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ARTICLE I

General Provisions

§ 103-1. Title.

These regulations shall be known as the “Land Subdivision Regulations of the Town of Owego.

§ 103.2 Purposes.

Pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Owego is authorized and empowered within that part of the Town of Owego outside the limits of the Incorporated Village of Owego:

- A. To approve plats showing lots, blocks or sites, with or without streets and highways.
- B. To conditionally approve preliminary plats.
- C. To pass and approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk.
- D. To modify applicable residential provisions of the Zoning Ordinance simultaneously with the approval of residential plats.
- E. To permit variations of the general requirements by the Board, on application, when in its judgment special factors warrant such a variation.

§ 103-3. Town policy.

It is declared to be the policy of the Town of Owego to further the purpose of promoting the health, safety, morals and general welfare of the community and in order to further a comprehensive and planned development of the entire area of the Town of Owego and its future growth protection and development. Further, it is declared to be the policy of the Town of Owego to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. Such subdivision plats shall be guided and regulated in such a manner as to meet the following requirements:

- 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, erosion or other menace.
- B. Proper provision shall be made for drainage, water supply, sewage disposal and other utility services and needed improvements.
- C. Proposed streets shall provide a safe, convenient and functional system for vehicular traffic.
- D. Streets shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses.

- E. Buildings, lots, blocks and streets shall be so arranged as to afford adequate light, view and air; to provide adequate off-street parking and loading areas; to provide safe vehicular egress; to facilitate fire protection; and to provide access for fire-fighting equipment to buildings.
- F. Land shall be developed with due regard to topography, so that the natural beauty of the land and vegetation shall be protected and enhanced.
- G. Adequate sites for schools, parks, playgrounds and other community services shall be located so that residents of all neighborhoods shall have convenient and safe access to such facilities.

§ 103-4. Conformance required.

Except as hereinafter provided, no land shall be subdivided unless in conformity with these Subdivision Regulations.

A R T I C L E I I
Definitions

§ 103-5. Words and terms defined.

- A. Except where specifically defined herein, all words used in these Subdivision Regulations shall carry their customary meanings.
- B. For the purpose of these regulations, certain words used herein are defined as follows:

BOND --- A performance bond issued by a bonding or surety company approved by and with security acceptable to the Town Board or a performance bond duly issued by the developer-obligor accompanied by security in the form of cash, certified check, United States Government bonds or other security acceptable to the Town Board.

BUILDING — A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattels.

CONDITIONAL APPROVAL OF A FINAL PLAT — Conditional approval by the Planning Board of a final plat is the approval of a final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and the recording of the plat in the office of the County Clerk in accordance with the provisions of this chapter.

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

ENFORCEMENT OFFICER — The person appointed by the Town Board as enforcement officer or such other person as may be designated by the Town Board to perform the duties herein conferred on the enforcement officer.

FINAL PLAT — A drawing prepared in a manner prescribed by a professional engineer or land surveyor, showing a proposed subdivision and containing in such additional detail as shall be provided for by the Planning Board all information required to appear on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been so approved.

FINAL SUBDIVISION PLAT — A final plat with any required revisions incorporated and all necessary approvals indicated thereon.

GRADE — Mathematical rate of ascent or descent from one point to another.

GRADE, FINISHED — Completed surfaces of ground, lawns, walks, paved areas and streets brought to grades as shown on plans relating thereto or in existence at the time the certificate of occupancy is issued.

IMPROVEMENTS, PERMANENT — Any installation, structure, implement, device or part thereof, such as but not limited to sanitary sewer pipes, curbs and gutters, storm sewer pipes, manholes, catch basins, lateral sewers, bridges, water pipes, valves, pumps, open or enclosed culverts or any other facility which is or will be located on or in public property or could become public responsibility.

LOT — Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces *as are* required, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street or other means of access as may be determined by the Planning Board to be adequate as a condition for the issuance of a building permit for a building on such land.

LOT, DOUBLE-FRONTAGE — A lot whose rear and front lot lines abut existing or proposed streets.

LOT, REVERSE-FRONTAGE — A lot whose rear lot line abuts an existing or proposed limited-access highway.

MASTER PLAN — The comprehensive Master Plan for the development of the town, prepared by the Planning Board pursuant to § 272-a of the Town Law and including any part of such plan separately prepared and any amendment to such plan.

OWNER — The owner of the land proposed to be subdivided or his authorized agent.

PLANNING DIRECTOR — The person appointed by the Town Board as Planning Director to administer the Subdivision Regulations and to perform such other duties as may be assigned to him by the Planning Board.

PRELIMINARY PLAT — A drawing prepared in a manner prescribed by a professional engineer or land surveyor, showing the layout of a proposed subdivision, including but not

restricted to road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

PRELIMINARY PLAT APPROVAL - Approval by the Planning Board of a preliminary plat is the approval of the layout of a proposed subdivision as set forth in a preliminary plat, but subject to approval of the plat in final form in accordance with the provisions of this chapter.

PRELIMINARY SUBDIVISION PLAT — A preliminary plat with any required revisions incorporated and all necessary approvals indicated thereon.

RESIDENTIAL LOT or RESIDENTIAL BUILDING PLOT — Any parcel of land of five (5) acres or less, any point on the boundary line of which is less than one-half ($\frac{1}{2}$) mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes.

SCREEN PLANTING — Planting of trees and bushes with the object of minimizing visibility, sound and through access, as required by the provisions of the Zoning Ordinance or the Planning Board.

SERVICE DRIVES — Minor private ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

SKETCH PLAN — A sketch of a proposed subdivision, not necessarily to exact scale, indicating salient existing features of a parcel and its surroundings and the general layout of a proposed subdivision, to enable the subdivider and the Planning Board to reach general agreement as to the form and layout of the subdivision preliminary plat in meeting the objectives of these regulations.

STANDARDS — The size, volume, area, shape, grade and/or other limiting factors, whether minimum or maximum, as set forth herein.

STREET — Any public way for vehicular traffic which affords the principal means of access to abutting properties.

STREET CENTER LINE – A line midway between and parallel to two (2) street property lines.

STREET, COLLECTOR — A street which carries traffic from minor streets to a major system of arterial highways.

STREET, CUL-DE-SAC — A street with only one (1) vehicular traffic outlet.

STREET, MAJOR — A street used primarily for fast or heavy traffic, usually with complete or partial control over access from abutting properties.

STREET, MARGINAL ACCESS — A minor street parallel to and adjacent to a major street, which provides access to abutting properties.

STREET, MINOR — A street used primarily for access to the abutting properties.

STREET PAVEMENT — The paved surface of the roadway between curbs, used for vehicular traffic.

STREET, RURAL — A street used primarily for access to the abutting properties located in a subdivision of lots not less than five (5) acres and not connecting to a street having curbs and gutters.

STREET WIDTH — The width of the right-of-way, measured at right angles to the center line of the street.

SUBDIVIDER — Any person, firm, corporation, partnership or association, or his or their authorized agent, who shall propose to lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein.

SUBDIVISION — The division of any tract of land into two (2) or more parcels for sale or for division of land for agricultural purposes into two (2) or more parcels and which does not involve the creation of a new street or highway.

SUBDIVISION, MAJOR — A subdivision containing five (5) or more parcels along any existing or proposed street(s), highways(s), easements(s) or right-of-way or rights-of-way or any subdivision requiring creation of a new street or extension of municipal facilities. A tract of land shall constitute a “major subdivision” upon the sale, rental or offer for sale or lease of the fifth residential lot or residential building lot there from within any consecutive five-year period, and upon that event all provisions applying to “major subdivisions” shall apply to all such parcels thereof, including the first four (4) parcels, regardless of whether said parcels have been sold, rented or offered for sale or lease, singly or collectively.

TOWN ENGINEER — The duly appointed Town Engineer of the Town of Owego, New York, or a consulting professional engineer retained by the Town of Owego.

TRACT — Any body of land, including contiguous parcels of land under one (1) ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

A R T I C L E I I I

Subdivision Approval Procedure

§ 103-6. Basic requirements.

Whenever any subdivision or resubdivision of land is proposed to be made, before any contract for sale of any part thereof and before any permit for erection of a structure in such proposed subdivision shall be granted, the owner shall apply in writing to the Planning Board for and secure approval of the proposed subdivision in accordance with the following procedure.

ARTICLE IV
Sketch Plan Procedure

103-7. Submission of sketch plan.

The owner shall, prior to subdividing or resubdividing land, submit to the Planning Director at least fifteen (15) days prior to the regular meeting of the Planning Board two (2) copies of a sketch plan of the proposed subdivision and development data, for the purpose of preliminary discussion.

§ 103-8. Contents of sketch plan.

The sketch plan shall be either on a topographical survey map or on an enlargement of the most recent United States Geological Survey quadrangle sheet enlarged to a scale of one (1) inch to two hundred (200) feet and showing contours at not more than ten-foot intervals and the following:

- A. The subdivision name or title and the name of the town and county in which it is located and the scale, North point and date.
- B. The name and address of the owner, subdivider and professional advisor.
- C. The subdivision boundaries and approximate boundaries of all contiguous properties and the names of their owners.
- D. All existing restrictions on the use of land, including easements, covenants and zoning lines.
- E. The location of that part which is to be subdivided, in relation to the entire tract, and the distance to the nearest existing street intersection.
- F. All existing structures, wooded areas, streams and other significant physical features, within the part to be subdivided and within two hundred (200) feet.
- G. All the utilities available and all streets which are either proposed, mapped or built.
- H. The proposed pattern of lots (including lot width and depth), the street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.

§ 103-9. Development data.

Supporting development data shall comprise information concerning:

- A. The land characteristics of the site.
- B. The availability of existing and proposed utilities, schools, parks and playgrounds.
- C. The total acreage of the subdivision and the number of lots proposed.
- D. The typical width and depth of lots.
- E. The building types, approximate size and cost.

§ 103-10. Discussion of requirements.

The owner shall attend a Planning Board meeting to discuss the requirements of these Subdivision Regulations. The Planning Board shall study the sketch plan to determine whether or not it conforms to or would be in conflict with the Zoning Ordinance, the Master Plan, the developments proposed by any public agency, the existing private and public development, facilities and services and the purposes of these regulations, including reservations of land, street improvements, drainage, sewerage, water supply, fire protection and availability of services, and any special problems that may be encountered.

§ 103-11. Study.

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

A R T I C L E V
Major Subdivisions

§ 103-12. Discussion prior to submission.

Prior to making application to the Planning Board for consideration of a preliminary subdivision plat, the owner shall discuss the plat with the state, county and local agencies listed in §103-13, §103-15, §103-16 and §103-17 of this chapter.

§ 103-13. Discussion with state agencies.

- A. The owner shall discuss the preliminary plat with the District Engineer of the New York State Department of Health if the proposed subdivision consists of five (5) or more lots.
- B. The owner shall make any changes to the plans required by the State Department of Health prior to submission to the Planning Board.

§ 103-14. Soil percolation tests.

If the proposed subdivision is to use a form of subsurface leaching for waste disposal, soil percolation tests shall be made and the results submitted to the Planning Director with the preliminary plat.

§ 103-15. Discussion with Planning Director.

If the proposed subdivision involves installation of a sewer system or water supply system, the owner shall discuss the preliminary plat with the Planning Director.

§ 103-16. Discussion with County Highway Superintendent.

The owner shall discuss the preliminary plat with the County Highway Superintendent if the proposed subdivision is within three hundred (300) feet of an existing or proposed county highway. The owner shall make any changes to the plans required by the Highway Superintendent prior to submission to the Planning Board.

§ 103-17. Discussion with State Transportation Department Engineer.

The owner shall discuss the preliminary plat with the New York State Department of Transportation District Engineer if the proposed subdivision is within three hundred (300) feet of an existing or proposed state highway. The owner shall make any changes to the plans required by the District Engineer prior to submission to the Planning Board.

A R T I C L E V I
Preliminary Plat for Major Subdivision

§ 103-18. Application.

Prior to the filing of an application for approval of a major subdivision plat, the owner shall file an application for the consideration of a preliminary subdivision plat. The preliminary subdivision plat shall comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law and with these regulations, except where a waiver may be specifically authorized by the Planning Board.

§ 103-19. Number of copies.

Two (2) copies of the preliminary subdivision plat shall be presented to the Planning Director at least fifteen (15) days prior to the monthly meeting of the Planning Board. These plats shall be clearly marked "preliminary plat." Plat plans shall be submitted on standard twenty-four-by-thirty-six-inch sheets.

§ 103-20. Preliminary data.

Information listed under §§ 103-21, 103-22, and 103-23 of this chapter shall be submitted for consideration for conditional approval of a preliminary subdivision plat.

§ 103-21. Information required on all maps and drawings.

The following information shall be required on all maps and drawings:

- A. The subdivision name or title, the name of the town and county in which it is located and the scale, North point and date.
- B. The name and address of the owner, subdivider and engineer or land surveyor, including license number and seal.
- C. The drawing sheet size should be standard twenty-four by thirty-six (24 x 36) inches.

D. The maximum scale shall be one (1) inch to one hundred (100) feet.

§ 103-22. Information required on key location diagram.

The following information is required on the key location diagram:

- A. The scale shall be one (1) inch to four hundred (400) feet.
- B. The subdivision location and boundaries.
- C. The boundaries of surrounding zoning districts.
- D. The location of adjoining tracts, subdivisions and property lines, existing and proposed streets, easements, buildings, watercourses, marshes, wooded areas and public facilities.
- E. All property held by the owner and subdivider.
- F. If the application covers only part of the owner's or sub-divider's entire holding, the entire tract shall be drawn showing an outline of the area to be platted with its proposed streets, and an indication of the probable future street system with its grades and drainage in the remaining part of the tract and the probable future drainage layout of the entire tract shall be submitted.

§ 103-23. Information required on preliminary plat map.

The following information is required on the preliminary subdivision plat map:

- A. The zoning districts, including the exact boundary lines of the district if more than one (1) district, and any proposed changes in zoning district lines and also showing use, area, height, coverage and other regulations.
- B. The names of all adjoining property owners and the names of adjoining developments.
- C. Contours with intervals of not more than five (5) feet; however, if the grade at any point is less than five percent (5%), contours shall be at two-foot intervals for that area. The datum plane for all topographic information shall be that of the United States Geological Survey. An approximate grading plan shall be submitted if existing contours are to be changed more than five (5) feet.
- D. The 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.
- E. The location and dimensions of existing and proposed property lines, including the entire area proposed to be subdivided and the remainder of the tract belonging to the owner.

- F. All pertinent features, including existing or proposed structures, streets, railroads, water bodies, streams, swamps, large trees, rock outcroppings, parks, playgrounds, green areas and other open space and screen plantings and street trees, *giving* the size and type of trees to be used.
- G. The location, width and approximate grade and names of all proposed streets. Elevations shall be shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in slope or direction.
- H. The approximate location, dimensions, area and number of all lots and blocks, proposed and existing.
- I. The approximate location and dimensions of all property to be dedicated for public use and the conditions of such dedication.
- J. 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 private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to a public street or open space shown on the subdivision plat.
- K. The location of existing sewers, water mains, storm drainage and culverts, with pipe sizes and direction of flow, both on the property and adjacent.
- L. The location of existing utilities, on the property and adjacent, including gas lines, fire hydrants, electric and telephone facilities and streetlights.
- M. The proposed provision of water supply, fire protection, disposal of sanitary wastes, stormwater drainage and sidewalks.
- N. The location of soil percolation tests.
- O. Any other data required by the Planning Board.

§ 103-24. When officially submitted.

The time of submission of the preliminary subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at which such plan is considered.

§ 103-25. Study by Planning Board.

- A. The owner and subdivider shall attend the meeting of the Planning Board to discuss the preliminary subdivision plat.
- B. The Planning Board shall review the preliminary subdivision plat submitted for conformity with these Subdivision Regulations, taking into consideration the prac-

ticability of the layout, the requirements of the community and the best use of the land being subdivided.

- C. Particular attention shall be given to the arrangement, location and width of streets, the length of blocks without cross streets, their relation to topography, water supply, sewage disposal, drainage, lot size and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Master Plan, Zoning Ordinance, Sewer Ordinance and Water Ordinance.

§ 103-26. Approval.

- A. Within forty-five (45) days after the receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing. This hearing shall be advertised as prescribed by law. Within forty-five (45) days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat, and the grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. Notwithstanding the foregoing provisions of this chapter, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such preliminary plat it shall be certified by the Secretary of the Planning Board as being granted preliminary approval, and a copy shall be filed in his office and a certified copy mailed to the owner.
- B. When granting approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to:
 - 1) Specific changes which it will require in the final subdivision 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 public health, safety, morals and general welfare.
 - 3) The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat.
- C. The action of the Planning Board, plus any conditions attached thereto, shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the owner and one (1) retained by the Planning Board.
- D. Approval of a preliminary subdivision 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 subdivision plat as a guide to the preparation of the final subdivision plat which will be submitted for approval of the Planning Board upon fulfillment of the requirements of these regulations and the conditions of the approval of the preliminary plat.

ARTICLE VII
Final Subdivision Plat

§ 103-27. Endorsement by other agencies.

Prior to official submission of the subdivision plat to the Planning Board, the owner shall submit the plat to the appropriate state, county and local agencies and shall secure their endorsement and approval. Applications for approval of plans for sewer or water facilities will be filed by the owner with all necessary local, county and state agencies.

§ 103-28. Approval of water and sewer facilities by health officials.

Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the District Engineer of the New York State Department of Health.

§ 103-29. Review by Planning Director.

The subdivision plat shall be reviewed by the Planning Director for compliance with these Subdivision Regulations and the Master Plan, Zoning Ordinance, Sewer Ordinance and Water Ordinance.

§ 103-30. Endorsement of County Public Works Department.

If any part of the proposed subdivision is within three hundred (300) feet of an existing or proposed county highway, the subdivision plat must be submitted to the County Highway Department Superintendent for endorsement and approval.

§ 103-31. Endorsement by State Transportation Department.

If any part of the proposed subdivision is within three hundred (300) feet of an existing or proposed state highway, the subdivision plat must be submitted to the District Engineer of the New York State Department of Transportation for endorsement and approval.

§ 103-32. Application for approval.

- A. The owner shall, within six (6) months after the date of the transmittal letter returning the plat showing the conditional approval of the preliminary subdivision plat, file with the Planning Board an application for approval of the subdivision plat in final form. If the final plat is not submitted within such time after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat and may require a resubmission of the preliminary plat.
- B. The application shall:
 - 1) Be made on the appropriate forms provided by the Planning Board.
 - 2) Include the entire subdivision or that part for which the owner is requesting subdivision approval.
 - 3) Comply in all respects with the conditionally approved preliminary subdivision plat.
 - 4) Be accompanied by the construction detail drawings.
 - 5) Be endorsed by the District Engineer of the State Department of Health.

- 6) Be endorsed by the County Highway Superintendent if the proposed subdivision is within three hundred (300) feet of an existing or proposed county highway.
- 7) Be endorsed by the New York State Department of Transportation District Engineer if the proposed subdivision is within three hundred (300) feet of an existing or proposed state highway.
- 8) Include offers of cession to all streets, parks and public areas.
- 9) Include any other information which the Planning Board considers pertinent.

§ 103-33. Number of copies.

An owner intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Planning Director with a copy of the application and two (2) copies of the plat, on standard twenty-four-by-thirty-six-inch sheets, the original and one (1) true copy of all offers of cession, covenants and agreements and two (2) prints of all construction detail drawings, at least fifteen (15) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

§ 103-34. Construction detail drawings.

- A. For conditional approval, the final subdivision plat shall be accompanied by separate construction detail sheets, at a maximum scale of one (1) inch equals fifty (50) feet, which shall be submitted to the Planning Board.
- B. All plans shall conform to the following specifications and shall be subject to the approval of the Planning Director:
 - 1) Plans and profiles shall show existing proposed elevations along center lines of all streets within the subdivision and, where a proposed street intersects an existing street, the elevation along the center line of the existing street within one hundred (100) feet of the intersection.
 - 2) Plans and profiles shall show the locations of street pavements, including curbs, gutters, sidewalks, manholes and catch basins and including preliminary design of any bridges or culverts which may be required.
 - 3) Plans shall show the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, water mains and fire hydrants.
 - 4) Plans shall show the location and size of *gas*, electricity, telephone and other utilities or structures.

§ 103-35. Soil percolation tests.

Soil percolation tests shall be required to be conducted in all proposed subdivisions for conditional approval, where no public sewers are available, as follows:

- A. Soil percolation tests shall be conducted according to the most recent standards set by the State Department of Health.
- B. Tests should be made to ascertain the surface soil, rock and groundwater conditions, the depth to groundwater, unless the test pits are dry at a depth of five (5) feet below finished grade, and the location and results of soil percolation tests if individual sewage disposal is contemplated.
- C. Tests will be required on a basis of one (1) test for each twenty thousand (20,000) square feet of area in said subdivision but in no case less than three (3) test holes remote from each other. Tests shall be conducted in what the Engineer considers a logical pattern.
- D. The enforcement officer shall be notified of the time such tests are to be taken and may be privileged to observe tests at any time or may require further testing or soil investigation if there is any question about results or findings.
- E. Soil test results shall appear on the final subdivision plat which is to be approved and recorded.

§ 103-36. Other supporting data.

Other supporting data for final approval shall be submitted *as follows*:

- A. Updated data from the sketch plan submission.
- B. Rezoning of planned unit development standards affecting proposed subdivision, if any.
- C. Time schedule of operations.
- D. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

§ 103-37. 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 which such plan is considered.

§ 103-38. Public hearing.

- A. Before final approval of the subdivision plat is given, a public hearing shall be held by the Planning Board within forty-five (45) days after the official time of submission of the subdivision plat for approval. This hearing shall be advertised as prescribed by law.
- B. The owner, subdivider and/or their representatives shall attend the public hearing to be able to answer any questions concerning the subdivision plat.
- C. The public hearing will be closed after all interested parties have been heard.
- D. However, when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under § 103-26 of this chapter and modified in accordance with the requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing. The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within forty-five (45) days of its receipt by the

Clerk of the Planning Board if no such hearing is held or, in the event such hearing is held, within forty-five (45) days after the date of such hearing. Notwithstanding the foregoing provisions of this chapter, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board.

- E. Upon a resolution of conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to *sign* the plat subject to completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution the plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the owner, including a certified statement of such requirements which when completed will authorize the signing of the conditionally approved final plat. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as completed.

§ 103-39. Planning Board action.

- A. After careful study, the Planning Board shall, within forty-five (45) days from the public hearing, approve, modify or disapprove the subdivision plat. The grounds for disapproval of any plat shall be stated in the minutes of the meeting of the Planning Board at which such action was taken.
- B. The Planning Board shall state in writing the character and extent of public improvements required for which waivers may have been requested by the owner and which in the judgment of the Planning Board may be waived without jeopardy to the public health, safety and general welfare. The Planning Board minutes shall show the specific reasons for the waivers, being careful to ascertain that these waivers are due to particular characteristics of this subdivision and are not generally found among other subdivisions.
- C. If the subdivision plat is rejected, the owner may make corrections and/or file the required information. The Planning Board will have the power of decision as to whether a further public hearing is necessary.
- D. The action of the Planning Board shall be noted on two (2) copies of the subdivision plat. One (1) copy shall be returned to the owner and the other retained by the Planning Board.
- E. Approval of a subdivision plat shall expire two (2) years from the date of approval if no substantial construction of the subdivision has been accomplished. An extension for a period of one (1) year may be granted by the Planning Board upon application, unless changed conditions or new information indicate the unsuitability of the development as shown on the subdivision plat.

§ 103-40. Final subdivision plat approval.

- A. The final subdivision plat shall conform substantially to the approved preliminary subdivision plat.
- B. The Planning Board may permit the final subdivision plat to be divided into sections, subject to such conditions as it deems necessary to assure orderly development of the subdivision.

- C. Any subdivision, or section thereof, which has not been recorded within three (3) years of the recording of the previous section, shall be subject to complete review of the Planning Board for such action as it deems necessary.
- D. A certificate by a professional engineer that any required improvements constructed by the owner have been designed and inspected and meet the minimum standards in these regulations or as otherwise required by law.
- E. A performance bond, approved by the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety, for the completion of such required improvements as have not been constructed.
- F. Offers of cession, in a form certified as satisfactory by the Town Attorney, of all land to be dedicated for streets, easements, parks and other facilities.
- G. Drawings, certified by a land surveyor, showing the location of all required improvements that may have been constructed prior to final plat submission.

§ 103-41. Plat data.

The following information shall be submitted for consideration on a final major subdivision plat:

- A. All information required on the preliminary subdivision plat, updated and accurate, indicating actual layout, areas and dimensions of the subdivision.
- B. The street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- C. Sufficient data acceptable to the enforcement officer to determine readily the location, bearing and length of every street line, lot line and 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.
- D. The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All dimensions shall be shown in feet and decimals of a foot and shall be given together with all angles of the lines of each lot and lot area in square feet.
- E. The location, dimensions and names of all sites for multifamily, commercial, industrial, public and nonpublic uses.
- F. The boundaries and proposed uses of all property which is offered for dedication for public use.
- G. The boundaries and proposed *uses* of all property that is proposed to be reserved by deed or covenant for the common use of property owners in the subdivision.
- H. The location, material and size of all monuments.

§ 103-42. Performance bond.

Before any subdivision plat can be approved by the Planning Board, the owner shall file either a performance bond or a certified check as follows:

- A. The owner shall file with the Town Board a bond in the amount estimated by the Planning Director to secure the satisfactory construction and installation of the uncompleted parts of all required improvements.

- B. The bond shall guarantee the construction and installation of all streets and other required improvements in accordance with standards and requirements set forth in these regulations.
- C. The Planning Board shall specify the time period within which the required improvements must be completed, and this period shall be expressed in the bond.
- D. In the event that any of the required improvements have not been completed under the terms of the bond, the Town Board, upon recommendation of the Planning Director, shall declare the bond to be in default and shall collect the sum remaining payable hereunder.
- E. The bond shall provide that an amount determined adequate by the administrative officer shall be retained for a period of one (1) year after the date of completion of the required improvements, to assure their satisfactory condition.

§ 103-43. Offers of cession and release.

- A. Formal offers of cession by the owner of all streets, rights-of-way, parks and other sites for public use shall be presented to the Planning Board prior to subdivision plat approval.
- B. Notation shall be made on the subdivision plat of any streets, rights-of-way, parks and other sites specifically reserved by the owner and for which formal offers of cession to the public are not made.
- C. The subdivision plat shall be endorsed with the necessary agreements in connection with required easements or releases.

§ 103-44. Approval requirements.

- A. After careful study, the Planning Board shall, within forty-five (45) days from the date of the public hearing on the final subdivision plat, approve or disapprove the plat.
- B. If the final plat is disapproved, the grounds for such action shall be stated in the records of the Planning Board, and a copy of such decision shall be sent to the owner.
- C. Every final subdivision plat shall carry the following endorsement:

“Approved by resolution of the Planning Board of the Town of Owego, New York, on the _____ day of _____, 20____, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval.

Signed this _____ day of _____, 20_____

By _____ and _____
Chairman Secretary

- D. If the final plat is approved, the authorized officers of the Planning Board shall sign the original and copies of the plat in the appropriate place.
- E. One (1) approved copy shall be retained by the Planning Board.

§ 103-45. Filing of documents.

If the final subdivision plat is approved, the owner shall:

- A. File one (1) approved linen copy of said final plat, or a section thereof, with the County Clerk's office within thirty (30) days from the date of approval, or the approval of the subdivision plat will be void.
- B. File one (1) approved twenty-four-by-thirty-six-inch linen copy with the Town Clerk within thirty (30) days.
- C. File one (1) approved twenty-four-by-thirty-six-inch paper copy with the Town Assessor.
- D. File one (1) approved twenty-four-by-thirty-six-inch paper copy and one (1) approved twenty-four-by-thirty-six-inch reproducible Mylar copy with the Planning Director before any building permits can be issued. One (1) complete set of all construction drawings shall be filed with the enforcement officer.
- E. Within thirty (30) days from the recording of the final subdivision plat or any approved section thereof, the owner shall file with the Planning Board a photostatic copy of the plat certified by the County Clerk to be a true copy of the recorded plat.

§ 103-46. Post-approval revisions prohibited.

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

§ 103-47. Legal data required.

The owner shall submit the following data to the Planning Board before any subdivision plat can be approved, and before acceptance the Town Attorney shall certify as to their legal sufficiency:

- A. A deed description and a map of survey of the tract boundary made and certified by a licensed land surveyor and, where practicable, tied into established boundary monuments.
- B. Offers of cession by the owner dedicating streets, rights-of-way and any sites for public uses (and notation of streets, highways and parks specifically reserved to the owner and for which formal offers of cession to the public are not made).
- C. Copies of agreements or other documents showing the manner in which areas reserved by the owner are to be maintained.
- D. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in the enforcement of these regulations.

A R T I C L E V I I I
General Requirements and Design Development Standards

§ 103-48. Minimum standards established.

The Planning Board, in considering an application for the subdivision of land, shall be guided by the following planning and design development standards. These standards shall be considered to be minimum requirements.

§ 103-49. Exceptional conditions.

Where the Planning Board finds that because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site or because of the special nature and character of surrounding developments, the minimum standards specified herein would not reasonably protect or provide for the public health, safety or welfare, special engineering designs shall be required to protect the public health, safety and comfort by the Planning Board.

§ 103-50. Modification of required improvements.

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.

§ 103-51. Modification of zoning provisions.

To enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities and to preserve the natural and scenic qualities of open lands, the Planning Board may modify the residential zoning provisions simultaneously with the subdivision approval, subject to the following:

- A. The owner shall make written application for the use of this procedure, which may be followed at the discretion of the Planning Board.
- B. The owner shall submit a proposed site plan showing areas where structures will be located, the height and spacing of buildings, open spaces and their landscaping, off-street, open and enclosed parking spaces, streets, driveways and all other physical features of the proposed development.
- C. The owner shall submit a statement setting forth the nature of such modifications, changes and supplementation of existing zoning provisions.
- D. This procedure shall be applicable to lands zoned for residential purposes, and its application shall result in a permitted number of dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Zoning Ordinance applicable to the district in which such land is situated and conforming to all other applicable requirements.
- E. At the discretion of and subject to any conditions which the Planning Board may impose, the dwelling units permitted may be detached, attached or multistory structures.
- F. If this procedure results in a subdivision plat showing lands available for parks, open spaces or other municipal purposes, then the Planning Board, as a condition of plat approval, shall establish such conditions on the ownership, use and maintenance of such

lands as it deems necessary to assure the preservation of such lands for their intended purposes.

- G. Before any such modification is made in the zoning regulations, there shall be a public hearing on the proposed site plan, as required by law.

§ 103-52. Planned unit development.

The standards and requirements of these Subdivision Regulations may be modified by the Planning Board in the case of a planned unit development which in its judgment provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

§ 103-53. Conditions to waivers or modifications.

- A. In granting waivers or modifications, the Planning Board shall require such reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified.
- B. No such waivers may be granted if it would have the effect of nullifying the intent and purpose of the Zoning Ordinance, the Master Plan or these subdivision regulations.

§ 103-54. 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 flood, fire or other menace.

§ 103-55. Conformance with Master Plan and zoning requirements.

Subdivisions, including streets and parks, shall conform to and be in harmony with the Master Plan and the Zoning Ordinance.

**ARTICLE IX
Streets**

§ 103-56. Width, location and construction.

Streets shall be suitably located, of sufficient width and adequately constructed to accommodate the prospective traffic and to afford satisfactory access to police, fire-fighting, snow-removal and other road maintenance equipment. The arrangement of streets shall be such as not to cause undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

§ 103-57. Arrangement.

The arrangement, width, grade and location of all streets shall conform to the Master Plan and any plan for the neighborhood approved by the Planning Board and shall be considered in relation to existing and planned streets, to topographic conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such street.

§ 103-58. Minor and rural streets.

Local, minor and rural streets shall be planned so that their use by through traffic will be discouraged.

§ 103-59. Relation to topography.

- A. Streets shall be logically related to the topography of the property, and all streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of streets.
- B. The grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.

§ 103-60. Land abutting major streets or certain sights-of-way.

- A. Where a subdivision abuts or contains an existing or proposed major street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- B. Where the subdivision abuts or fronts onto a major street, sidewalks shall be required of a size and type to be approved by the Planning Board.
- C. Where a subdivision borders on or contains a railroad right-of-way or limited-access-highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

§ 103-61. Provision for future resubdivision.

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Planning Board may require that streets

and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

§ 103-62. Reservation of land for street widening or realignment.

Where the subdivision borders on an existing street and the Master Plan, the County Superintendent of Highways or the Town Superintendent of Highways indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Board shall require that such areas be shown and marked on the subdivision plat as "reserved for street realignment (or widening) purposes."

§ 103-63. Building setback.

The minimum building setback shall be thirty (30) feet from the front property line.

§ 103-64. Intersections.

- A. Intersections of major streets by other streets shall be held to a minimum and shall be at least eight hundred (800) feet apart, if possible.
- B. Cross-street intersections shall be avoided, except at important traffic intersections.
- C. A distance of at least two hundred fifty (250) feet shall be maintained between offset intersections.
- D. Within one hundred (100) feet of an intersection right-of-way, streets shall be approximately at right angles.
- E. All street intersection corners shall be rounded by curves of at least ten (10) feet in radius at the property line.
- F. Within triangular areas formed by the intersection of two (2) street property lines and a third line joining them at points at a distance of twenty-five (25) feet away from their intersection, 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.

§ 103-65. Half streets and reserve strips.

- A. Half streets shall be prohibited except where it is necessary to provide the remaining half of a previously approved half or narrow street.
- B. Reserve strips controlling access to streets shall be prohibited except where their control is placed with the town under conditions approved by the Planning Board.

§ 103-66. Cul-de-sac.

- A. 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 not less than the minimum lot depth prescribed by the Zoning Ordinance.

- B. 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 twenty-foot-wide easement to accommodate pedestrian traffic or utilities to the next street.
- C. A circular turnaround shall be provided at the end of a permanent cul-de-sac street.
- D. A circular turnaround shall be provided at the end of a temporary cul-de-sac street.
- E. Deed requirements for the temporary turnaround shall be in a form certified as satisfactory by the Town Attorney.
- F. Cul-de-sac streets with divided pavements or center malls shall be prohibited.

§ 103-67. Continuation of streets into adjacent property.

- A. The arrangement of streets shall provide for the continuation of existing streets between adjacent properties where such continuation is necessary for convenient
- B. movement of traffic, effective fire protection, efficient provision of utilities and where such continuation is in accordance with the Master Plan.
- C. 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 turnaround of a minimum of fifty (50) feet in radius shall be provided on all temporary dead-end streets, with the notation on the plat that the land outside the street right-of-way shall revert to abutting lots whenever the street is continued.
- D. The Planning Board may limit temporary dead-end streets to a length not more than double the permitted length of permanent cul-de-sac streets.

§ 103-68. 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 in spelling from other street names so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.

§ 103-69. Design standards and specifications.

Streets shall be designed in accordance with the following:

Standard	Collector	Minor, Marginal and Rural Access	Cul-de-Sac (turnaround fifty-foot radius)
Minimum right-of-way width (feet)	60	50	50
Minimum pavement width, minor/marginal (feet)	40	34	34
Minimum pavement width, rural (feet)	40	24	34
Maximum grade (percent)	8	10	10
Minimum grade (percent)	0.5	0.5	0.5
Minimum radius of curves, inner street line (feet)	500	250	100
Minimum tangent length between reverse curves (feet)	100	No Minimum	No Minimum
Maximum grades within 100 feet of centerline intersections (feet)	2	3	3
Minimum braking sight distance (feet)	200	200	200
Minimum distance between center line offsets (feet)	300	250	250
Maximum length of cul-de-sac (feet)	-	-	400
Minimum outside radius of cul-de-sac pavement to curb (feet)	-	-	40
Angle at intersection of street center lines (degrees)	85-95	85-95	85-95

§103-70. Improvement standards.

Streets shall be improved in accordance with the following:

- A. Collector streets: Forty-foot pavement width minimum, measured between the face of curbs.
- B. Minor streets: thirty-four-foot pavement width minimum, measured between the face of curbs.
- C. Rural streets: twenty-four-foot pavement width minimum, plus four-foot shoulders on each side, measured between the faces of the ditch.
- D. Cul-de-sac streets: thirty-four-foot pavement minimum; minimum radius from center of turnaround to outside edge of pavement forty (40) feet.
- E. Grading and center-line gradients: per plans and profiles approved by the Enforcement Officer.

**ARTICLE X
Blocks and Lots**

§ 103-71. Block planning standards.

- A. The length, width and shape of blocks shall be determined with due regard to:
 - (1) The provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) The Zoning Ordinance requirements as to lot sizes and dimensions.
 - (3) The need for convenient access, circulation, control and safety of street traffic.
 - (4) The limitations and opportunities of topography.
- B. Irregular-shaped blocks or oversized blocks indented by cul-de-sacs, parking courts or loop streets and containing interior block parks or playgrounds will be acceptable when properly designed under the provisions of the planned unit development in the Zoning Ordinance, as determined by the Planning Board. Such blocks shall include adequate off-street parking, facilities for pedestrian access from streets to all lots, proper easements for utility lines and satisfactory provisions for maintenance of park and open space.
- C. Nonresidential blocks intended for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provision for off-street parking and servicing in conformance with the Zoning Ordinance.

§ 103-72. Block design standards.

- A. Block lengths shall not exceed one thousand two hundred (1,200) feet nor be less than six hundred (600) feet. Blocks abutting on designated major streets shall be not less than one thousand (1,000) feet and may exceed one thousand two hundred (1,200) feet.
- B. Blocks over eight hundred (800) feet in length may be required to have a twenty-foot-wide crosswalk easement if necessary to facilitate pedestrian circulation and shall be paved with a walk at least five (5) feet wide.
- C. The minimum block width for two (2) tiers of lots shall be two hundred forty (240) feet or twice the minimum depth as specified in the Zoning Ordinance.
- D. Where double-frontage lots are necessary, the minimum block width shall be two hundred (200) feet.

§ 103-73. Lot planning standards.

- A. Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and in providing access to buildings on such lots from an approved street.
- B. Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use proposed.
- C. Side lot lines shall be either at right angles or radial to street lines, unless a variation from this rule will give a better street or lot plan.
- D. Double-frontage and reverse-frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries. An easement of suitable width, across which there shall be no right of access, may be required by the Planning Board along the line of lots abutting such traffic artery.
- E. The subdivision plan shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final subdivision plat approval.
- F. Corner lots shall have an extra width of at least ten (10) feet more than the minimum lot width specified in the Zoning Ordinance, to permit compliance with building setback requirements.
- G. 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 to limit possible traffic hazards on such street.

§ 103-74. Lot design standards.

- A. Lot dimensions shall at least comply with the standards of the Zoning Ordinance.'
- B. Excessive depth in relation to the width shall be avoided. A proportion of two and one-half to one (2 1/2:1) will normally be considered maximum.
- C. Where lots are more than double the minimum required area for the zoning district, the Planning Board may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots.

ARTICLE XI
Storm Drainage Design Standards

§ 103-75. General requirements.

- A. Storm drainage systems shall be designed by a licensed professional engineer using prudent methods and the most recent information available.
- B. Two (2) sets of drainage system calculations shall be submitted for review and record to the Planning and Zoning Administrator. These calculations shall include the following:
 - (1) Design storm information.
 - (2) Drainage basin area.
 - (3) Development extent.
 - (4) Pipe flow calculations.
- C. Extensive consideration shall be given to retention and detention features in design, and whenever possible, the outfall of the system shall be in the same basin as the system.

§ 103-76. Minimum standards.

- A. Storm drainage systems shall be designed to handle any future development of the basin in which it is situated. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Planning and Zoning Administrator shall review the design and size of the facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Ordinance and watershed.
- B. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. This study shall be reviewed by the Planning and Zoning Administrator. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an

existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

§ 103-77. Storm sewer design.

All pipes shall be sized in accordance with proven engineering practice to handle expected flows, both present and future.

§ 103-78. Pipe strength.

Pipe strength shall be sufficient enough to carry all expected loads and with a minimum loading of H-20.

§ 103-79. Review and approval.

Storm sewer design is subject to review and recommendation by the Planning and Zoning Administrator before approval.

**ARTICLE XII
Water and Sewer System Design Standards**

§ 103-80. Water system design.

All water systems shall be designed in accordance with the Town of Owego Water Ordinance' and the appropriate New York State Department of Health regulations.

§ 103-81. Sewer system design.

All sanitary sewer systems shall be designed in accordance with the Town of Owego Sewer Ordinance and the appropriate New York State Department of Health regulations.

**ARTICLE XIII
Landscaping and Easements**

§ 103-82. Preservation of natural features and trees.

A. The Planning Board shall establish reasonable requirements for the preservation of all outstanding natural features which add to the value of residential developments and to the community. These include large trees or groves, watercourses and falls, beaches, historic spots, exceptional views and similar irreplaceable assets.

B. In preparing a lot for the construction of a residence, the owner or developer shall remove only such trees as will make the construction of a residence unreasonably difficult or expensive

by leaving the said trees in place. No lot shall be cleared of existing trees except on the approval of the Planning Director.

C. On a residential lot there shall be at least two (2) trees.

D. Required trees shall be located at least five (5) feet outside the right-of-way.

E. New trees shall measure at least two (2) inches in diameter as measured at a point six (6) inches above finished grade level.

F. Trees shall be hardy and suitable to local soil and climate and shall be of a species approved by the Planning Board, such as maple, oak, sycamore, plane, fir, spruce, hemlock, birch, ash, hackberry, tulip, maiden fern, linden, locust, alder, dogwood, magnolia, chestnut and hawthorn.

§ 103-83. Utility easements.

A. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements for such utilities shall be provided centered on rear or side lot lines with satisfactory access to the street.

B. Permanent utility easements shall be at least twenty (20) feet in width and shall be so indicated on the plat.

§ 103-84. Pedestrian access easements.

A. The Planning Board, where it deems it necessary, may require perpetual unobstructed easements to facilitate

§ 103-84. Pedestrian access easements.

A. The Planning Board, where it deems it necessary, may require perpetual unobstructed easements to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets.

B. Pedestrian access easements shall be at least twenty (20) feet in width and shall be so indicated on the plat. The Planning Board may require a five-foot-wide paved walk to be installed within the twenty-foot easement.

§ 103-85. Land susceptible to flooding.

Floodplain land, areas bordering on watercourses, drainageways and other lands which cannot be used safely for building purposes without danger to health or peril from flood may be offered as a gift to be used as public open space or for recreational purposes.

ARTICLE XIV
Parks, Playgrounds and Recreation Areas

103-86. Purpose; land required.

- A. The purpose of this Article is to provide an equitable and effective development standard for securing adequate land for parks, playgrounds and recreational purposes in new subdivisions.
- B. Except as hereafter provided, lands comprising at least five percent (5%) but not to exceed ten percent (10%) of the total area to be subdivided shall be reserved for parks, playgrounds or recreational purposes in a location with suitable public access within the subdivision when so required by the Planning Board in accordance with applicable town law.
- C. Land shall be reserved for parks, playgrounds and recreational purposes generally in accordance with the Master Plan and applicable town law. While the plan may show only a general location of such proposed sites, the reservation of land for recreational purposes, when required, must be specifically located and designated on the subdivision plat.
- D. In the event that the Town Board does not approve the dedication of such land, all lands designated on the plat as parks, playgrounds and recreation areas shall be retained in private ownership and shall be subject to such conditions as the Planning Board may establish on - the subdivision concerning access, use and maintenance of such lands as deemed necessary to assure the preservation of such lands for their intended purposes. Such conditions shall be shown on the plat prior to plat approval and recording.

103-87. Areas shown on Master Plan.

Where a proposed park, playground or open space shown on the Master Plan is located in whole or in part in a subdivision, the Planning Board shall require that such area or areas be shown on the subdivision plat. Such area or areas may be dedicated to the town or county by the subdivider if the Town Board approves such dedication.

§ 108-88. Areas not shown on Master Plan.

The Planning Board shall require that the subdivision plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the subdivision plat. Such area or areas may be dedicated to the town or county by the subdivider if the Town Board approves such dedication.

§ 103-89. Information to be submitted.

In the event that an area to be used for a park, playground or recreational purpose is required to be so shown, the subdivider shall submit, prior to preliminary approval, to the Planning Board three (3) prints, at a scale of not less than thirty (30) feet to the inch, of such area and the following features thereof:

- A. The boundaries of said area, giving the lengths and bearings of all straight lines and the radii, lengths, central angles and tangent distances of all curves.
- B. Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.

§103-90. Waiver.

In cases where the Planning Board determines that a suitable park of adequate size cannot be properly located in any subdivision plat or is otherwise not practical due to the size, topography or location of the proposed subdivision, the Planning Board may waive the requirement that the subdivision plat show land for such purposes.

§ 103-91. Trust fund.

- A. In the event the Planning Board finds that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreation purposes but that a suitable park or parks of adequate size to meet the requirements cannot be properly located on such subdivision plat, the Planning Board may require as a condition of subdivision plat approval a payment to the Recreation Land Acquisition and Improvement Trust Fund.
- B. Such payment shall be determined by the Town Board in accordance with an equitable and standard fee schedule related to either the gross area of the subdivision or the number of residential lots within the proposed subdivision.
- C. Such payment shall be paid to the recreation fund at the time of the final subdivision plat approval, and no plat shall be signed by the authorized officers of the Planning Board until such payment is made.
- D. Use of funds.
 - 1) The Recreation Land Acquisition and Improvement Trust Fund shall be used for the acquisition of land that:
 - a) Is suitable for permanent park, playground or other recreational purposes.
 - b) Is so located that it will serve the general neighborhood in which the land covered by the plat lies.

- c) Shall be used only for park, playground or other recreational land acquisition improvements.
- 2) Such money may also be used to rehabilitate or expand existing park or recreational facilities to meet the needs generated by new subdivisions, provided that the Town Board determines such expenditure to be appropriate after careful consideration of all pertinent factors and available alternatives in light of the statutory intent of Town Law §277.

ARTICLE XV Construction Standards

§ 103-92. Streets.

The following specifications shall constitute minimum standards for the construction and improvement of streets in subdivisions:

- A. All streets shall be rough graded the full width of the street in accordance with the typical street cross section included with these regulations.
- B. The base of all major/minor roadbeds shall be a minimum of thirty-four (34) feet in width, and the base of all rural roadbeds shall be a minimum of thirty-two (32) feet, and both shall have a base of run-of-bank gravel at least twelve (12) inches in depth, with an additional two (2) inches of New York State Department of Transportation specification, Item 4, gravel on top. The Board shall require a greater depth if in the opinion of the Town Superintendent of Highways a thicker roadbed is deemed necessary. The base of all streets shall be constructed in accordance with New York State Department of Transportation Specifications, Item 3, Subbase Course, Granular Material, with the following modification: Twenty-five percent (25%) of the material shall be retained on a one inch-square screen, and not more than seven percent (7%) by weight shall pass a two-hundred-mesh sieve. The base course shall be placed in maximum six-inch compacted layers. Before any gravel source can be approved for street construction, representative samples of gravel must be tested by an approved testing laboratory. A copy of New York State Department of Transportation Specifications, Item 3, Subbase Course, Granular Material, as amended above, is appended to this chapter for reference."
- C. Top courses.
 - 1) The subbase, as installed in Subsection B above, shall sit and settle at least one (1) winter until the first day of May following installation.
 - 2) Prior to the installation of the top surface courses, the subbase shall be reshaped and reformed in accordance with the subdivision plans and specifications and the requirements of this chapter.

- 3) Prior to the installation of the top surface courses, a prime coat of oil shall be installed on the subbase.
- 4) The base top surface course shall consist of an asphalt concrete New York State Department of Transportation Specification Type 3 binder plant mix to be installed to a compacted depth of two (2) inches, or a cold mix consisting of sixty percent (60%) No. 2 stone and forty percent (40%) No. 1 stone mixed with twelve (12) gallons per ton of CMS2 installed to a compacted depth of three (3) inches.
- 5) The final top surface course shall consist of New York State Department of Transportation Specifications Type 7, 7F top plant mix to be installed to a minimum compacted depth of one (1) inch.
- 6) All work shall be inspected by the Town of Owego. Plans and specifications for the roads shall be submitted to the Superintendent of Highways at least thirty (30) days prior to any installation or paving for review and/or modification. Notice of any paving shall also be given at least thirty (30) days prior to the date of paving.
- 7) For the year 1987, the top surface courses shall be installed by the Town Highway Department at the developers expense for the following subdivisions:
 - (a) King Point Estates, Section 2.
 - (b) Tioga Terrace, Section 39.
 - (c) Crestview Heights II, Section 11.

D. Concrete curbs and gutters shall be required on all major or minor streets. Curbs and gutters shall be poured integral, with construction joints at least every ten (10) feet and expansion joints at least every sixty (60) feet. Concrete for curbs and gutters shall have a minimum twenty-eight-day compressive strength of three thousand five hundred (3,500) pounds per square inch. Concrete shall be air entrained with a minimum air entrainment of four and one-half percent (4%) and a maximum air entrainment of seven percent (7%).

E. Rural roads may substitute open ditches and driveway culverts with end sections of not less than twenty (20) feet in length in place of concrete curbs and gutters. All plans for open ditches and driveway culverts must be prepared by a professional engineer. Underdrains or catch basins shall be required if, in the opinion of the town, they are deemed necessary. Any storm drains or catch basins that may be required shall meet all of the requirements under §§ 103-93 through and including 103-97.

§ 103-93. Underdrains.

When, in the opinion of the Town Superintendent of Highways, the groundwater conditions in the pavement subgrade are such that an underdrain system is required, he may order its installation at the developer's expense. The underdrain system shall consist of a series of perforated pipe laid in trenches and encased in gravel as directed by the Town Superintendent

of Highways. The underdrain system shall be connected to the storm sewer system at a catch basin or manhole. The Town Superintendent of Highways may, at his discretion, allow bell and spigot storm sewer pipe to be laid with partially opened joints, to act as an underdrain system.

§ 103-94. Inlets and catch basins.

- A. Storm inlets and catch basins shall be required at the intersection of each street, at intermediate points or long blocks and at such other locations as may be required by the Town Superintendent of Highways.
- B. Inlet frames and grates shall be of heavy-duty cast iron as manufactured by the Neenah Foundry Company, Inc., or an approved equal. Standard eighteen-by-thirty-six-inch frames, grates and curb boxes shall be Neenah Catalog No. R-3246-B. Frames, grates and curb boxes shall be painted with tar pitch varnish and shall have a minimum combined weight of five hundred fifty (550) pounds.
- C. Catch basins shall be of precast concrete, poured concrete or concrete block with cemented joints. They shall have minimum inside dimensions of twenty-four by thirty-six (24 x 36) inches. They shall have a sediment chamber extending at least two (2) feet below the invert of the outlet pipe.

§ 103-95. Storm sewer manholes.

- A. Storm sewer manholes shall be installed at all changes in line or grade of storm sewers except where, with the approval of the enforcement officer, storm sewer junctions are made at a catch basin.
- B. Storm sewer manholes shall be of precast concrete or concrete blocks with cemented joints, with a minimum inside diameter of four (4) feet. Flow channels shall be finished smooth and shaped to cause a smooth flow of water through the manhole. Manhole frames and covers shall be of heavy-duty cast iron as manufactured by the Neenah Foundry Company or an approved equal. Standard twenty-four-inch frames and covers shall be Neenah Catalog No. 1642 with Type: C cover and with the cover marked "storm sewer." Manhole frames and covers shall have a minimum combined weight of four hundred (400) pounds, shall have a minimum height of seven (7) inches, shall have machined bearing surfaces and shall be painted with tar pitch varnish. Manhole frames shall be set so that the top conforms to adjacent finished road grade and one-half (1/2) inch below finished grade. Concrete collars shall be poured before paving.

§103-96. Storm sewer pipe shall be either:

- A. Reinforced concrete, meeting ASTM Specification C-76 Minimum Table 3. Joints may be either rubber gasket-or jute and cement mortar.
- B. Corrugated polyethylene pipe, twelve (12) inches to twenty-four (24) inches in diameter, meeting AASHTO Designation M294 with corrugations on the outside and a

smooth inside. Joints shall be coupling type in accordance with AASHTO Designation M294.

C. PVC pipe and fittings.

- 1) PVC pipe and fittings fifteen (15) inches nominal diameter and smaller shall meet the requirements of ASTM D 3034, Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings, (SDR)-35 or ASTM F 789, Type PS-46 Poly (Vinyl Chloride) (PVC) Plastic Gravity Flow Sewer Pipe and Fittings.
- 2) PVC pipe and fittings eighteen (18) inches nominal diameter and larger shall meet the requirements of ASTM F 679, Poly (Vinyl Chloride) (PVC) Large Diameter Plastic Gravity Sewer Pipe and Fittings, (SDR)-35.
- 3) Joints for all PVC pipe shall be a gasketed type meeting the requirements of ASTM D 3212.

D. Asphalt-coated corrugated steel pipe and pipe arches shall meet the requirements of Standard Specifications, New York State Department of Transportation, Section 707-2. Asphalt-coated corrugated steel pipe and pipe arches shall only be allowed under special conditions, and its use will only be allowed with written approval of the Town Superintendent of Highways.

§ 103-97. Storm sewer pipe installation.

A. All storm sewer pipe shall be laid true to line and grade as shown on the construction plans. Unless otherwise directed by the Town Highway Superintendent, all pipe shall be installed on Class B bedding.

B. Pipe bedding material.

- 1) Material used for aggregate pipe bedding material shall meet all the requirements of the New York State Department of Transportation Standard Specifications, Section 703-02, Coarse Aggregate.
- 2) Material for aggregate pipe bedding shall meet the following gradation:

Percentage By Weight

Screen Size (inches)

100
90 to 100
0 to 15

Passing 1
Passing ½
Passing ¼

- 3) Material other than crushed stone or crushed gravel will not be accepted for pipe bedding material.
 - 4) The subgrade shall be to the depth of six (6) inches below the pipe. Aggregate pipe bedding material shall be placed the entire width of the trench bottom in layers not over six (6) inches thick.
 - 5) Polyethylene and PVC pipe shall be filled with aggregate pipe bedding to a point one (1) foot over the top of the pipe. All other pipe materials shall be backfilled in six-inch layers with material approved by the Town Highway Superintendent. Each layer shall be compacted to a minimum of ninety-five-percent maximum density as determined by ASTM D1557.
- C. All pipe shall bear on a firm foundation. When unsuitable foundation conditions are encountered, in the judgment of the Town Superintendent of Highways, an artificial pipe foundation shall be created utilizing New York State Department of Transportation specification, Standard Specification, Section 703-02, Coarse Aggregate, or by utilizing a concrete cradle under the pipe. The pipe shall be excavated below the bedding line to the prescribed depth for subsequent installation of the new foundation, all as directed by the Town Superintendent of Highways.
- D. All connections to the storm sewer system from adjacent properties, such as parking lots, cellar and footing drains, swimming pool drains, downspout leaders, etc., must be connected at a manhole or catch basin. The Town Superintendent of Highways may allow connections to the storm sewer pipe through an approved Y-connection. Under no circumstances is the side of the pipe to be broached and a lateral pipe inserted in the hole.

§ 103-98. Water system.

All water mains and appurtenances, including the services to the property lines, shall be installed, disinfected and tested in accordance with the Town of Owego Water Ordinance.

§ 103-99. Sanitary sewers.

All sanitary sewer mains and appurtenances, including the lateral sewer to the property line, shall be installed and tested in accordance with the Town of Owego Sewer Ordinance.

§ 103-100. Sidewalks.

- A. The minimum width of sidewalks in a residential area shall be four (4) feet and in commercial or industrial areas five (5) feet.
- B. All workmanship, construction and materials shall be of a type and manner approved by the enforcement officer.

- C. The area from the street right-of-way line shall be graded down one percent (1%) to the curb line.
- D. The minimum thickness of sidewalks shall be four (4) inches, except that through driveways or other areas which may be subject to vehicular traffic the thickness shall be a minimum of six (6) inches. Concrete for sidewalks shall have a minimum twenty-eight-day compressive strength of three thousand five hundred (3,500) pounds per square inch. Concrete shall be air entrained with a minimum air entrainment of four and one-half percent (4 1/2%) and a maximum air entrainment of seven percent (7%).

ARTICLE XVI
Required Improvements and Conditions of Acceptance

§ 103-101. Required improvements.

- A. The following improvements shall be installed by the owner, to the satisfaction of the Planning Director, prior to the approval of the final subdivision plat, or alternatively he shall post a performance bond sufficient in amount to cover the estimated full costs of such construction as determined by the Planning Director.
- B. Streets shall be graded to the approved profile shown on the construction drawings and the standard plan included with this chapter's and shall be improved with pavement, sidewalks, curbs, gutters, water mains, sanitary sewers, storm drains and fire hydrants, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and welfare. Dry sewers and laterals may be required where public sewers are not immediately available.
- C. Standards of design of permanent improvements are available to developers at the office of the Planning Director.

§ 103-102. Utility improvement standards.

Utility improvements shall be provided in accordance with the following:

- A. Public water, where required, in accordance with the procedures and standards of the "Town Water Ordinance" and the State Department of Health.
- B. A sanitary sewer system, where required, in accordance with procedures and standards of the "Town Sewer Ordinance" and the State Department of Health.
- C. Water, sanitary sewer, storm sewer and natural gas lines shall be laid under the street pavement. Electric, telephone and television cable shall be laid between the back of the curb line and the street right-of-way line. All lines laid within the street right-of-way shall have a minimum cover below finished grade of two (2) feet, except that under paved areas of the street the minimum cover shall be three (3) feet.

- D. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Such grading and improvements shall conform to the minimum road specifications and shall be approved as to design and specifications by the administrative officer.
- E. All street lighting standards shall be located six (6) feet six (6) inches from the street right-of-way line to the center line of the standard, between the sidewalk and the curb. No other overhead utility or television cable installations will be permitted.

§ 103-103. Monuments.

- A. Permanent reference monuments shall be set at all corners and angle points of the subdivision boundaries and at all street intersections, angle points in street lines, points of curve and at approximately five-hundred-foot intervals, and their location shall be shown with a circled X on the subdivision plat.
- B. Permanent monuments shall be one-inch-diameter metal rods at least three (3) feet long located in the ground at final grade level.
- C. Lot corner markers shall be permanently located by a three fourth-inch-diameter metal pipe at least two (2) feet long in the ground at final grade level.

§ 103-104. Inspection of required improvements.

- A. The enforcement officer and Town Superintendent of Highways shall inspect all required improvements prior to acceptance for future maintenance, to ascertain whether or not they have been completed satisfactorily.
- B. Under the terms of these regulations, all workmanship, materials and methods shall receive approval before acceptance.
- C. The owner shall inform the enforcement officer at least twenty-four (24) hours before such an inspection is required and shall not conceal, cover, hide or in any way render invisible any part of a permanent improvement until such inspection has been made and approval granted.
- D. Drawings, at a maximum scale of one (1) inch to fifty (50) feet, showing the location of all required improvements, as built, shall be certified by an engineer or land surveyor and filed with the Planning Board within thirty (30) days prior to the acceptance of the improvements. As-built drawings shall show the locations of all water, sanitary sewer, storm sewer, natural gas, electric, telephone and television cable lines, together with the lateral or service lines of each. Until as-built plans are filed, no performance bond guaranteeing the completion of such improvements shall be released.

- E. If any of the required improvements have not been constructed in accordance with the approved construction detail drawings, the owner and the bonding company will be severally and jointly liable for the costs of completing the improvements according to the specifications.

§ 103-105. Acceptance of streets and reservations.

- A. Approval of the subdivision plat shall not be deemed to constitute or imply acceptance of any street, park or other open space shown on the plat.
- B. The Planning Board shall require the filing of a written agreement between the owner and the town, covering future title, dedication and provisions for the cost of grading, development, equipment and maintenance of any park or other open space.

§ 103-106. Public acceptance of required Improvements.

- A. Upon completion of the construction and installation of the required improvements in accordance with the approved plans, the owner shall deliver to the Town. Board deeds, abstracts and easements for streets, waterlines, storm sewers, sanitary sewers and any other required improvements.
- B. Prior to public acceptance of any required improvements, the owner shall submit an affidavit stating that all bills and accounts for material and labor used in the construction of improvements have been paid for in full.
- C. The owner or developer shall make good, without cost to the town, any defects in any of the improvements constructed by him and any damage due to faulty workmanship on his part or due to imperfect material or equipment furnished by him in which defects or damage may appear within one (1) year after the acceptance of such improvements by the town.

ARTICLE XVII
Administration and Enforcement

§ 103-107. Enforcing officials; compliance required.

These Subdivision Regulations shall be administered by the Planning Board and the Enforcement Officer. No building permit or certificate of occupancy shall be issued by the enforcement officer except where all provisions of these regulations have been complied with.

§ 103-108. Higher standards to prevail.

Whenever the requirements of these Subdivision Regulations are at variance with the requirements of any other laws, the most restrictive or that imposing the higher standards shall govern.

§ 103-109. Building permits.

- A. No permit for the erection of any building shall be issued unless a street giving access to such proposed structure is an existing street or unless such street appears on a recorded plat approved by the Planning Board.
- B. No such permit shall be issued unless such street has been suitably improved or where a performance bond has been posted to cover the full cost of such improvement.

§ 103-110 Improvements in streets.

- A. No public municipal street utility or improvement shall be constructed in any street until it has become a public street.
- B. A subsurface utility or improvement operated for revenue by the municipality or by a special district may be constructed in a private street or right-of-way, provided that a public easement satisfactory to the Planning Board and Town Attorney is obtained for such utility or improvement.