract to cover the cost of such completed work.

§ 1-35. Acceptance.

When the Subdivision Inspector, following final inspection of the Subdivision, certifies to the Planning Board and the Town Board that all installation and improvements have been completed in accordance with the subdivider's contract, and after the appropriate legal review and satisfaction of any requirements of legal counsel, the Town Board may, by resolution, proceed to accept the facilities for which guaranty has been posted.

ARTICLE VI Miscellaneous Provisions

§ 1-36. Penalties for Offenses.

A. A violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both such fine and imprisonment for a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both such fine and imprisonment; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment not to exceed six months, or both such fine and imprisonment. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purposes only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional offense.

B. In addition to the penalties provided by statute, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

ARTICLE VII Cluster Development

§ 1-37. Authority.

The Planning Board is authorized and empowered pursuant to Section 278 of the Town Law to modify certain provisions of the Zoning Law as allowed by this Article, simultaneously with the approval of any subdivision application within the Town.

§ 1-38. Applicable Provisions.

The Planning Board may consider, or require, applications for Major Subdivisions which include the following deviations from the Zoning Law for any one of the following purposes:

- (1) to eliminate side and rear yard requirements to allow for innovative attached housing types;
- (2) to reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;
- (3) to reduce road frontages to allow cul-de-sacs;
- (4) to reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

§ 1-39. General Criteria for Cluster Development.

The Planning Board may allow, or require, Cluster Development when the proposed development:

- (1) will be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan and this Law;
- (2) complies with all applicable provisions of the Zoning Law, except as modified pursuant to the authority of this Law;
- (3) will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
- (4) will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;
- (5) will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
- (6) will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

§ 1-40. Required Clustering.

Cluster Development may be required by the Planning Board to meet any one of the following objectives:

- (1) The clustering of development will reserve open space, recreational areas, large groves of trees, water courses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the Comprehensive Plan.

- (2) The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the Comprehensive Plan.
- (3) The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

§ 1-41. Determination of Overall Development Density.

Cluster Development Subdivision applications shall include the submission of a Sketch Plat showing a conventional, unclustered subdivision which complies with all provisions of the zoning district in which it is located. The purpose of this Sketch Plat shall be to aid the Planning Board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the zoning law. All lots on the Sketch Plat shall be buildable lots. The Planning Board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a Cluster Development Subdivision.

§ 1-42. Approval of Cluster Open Space.

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the Planning Board.

§ 1-43. Use of Cluster Open Space.

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the Planning Board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

§ 1-44. Undedicated Cluster Open Space.

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.) I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2012 of the Town of Alexandria was duly passed by the Town Board on August 8, 2012, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20 ___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 ____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November __, 20 ____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Ellen Peck, Clerk, of the
Town of Alexandria

Date: 8/09/12

(seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Town Attorney

Title

Town of Alexandria

Date: 8/9/12