

# **Subdivision Regulations**

## **Town Of Preble, NY**

Adopted: September 9, 2002

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## ARTICLE 1: TITLE, AUTHORIZATION, PURPOSE, VARIANCE

### Section 110 Title

These regulations shall be known as the "Town of Preble Subdivision Regulations" and upon their effective date shall supercede all previous subdivision regulations of the Town of Preble.

### Section 120 Authorization

Pursuant to the authority granted to the Town in Article 16 of the Town Law of the State of New York, the Town Board of the Town of Preble has, by resolution adopted on March~31, 1970, authorized and empowered the Planning Board of the Town of Preble to approve Plats within the Town of Preble and to pass and approve the development of Plats already filed in the office of the Clerk of Cortland County if such Plats are entirely or partially undeveloped, and the Planning Board was also authorized and empowered to approve or disapprove (a) changes in the lines of existing streets, highways, or public areas shown on Subdivision Plats or maps filed in the office of the Clerk of Cortland County, (b) the laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Town and highway laws within the Town of Preble.

Section 130 Purpose

The purpose of these regulations is to provide for orderly, efficient growth within the community and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population, with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced.

Section 140 Administration

The Subdivision Regulations shall be administered by the Planning Board and its designee, if any.

Section 150 Variance

When the Planning Board finds that extraordinary and unreasonable hardship may result from strict compliance with these regulations it may vary the regulations so that substantial justice may be done.

It is not the intent of these regulations to effect or impose uniformity or standardization in the development of subdivisions in the Town of Preble. When design concepts which are imaginative and beneficial to the public interest are proposed by a sub-divider, the Planning Board may modify the requirements of these regulations as necessary to permit accomplishment of such concepts.

## ARTICLE 2: DEFINITIONS

A. Words in the singular include the plural, and words in the plural include the singular.

The word "person" includes corporation, unincorporated association and a partnership as well as an individual. The word "building" includes "structure" and be construed as if followed by the words "or part thereof". The word "Street" includes "road", "highway", and "lane"; and "watercourse" includes "drain", "ditch", and "stream". The words "shall" or "will" are mandatory, and not directive; the word "may" is permissive.

B. Unless otherwise expressly stated the following terms shall, for the purpose these regulations, have the meaning indicated.

Average Lot Width: The mean width of a lot measured at right angles to its depth.

Block: An area bounded by streets.

Board: The word Board or the words Planning Board or Town Planning Board shall mean the Town of Preble Planning Board.

Consolidation: The combination of two (2) or more lots, or any portion thereof, so as to result in fewer lots, each of which are larger in size than prior to such combination.

Cul-de-sac: A street that terminates in a vehicular turnaround.

Double Frontage Lots: A lot, having at least two sides fronting on separate streets which do not intersect while adjoining the lot.

Easement; A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

Engineer: The duly designated Engineer of the Town of Preble or if there is no such official, the Engineer employed by or assigned to the Town Planning Board.

Final Plat: A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, must be duly filed or recorded by the applicant in the Office of the Clerk of the County of Cortland.

Grading Plan: A plan showing all present and proposed grades for water drainage.

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Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots, such as but not limited to: Grading, road improvements, and water/septic availability, signs. (See Article XVII).

Lot: A parcel of land located along a public street, road, or highway; intended for transfer of ownership or building development, that is presently occupied or capable of being occupied by (or use) and by those buildings or uses accessory to the principal building or use.

Lot Line Adjustment: The movement of the boundary line between two lots within the same zoning district so as to divide a section from one lot (not to exceed 10% of the total size of said lot) for the purpose of consolidation of such section with the adjoining lot with the resulting two lots meeting applicable lot specifications as per the Town of Preble Zoning Ordinance.

Plat: A map, layout or plan of a subdivision indicating the boundaries and location of individual or proposed properties.

Preliminary Plat: A drawing or drawings clearly marked "Preliminary Plat" showing the layout of a proposed subdivision submitted to the Planning Board for approval prior to submission of the Plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Private Drive: Serving more than one lot, meeting certain standards specified by the Town Board, not municipally owned.

Right-of-way: Land opened for use as a road/street or crosswalk.

Road/Street: A general term used to describe a municipally owned right-of-way, serving as a means of vehicular and pedestrian travel.

Road Width: The width of right-of-way, measured at right angles to the center line of the street.

Sketch Plan: A sketch of a proposed subdivision to enable the sub-divider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations. Review of a Sketch Plan does not constitute an official submission of an application.

Sub-divider: A person who is registered owner, or authorized agent of the registered owner, of land to be subdivided.

Subdivision: A division of any part, parcel or area of land by the owner or agent into either two (2) or more lots, or by metes and bounds into two (2) lots, buildings sites, Or other divisions for the purpose of sale, lease or building development. For the purpose of these regulations, consolidations and lot line adjustments are not considered subdivisions.

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Minor Subdivision: A subdivision that does not involve any of the following: (1) the creation of more than a total of three lots; (2) the creation of any new public streets; (3) the extension of municipal services; (4) the installation of drainage improvements through one or more lots to serve one or more other lots; and (5) not adversely affecting the development of the remainder of the parcel or adjoining properties.

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

### **ARTICLE 3: MISCELLANEOUS PROVISIONS**

#### Section 310 Penalty Provisions

A. The violation of any rule or regulation approved by the Town Board herein shall be deemed an offense against such rules and regulations.

B. For any violation of the rules and regulations herein, the person violating same shall be subject to a fine of not more than \$250.00, or imprisonment not exceeding 30 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate violation.

C. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town of Preble in a court of,~ competent jurisdiction to compel compliance with or restrain by injunction the violation of the rules and regulations herein.

#### Section 320 Certification and Filing with County

The Town Clerk is hereby directed to forthwith file a certified copy of these regulations with the Clerk of Cortland County.

#### Section 330 Severability

If any clause, paragraph, section, or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section, or part of these regulations.

Section 340      Effective Date

These regulations shall take effect on the 1st day of November, 2002

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#### **ARTICLE 4: PROCEDURE IN FILING SUBDIVISION APPLICATIONS**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the sub-divider or his duly authorized agent shall apply in writing on forms supplied by the Town Clerk for approval of such proposed subdivision in accordance with the following procedures. Said application shall be filed with the Town Clerk and shall be initially reviewed by the Code Enforcement Officer to determine if application is complete and if subdivision review is required.

A. Minor Subdivisions shall be processed in the following manner:

1. Sketch Plan Conference (optional)
2. Application for Final Plat
3. Submission of Application to County Planning Board (Recommendation by the County Planning Board per Section 239n of the General Municipal Law if required).
4. Final Plat Approval.

B. Major Subdivisions shall be processed in the following manner:

1. Sketch Plan Conference (optional)
2. Application for Preliminary Plat (optional)
3. Submission of Application to County Planning Board (Recommendation by the County Planning Board Per Section 239 n of the General Municipal Law if required)
4. Required Public Hearing
5. Preliminary Plat Approval
6. Optional Public Hearing
7. Final Plat Approval

Cortland County Department of Health approval may be required for any subdivision. Early contact by the subdivider with this department is recommended.

## **ARTICLE 5: MINOR SUBDIVISION PROCEDURES**

### Section 510 Sketch Plan Conference (Recommended but not required)

A Sketch Plan Conference is intended to assist the sub-divider in the planning and preparation of a final plat. A Sketch Plan conference does not require formal application, fee or official filing with the Planning Board. Any advice and suggestions presented to a potential sub-divider at the Sketch Plan Conference are unofficial and do not obligate the potential sub-divider or Planning Board in any way.

If a conference is desired, the sub-divider shall present a sketch plan of the proposed subdivision. The sketch plan should indicate rough site contours, existing and/or proposed streets and lot locations, existing buildings on site and on adjacent properties and a description of the proposed water and waste disposal systems.

At this meeting, the sketch plan will be classified as either a minor or major subdivision by the Planning Board as defined by these regulations. Subdivisions classified as minor will be allowed to proceed directly to an application for a Final Plat.

### Section 520 Information Required for Final Plat

The Sub-divider shall obtain an application form for Final approval of a Minor Subdivision from the Town Clerk or Planning Board. An application will be deemed incomplete and not accepted for submission if the applicable subdivision fees are not paid in full and if any of the ,\_ following information is not included:

A. Name and address of sub-divider and professional advisers, including license numbers and seals if any.

B. Map of property by a licensed land surveyor drawn to a scale appropriate to show clearly all existing and proposed improvements to the subdivision.

(1) Subdivision name, scale, north arrow, date, Town, County, tax map number and military lot number.

(2) Subdivision boundaries including name of owner, deed book and page, and bearings and distances on all existing and proposed property lines.

(3) Contiguous properties and names of their owners, locations of wells and septic systems if within 300 feet of proposed subdivision.

(4) Existing and proposed roads, utilities, structures, wells, septic tanks, dry wells, tile fields, etc.

(5) Water courses, wetlands, (if NYS designated so indicate), public facilities, and other significant physical features on or near the site.

(6) Proposed pattern of lots including lot widths and depths, road layout, open space, drainage, water supply, and sewage disposal facilities as well as electric distribution lines including inground or above ground location.

(7) Land contours at minimum intervals of five (5) feet, or other suitable indicators of slope.

(8) Subsurface conditions on the tract, if required by the Board: Locations and results of tests made to ascertain subsurface soil; rock and ground water conditions; depth to ground water unless test pits are dry at a depth of eight (8) feet; location and results of soil percolation tests if individual sewage disposal systems are contemplated. The County soil classification map shall be consulted in determining whether subsurface conditions on the tract need to be ascertained by testing of the soil.

C. Copy of tax map(s).

D. Existing and proposed restrictions on the use of land including easements, covenants, zoning, flood plain areas, deed restrictions, agricultural and historic district properties and unique natural areas.

E. Total acreage of subdivision and area of each lot proposed to within one tenth of an acre or given in square feet.

F. Existing/proposed building types, if any, including their gross dimensions in feet.

G. A certification from the Town Engineer indicating whether or not the existing and proposed roads and highways serving said subdivision are adequate to support the increased volume of traffic which will be generated by the subdivision.

#### Section 530 Final Plat Additional Requirements (Minor Subdivision)

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

1. Two (2) copies of the Plat, one of which is to be submitted to the Cortland County Clerk, prepared in an appropriate manner suitable for filing plus seven (7) paper copies (includes one (1) for Cortland County Planning Department and one (1) for the Soil & Water Conservation District).

2. Sufficient data acceptable to the Planning Board which shall readily enable it to determine the location, bearing, and length of every road line, lot line, and boundary line. Such data shall be sufficient to allow for the reproduction of such lines on the ground, and shall include a distance from a corner of the subdivision to an identifiable line such as a road intersection, to facilitate readily identifying the location of said property.
3. On-site sanitation and water supply facilities, if any, shall be designed to meet the specifications of the Cortland County Department of Health and a statement to this effect shall be made on the application.
4. Additional information as deemed necessary by the Planning Board.
5. Fees if any, will be levied to the developer prior to Final Plat approval & will reflect costs incurred in the administration of the application. Said fees may also include engineering fees as set forth in Section 610.

#### Section 540 Waiver of Submission Requirements

The Planning Board may waive compliance with any of those submission requirements it deems appropriate.

#### Section 550 Design Standards for Lots

Dimensions - The depth of lots shall be no more than three (3) times the average lot width of such lot.

Driveway Grades - Driveway grades between the street and the setback line shall not exceed 10 percent.

Pedestrian Easements - In order to facilitate pedestrian access from particular areas to such places as schools, parks, play areas, or nearby roads, perpetual, unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. Sidewalks may also be required for reasons of safety and convenience.

Location - All lots shall have suitable access on a Town approved road.

Lot Lines - Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots and, except when indicated by topography, lot lines shall be straight.

Nuisance Strips - Parcels of land of such size and dimension as to be unsuitable for any reasonable purpose other than to exclude access to adjacent lands Owned or to be owned by others, shall be avoided.

#### Section 560 Final Plat Approval Procedures (Minor Subdivision)

All subdivisions as defined herein shall require Final Plat Approval by the Planning Board.

The sub-divider shall file with the Planning Board an application for Final Plat Approval on forms available from the Town Clerk. The application shall be

accompanied by the documentation specified by Article 4 herein. Such application shall be submitted to the Town Clerk at least thirty (30) calendar days prior to the meeting at which it is to be considered by the Planning Board.

Recommendation By County Planning Board - When required by Section 239 n of the General Municipal Law the application for Final Plat Approval shall be referred to the County Planning Board for their recommendation. Any recommendation received from the County Planning Board within the thirty (30) day period prescribed shall be reviewed and taken into account by the Town of Preble Planning Board before any decision on the Final Plat Approval.

Optional Public Hearing - For good reason a public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. If any such hearing is held it shall be done within forty-five (45) days following the official submission date of the Final Plat. It is recommended that the sub-divider or agent of the sub-divider attend the hearing.

Notice of Public Hearing - The hearing shall be advertised by the Planning Board at least once in the official newspaper of the Town at least ten (10) days before the hearing. Notice of the hearing shall be mailed by the Planning Board by certified return receipt, to the owners of record of all adjoining properties within three hundred (300) feet of the property proposed for subdivision and at least ten (10) days before the hearing.

Notice of Decision - The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within thirty-five (35) days of the public hearing if one is held. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of its official submission date. The time within which the Planning Board must take action on the Final Plat may be extended by mutual consent of the sub-divider and the Planning Board.

If the Final Plat is disapproved, the grounds for disapproval (including a reference to any provisions of these regulations violated by the Final Plat), shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the required time period shall be deemed Final Plat Approval. Within five (5) days of approval, conditional approval or disapproval the sub-divider shall be notified by mail of the Final action of the Planning Board.

Recording Final Plat - The sub-divider shall record an approved Final Plat, or the approved section thereof, in the office of the Clerk of Cortland County, N.Y. within sixty (60) days after the date of approval; otherwise the Final Plat shall

be considered void and must again be submitted to the Planning Board for approval before recording it in the office of the Cortland County Clerk.

Conditional Approval - Upon Conditional Approval of such Final Plat the Planning Board Chairman is duly authorized to sign the Final Plat upon completion of such requirements as may be stated in the Conditional Approval resolution. A certified statement of the requirements shall be noted on the Final Plat. Upon the signing of the conditionally approved Plat by the Planning Board Chairman the Final Plat shall then be certified by the Town Clerk. Conditional Approval of a Final Plat shall expire one hundred-eighty (180) days after the date of the resolution granting Conditional Approval. The Planning Board may, however, extend the expiration time by not more than one hundred eighty (180) days.

The Building Inspector shall not be authorized to issue a Building Permit or a Certificate-- of Occupancy for any structure on any lot in the subdivision unless and until the approved Plat shall have been filed in the office of the County Clerk as required by this paragraph.

Surface Grading and Stabilization

Ground surfaces shall be graded and restored within six (6) months of completion of any building construction or improvement so no unnatural mounds or depressions are left. Original topsoil stripped and stored during construction shall be returned to stripped surfaces and stabilized by appropriate seeding or other methods.

**ARTICLE 6: MAJOR SUBDIVISION REVIEW AND APPROVAL PROCEDURE**

Section 610 Applications, Fees, and Costs

Wherever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell such subdivision or any part thereof is made, the sub-divider shall apply in writing to the Planning Board for approval. Applications may be obtained from the Town Clerk. Applications shall be filed with the Town Clerk and filing fees paid at the time of submission.

1. Filing Fees - Sub-dividers are required to pay fees to cover a portion of the reasonable cost of administering these regulations including all reasonable engineering, legal, clerical, advertising, and other expenses incurred. At the time a sub-divider first submits an application for preliminary approval of a proposed subdivision and before the required public hearing on said subdivision the sub-divider of lands hereinafter classified as a Major Subdivision shall pay a non-refundable fee, plus an additional fee per lot. Within sixty (60) days after the Final Plat is filed in the office of the Cortland County Clerk, or 'within sixty (60) days after an application is withdrawn, the Town Clerk shall refund to the sub-divider all unexpended filing fees except the non refundable fee.

2. Engineer's Certificate of Approval - Sub-dividers are responsible for the cost of obtaining a Certificate of Approval for the Final Plat, if required, by an Approved Engineer.

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3. Cost of Review by Town Engineer - The Planning Board may require that the Town Engineer reviews the specifications and proposed improvements of sub-dividers who obtain the Certificate of Approval from an Approved Engineer. The Planning Board shall inform a sub-divider of the need for such review after submission of the application for approval of the subdivision. Sub-dividers are responsible for the cost of any such Town Engineer's review. If the Planning Board informs the sub-divider that such review is necessary, the sub-divider shall contact an Approved Engineer and obtain an estimate ("the estimate") of the cost to the Town of the review of the sub-divider's Plats, specifications, construction documents, and proposed improvements. The sub-divider shall deliver to the Town Clerk a copy of "the estimate", and shall deposit the amount of "the estimate", plus 10%, with the Town Clerk before the public hearing on the proposed subdivision.

Within sixty (60) days after the Final Plat is filed in the office of the Cortland County Clerk, or within sixty (60) days after an application for Plat approval is withdrawn or disapproved, the Town Clerk shall refund to the sub-

divider the unexpended portion of the funds collected, to allow for review of the subdivision application by an Approved Engineer.

4. Cost of Engineer's Inspections - Sub-dividers are responsible for the cost of inspections of all improvements by the Town Engineer. The sub-divider shall obtain an estimate as described in #3 above and also deliver a copy of "the estimate" and make a deposit as described in #3 at least seven (7) days prior to commencing the construction of the first of the required improvements. Unless and until the sub-divider pays the inspection fee, no Certificate of Occupancy shall be issued for any structure erected upon any lot in the subdivision nor shall the Town accept the dedication of any road or other improvement in the subdivision.

Section 615 Pre-Application Procedure (Major Subdivision)

Prior to the preparation of and the submission of a Plat for approval, the sub-divider should proceed to gather the necessary information and data on the existing conditions at the site. He should study the site suitability and opportunities for development. Presumably he will, discuss financing, planning, and marketing with the lending institutions. With a surveyor or other professional, a Sketch Plan should be developed which in turn may be submitted to the Planning Board for review and recommendations. An Environmental Assessment Form (EAF) shall be submitted either with the Sketch Plan or at the time of application for approval of the Preliminary Plat.

Section 620 Sketch Plan Conference (recommended but not required)

At least fourteen (14) days before the next regularly scheduled meeting of the Planning Board, the sub-divider shall submit seven (7) copies of the Sketch Planes) and request an appointment with the Planning Board for the purpose of reviewing the Sketch Planes). The Planning Board Chairman will notify the sub-divider of the time, date, and the place that the Planning Board will meet to consider and review such Sketch Planes) and the sub-divider's program as they relate to the Comprehensive Plan (if any), design standards, and improvement

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requirements. The Planning Board may, prior to the Sketch Plan conference, make the planes) available to the County Planning Department and the Soil and Water Conservation District staff for their review and comments.

The Sketch Plan conference is intended to assist the sub-divider in the planning and preparation of a Preliminary Plat. At this meeting, the plan will be classified as a Minor or Major Subdivision by the Planning Board as defined herein.

Subdivisions classified as minor may proceed directly to submission of an application for a Final Plat. The submission of a Preliminary Plat is required for a Major Subdivision.

A Sketch Plan conference does not require formal application, fee or official filing with the Planning Board. Any advice and suggestions received by a potential sub-divider at a Sketch Plan conference are unofficial and do not obligate the potential sub-divider or the Planning Board in any way.

Cortland County Department of Health approval may be required for any subdivision. Early contact by the sub-divider with this department is advised.

Section 630 Preliminary Plat Approval Procedures (Major Subdivision)

All Major Subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The sub-divider shall file an application for approval of the Preliminary Plat at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Board on forms available from the Town Clerk accompanied by all documents specified in Article 5 herein. The full application shall be filed with the Town Clerk.

Recommendation by County Planning Board - When required by Section 239 n of the General Municipal Law the application for Preliminary Plat approval shall be referred to the County Planning Board for their recommendation. Any recommendation received from the County Planning Board within the thirty (30) day period prescribed shall be reviewed and taken into account by the Town of Preble Planning Board before any decision on the Preliminary Plat approval.

Review of Subdivision and Public Hearing - Following the review of the Preliminary Plat and supplementary material submitted for conformity to these regulations, and following discussions with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the official submission date of the Preliminary Plat. It is recommended that the sub-divider or an agent of the sub-divider attend the hearing. This hearing shall also fulfill the requirements of the SEQR Act regarding the potential impact which the proposed subdivision may have upon the environment. Within thirty-five (35) days following the public hearing, the Planning Board shall approve, approve with modifications, or disapprove the Preliminary Plat. The time in which the Planning Board must take action may be extended beyond the thirty-five (35) day period by mutual consent of the sub-divider and the Planning Board.

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If the Preliminary Plat is disapproved the grounds for disapproval (including a reference to any provisions of these regulations violated by the Preliminary Plat) shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the required time period shall be deemed approval of the Preliminary Plat.

Notice of Public Hearing - The hearing shall be advertised by the Planning Board at least once in the official newspaper of the Town at least ten (10) days before the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate. Notice of the hearing shall be mailed, by the Planning Board by certified return receipt, to the owners of record of all adjoining properties and properties within three hundred (300) feet of the property proposed for subdivision at least ten (10) days before the hearing.

SEOR Act Review - A completed short or long Environmental Assessment Form shall accompany each application. The SEQR Review procedures shall be followed in full. In the event that an Environmental Impact Statement is required a summary of its findings must be provided to the Planning Board for review prior to Preliminary Plat approval.

Notice of Decision - Within five (5) working days of approval, conditional approval, or disapproval the action of the Planning Board shall be noted on three (3) copies of the Preliminary Plat and reference made to any modifications required. One (1) copy shall be returned by mail to the sub-divider and the other two (2) copies retained by the Planning Board.

Effect of Approval - Approval or conditional approval of a Preliminary Plat shall not constitute approval of the Final Plat. The Preliminary Plat shall be a

guide to the preparation of the Final Plat. Before submission of the Final Plat or any portion thereof, for formal approval, the sub-divider must comply with all requirements set forth by the Planning Board for approval of the Preliminary Plat. This includes any requirements of the Cortland County Department of Health.

Section 635 Final Plat Approval Procedures (Major Subdivision)

All subdivisions as defined herein shall require Final Plat approval by the Planning Board.

The sub-divider shall file with the Planning Board an application for Final Plat approval on forms available from the Town Clerk. The application shall be accompanied by the documentation specified in Article 5 herein. Such application shall be submitted at least thirty (30) calendar days prior to the meeting at which it is to be considered by the Planning Board and no later than six (6) months after the date of the Preliminary Plat conditional or final approval.

Optional Public Hearing - A public hearing may be held for good cause by the Planning Board after a complete application is filed with the Town Clerk and prior to the Planning Board rendering any decision. This hearing shall be held within

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forty-five (45) days of the official submission date of the Final Plat. It is recommended that the sub-divider or an agent of the sub-divider attend the hearing.

Notice of Public Hearing - Where a public hearing is held it shall be advertised by the Planning Board at least once in the official newspaper of the Town at least ten (10) days before the hearing. Notice of the hearing shall be mailed by the Planning Board by certified return receipt to the owners of record of all adjoining properties and properties within three hundred (300) feet of the property proposed for subdivision at least ten (10) days before the hearing.

Waiver of Public Hearing - If the Final Plat is in substantial agreement with the approved Preliminary Plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of its official submission date unless an extension of time is mutually agreed upon.

Decision & Notice Thereof - The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within thirty-five (35) days of the public hearing if one is held. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of its official submission date. The time in which the Planning Board must take action on the Final Plat may be extended by mutual consent of the subdivider and the Planning Board.

If the Final Plat is disapproved, the grounds for disapproval (including a reference to the provisions of these regulations violated by the Final Plat) shall be stated in the record of the Planning Board. Failure of the Planning Board to render a decision within the required time period shall be deemed Final Plat approval. Within five (5) working days of approval, conditional approval or disapproval the sub-divider shall be notified by mail of the Final action of the Planning Board.

Recording Final Plat - The sub-divider shall record an approved Final Plat, or the approved section thereof, in the office of the Clerk of Cortland County,

N.Y. within sixty (60) days after the date of approval; otherwise the Final Plat shall be considered void and must again be submitted to the Planning Board for approval before recording it in the office of the Cortland County Clerk.

Conditional Approval - Upon Conditional Approval of such Final Plat the Planning Board Chairman is duly authorized to sign the Final Plat upon completion of such requirements as may be stated in the Conditional Approval resolution. The Final Plat shall be certified by the Town Clerk. A certified statement of the requirements shall be noted on the Final Plat which, when carried out, authorizes the signing of the conditionally approved Final Plat. Conditional approval of a Final Plat shall expire one hundred-eighty (180) days after the date of the resolution granting Conditional Approval. The Planning Board may, however, extend the expiration time by one hundred eighty (180) days.

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Filing of Plats in Sections - Prior to granting conditional or Final approval of a Plat in final form the Planning Board may permit the Final Plat to be subdivided into two or more sections.

The Board also may in its resolution granting conditional or final approval state any requirements it deems are necessary to insure the orderly development of the Final Plat. The stated requirements are to be completed before such sections may be signed by the Chairman of the Planning Board. Conditional or Final Approval of the sections of a Final Plat subject to any conditions imposed by the Planning Board shall be granted concurrently with conditional or Final Approval of the Final Plat.

In the event the sub-divider shall file only a section of such approved Final Plat in the office of the County Clerk, the entire approved Plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk in each Town in which any portion of the land described in the Plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved Plat and the approval of the remaining sections of the approved Plat shall expire unless said sections are filed before the expiration of the exemption period to which such Plat is entitled under the provisions of Article 16 of the Town Law of the State of New York.

The Building Inspector shall not be authorized to issue a Building Permit or a Certificate of Occupancy for any structure on any lot in the subdivision unless and until the approved Plat shall have been filed in the office of the County Clerk as required by this paragraph.

Section 640 Information Required for all Plat Submissions (Major Subdivision)

1. Name and address of sub-divider and professional advisers, including license numbers and seals.
2. Map of property prepared by a licensed land surveyor drawn to a scale appropriate to show clearly, all existing and proposed improvements to the subdivision.
  - a. Subdivision name, scale, north arrow, date, town, county, tax map number and military lot number.
  - b. Subdivision boundaries including name of owner, deed book and page, and bearings and distances on all existing and proposed property lines.
  - c. Contiguous properties and names of their owners, locations of wells and septic systems if within 300 feet of proposed subdivision.

d. Existing and proposed roads, utilities, structures, wells, septic tanks, dry wells, tile fields, etc.

e. Water courses, wetlands (if NYS designated so indicate), public facilities, and other significant physical features on or near the site.

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f. Proposed pattern of lots including lot widths and depths, road layout, open space, drainage, water supply, and sewage disposal facilities as well as electric distribution lines including in-ground and above ground location.

g. Land contours at minimum intervals of five (5) feet, or other suitable indicators of slope.

h. Subsurface conditions on the tract, if required by the Board: Location and results of tests made to ascertain subsurface soil; rock and ground water conditions; depth to ground water unless test pits are dry at a depth of eight (8) feet; location and results of soil percolation tests if individual sewage disposal systems are contemplated. The county soil classification map shall be consulted in determining if subsurface conditions of the tract need to be ascertained by testing of the soil.

i. Total acreage of subdivision, proposed lot lines with approximate dimensions and area of each lot proposed to within one tenth of an acre or given in square feet.

3. Copy of tax map(s).

4. Existing and proposed restrictions on the use of land including easements, covenants, zoning, flood plain areas, deed restrictions, agricultural and historic district properties and unique natural areas.

5. Existing/proposed building types, if any, including their gross dimensions in feet.

#### Section 645 Preliminary Plat Submission Requirements (Major Subdivision)

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

1. Eight (8) copies of the Plat map; drawn to scale (includes 1 for Cortland County Planning Department and 1 for the Soil & Water Conservation District).

2. All the information specified under Section 540 of these regulations shall be supplied in an updated and accurate form.

3. All parcels of land proposed to be dedicated for public use shall be indicated along with the conditions of such use, if any.

4. Grading and landscaping plans.

5. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.

For any proposed public roads a statement of dedication to the Town where applicable.

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6. The approximate location and size of all proposed waterlines hydrants, and sewer lines, showing connection to existing lines, if appropriate.
7. Drainage plan, indicating profiles of lines or ditches and drainage easements over adjoining properties.
8. Plans and cross sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub- base, as well as the location of electric distribution lines including inground or above ground location.
9. Preliminary designs for any bridges or culverts.
10. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, shall be made and certified by a licensed surveyor.
11. A short or long Environmental Assessment Form per the SEQR Act.
12. Where the Preliminary Plat submitted covers only a part of the sub-divider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study by the Planning Board.
13. Names and addresses of all property owners of record within 300 feet of the proposed subdivision.
14. A certification from the Town Engineer indicating whether or not the existing and proposed roads and highways serving said property are adequate to support the increased volume of traffic which will be generated by the subdivision.

Section 650 Final Plat Additional Information (Major Subdivision)

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

1. Two (2) copies of the Final Plat, one of which is to be submitted to the Cortland County Clerk, prepared in an appropriate manner suitable for filing plus seven (7) copies (includes 1 copy for the County Planning Department and 1 for the Soil & Water Conservation District). The map scale shall be appropriate to show clearly all existing and proposed improvements to the subdivision.
2. Proposed subdivision name and the name of the Town, Preble and the County, Cortland, in which the subdivision is located; the name and address of the record owners and sub-divider; name, address, license number and seal of the surveyor and/or engineer.
3. Road lines, pedestrian ways, lots, easements, and areas to be dedicated to public use.

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4. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the Certificate of approval of the Town Attorney as to their legal sufficiency.
  5. Property corner markers shall be installed at all lot boundary angle points. Markers must be of permanent material such as iron pins, pipes, concrete monuments or drill holes in ledge or rock, with the tops reasonably close to the ground surface.
- The developer must certify to the Planning Board through a registered land surveyor that such markers have been installed.
6. Approval of the Cortland County Department of Health for water supply systems and sewage disposal systems proposed or installed.
  7. An approved Environmental Impact Statement, if required under the SEQR Act.
  8. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, ,water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and sub-base and other facilities.
  9. Evidence of legal ownership of the real property which is the subject of the Final Plat.
  10. An engineer's Certificate of Approval from an Approved Engineer. The Certificate of

Approval for a Major Subdivision must also certify that the sub-divider has complied with one of the following alternatives:

- a. All improvements have been installed in accordance with requirements of these regulations and with the action of the Planning Board giving approval of the Preliminary Plat, or
  - b. A performance bond, certified check, letter of credit or other security acceptable. to the Town Attorney which has been posted in an amount sufficient to guarantee completion of all improvements indicated by the Final Plat
11. Any other data such as certificates, affidavits, endorsements, or other agreements as may be required by the Planning Board to ensure enforcement of these regulations.
  12. A location map showing the subdivision in relation to other known landmarks, such as road intersections, lot lines, other subdivisions, etc.

#### Section 660 Waiver of Submission Requirements

The Planning Board may waive compliance with any of those submission requirements it deems appropriate.

## **ARTICLE 7: DESIGN STANDARDS AND REQUIRED IMPROVEMENTS MAJOR SUBDIVISION**

### Section 70S Road Design Standards

Conformity with Comprehensive Plan - The arrangement, width, location and extent of major roads and all minor roads shall conform and be in harmony with the Comprehensive Plan, if any, for the Town. Roads not in the Comprehensive Plan, if any, shall conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience, and proposed uses of land. The Town Engineer shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.

Arrangement - Residential minor roads shall be designed to discourage through traffic whose origin or destination is not within the subdivision.

Location - When a proposed subdivision is adjacent to or contains a State highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway regarding the State highway right-of-way and direction. The Planning Board may require the subdivider to establish a marginal or frontage access road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential districts, or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation.

Intersections - Roads shall intersect one another at angles as near to a right angle as possible, and no intersection of roads at angles less than sixty (60) degrees shall be approved. Road intersections shall be rounded with a radius of twenty-five (25) feet measured at the right-of-way line when the intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Town Engineer. Road jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.

Dead End Streets (cul-de-sacs) - The creation of dead-end residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street.

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 1000 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. The Board may approve a longer permanent dead-end street where topographic conditions and/or land ownership patterns make it logical. At the end of temporary dead-end streets a temporary turn-around with a pavement radius of 50 feet shall

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be provided, unless the Planning Board approves an alternate arrangement. All dead-end streets shall have a special turning area at the closed end. The turning area may be either circular, T-shaped or in the form of a hammer head.

Access - In commercial and industrial districts, definite and assured provision shall be made for service access, such as off road parking, and loading and unloading consistent with and adequate for the uses proposed.

Names and Addresses - Names of new roads shall not duplicate existing or Platted roads in Cortland County. The sub-divider shall contact the County Planning Department regarding proposed names of new roads. The Planning Department will

tell the sub-divider whether or not a particular road name is already being used in the County. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned by the County Planning Department in accordance with the house numbering system now in effect in the County.

Road Signs - The sub-divider shall provide and erect road name signs of a type to be approved by the Town Board at all road intersections prior to acceptance of the constructed roads.

Trees - If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any point including corners. A 200 foot minimum horizontal sight distance at intersections, unobstructed by trees and other plant materials, shall be maintained horizontally along each street.

#### Standards for Road Design

Minimum width right-of-way	60 feet
Minimum width of pavement	22 feet
Minimum width of shoulders	4 feet
Minimum radius of horizontal curves	500 feet
Minimum length of vertical curves	200 feet
Minimum length of tangents between reverse curves	200 feet
Maximum grade runs	6% except that grades up to 10% may be approved on short runs
Minimum grade	1%

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Minimum braking sight distance	200 feet
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#### Section 710 Road Construction Standards

All road improvements shall be installed at the expense of the sub-divider. Roads shall be built in conformity with the Highway Specifications of the Town of Preble, if any. The Roadway base and surface material is to ensure a 5-year life of the roadway with minimum maintenance. Road construction is to conform to standards of the New York Consolidated Highway Improvement Program.

#### Section 715 Shoulders

Shoulders shall be constructed of the same base material as the roadway and expected to achieve a 5-year lifetime with minimum maintenance. Shoulders will

also conform to standards of the New York Consolidated Highway Improvement Program.

#### Section 720 Sidewalks

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the sub-divider, at any locations which the Planning Board may deem appropriate for safety and adequate circulation.

#### Section 725 Drainage Improvements

1. Removal of Spring, Sub-surface and Surface Water - The sub-divider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

2. Drainage Structure to Accommodate Potential Development Upstream - A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Highway Superintendent shall approve the design and size of facility based on anticipated run-off from a "twenty five year" storm under conditions of total potential development permitted by the Land Development Ordinance.

3. Responsibility from Drainage Downstream - The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Highway Superintendent. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the Town Board of

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such potential condition. In such case, the Planning Board will not approve the subdivision until provisions have been made for the improvement of said condition.

#### Section 730 Culverts

The minimum culvert size shall be fifteen (15) inches in diameter. The pipe shall be corrugated steel with a minimum of sixteen (16) gauge. Culverts shall be installed where necessary subject to the review and approval of the Town Highway Superintendent. They shall be a minimum of twenty (20) feet in length at all driveways. Culverts beneath the roadway shall be lengths approved by the Town Highway Superintendent. Concrete headwalls shall be constructed at culvert ends where necessary subject to the approval of the Town Highway Superintendent.

#### Section 735 Dedication

The acceptable roadway shall be a minimum of sixty (60) feet. The Town shall be provided with a survey map and legal description prepared by a N.Y.S. Licensed Land Surveyor. The highway boundaries shall be clearly marked by permanent survey markers.

The Town shall receive a title insured warranty deed by properly executed conveyance.

#### Section 740 Water Supply

1. Individual wells shall be installed at the expense of the sub-divider to the approval of the Planning Board.
2. If it is required by the County Health Code or it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the sub-divider to specifications acceptable to the County Health Department.
3. All individual wells shall meet the requirements of the NYS Department of Health to the satisfaction of the Planning Board.

#### Section 745 Sewage Disposal

1. If it is required by the County Health Code or it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the sub-divider to design specifications acceptable to the County Health Department.
2. All sanitary sewage disposal systems shall meet the requirements of the County Health Department, the State Department of Environmental Conservation and the Town of Preble Planning Board.

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#### Section 750 Utilities

Public utility improvements may be required and shall be installed as follows:

1. Fire Protection: Hydrants to be of size, type and location specified by the Town Engineer or by an Approved Engineer.
2. Street Lighting: Poles, brackets, and lights to be of size, type, and location approved by the local power company
3. Electricity: Power lines shall normally be placed underground and shall be approved by the local power company.
4. Utility Services: Shall be extended beyond the highway boundary or the easement within which the main utility line is located.

#### Section 755 Lots

Corner Lots - Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

Dimensions - Lot depth shall not be more than three (3) times the average lot width of such lot. '-

Driveway Grades - Driveway grades between the street and the setback line shall not exceed 10 percent.

Location - All lots shall have suitable access to a public road.

Lot Lines - Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots and, except when indicated by topography, lot lines shall be straight.

Nuisance Strips - Parcels of land of such size and dimension as to be unsuitable for any reasonable purpose other than to exclude access to adjacent lands owned or to be owned by others, shall be avoided.

Pedestrian Easements - In order to facilitate pedestrian access from particular areas to such places as schools, parks, play areas, or nearby roads, perpetual, unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. Sidewalks may also be required for reasons of safety and convenience. (See section 720 of these regulations)

#### Section 760 Unique and Natural Features Preservation

Unique features such as historic landmarks and sites, rock outcrops, hill-top lookouts, desirable natural contours, and similar features shall be preserved wherever possible. Also streams, lakes, ponds, and wetlands shall be left unaltered and protected by easements or otherwise. All surfaces must be graded and restored within six (6) months of completion of the building construction or improvement so no unnatural mounds or depressions are left. Original topsoil stripped during construction shall be returned to the stripped ground surfaces and stabilized by approved methods. Existing trees shall be preserved whenever possible and protected from damage during construction.

#### Section 765 - Public Open Spaces and Sites

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the Comprehensive Plan, if any, and be made available by one of the following methods:

1. Dedication to the Town.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the Town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the sub-divider in the event the Town does not proceed with the purchase.
4. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located on the Plat or that a provision for such parks would otherwise be impractical, the board may require, as a condition to approval of the Plat, a payment to the Town of a dollar amount to be determined by the Town Board. This sum shall be used to establish a trust fund for use by

the Town exclusively for neighborhood park, playground, and/or recreational purposes and which purposes also includes the acquisition of property.

The Planning Board may require the reservation of areas or sites of such character, extent, and location as are suitable to the needs of the Town for such things as water treatment plants, sewage disposal plants, and other community purposes not necessarily anticipated in the Comprehensive Plan.

#### Section 770 Determination of Land Suitability

No plan of a subdivision of land shall be approved unless, after adequate investigation and consultation with the County Health Department, Soil and Water Conservation District, the Planning Board determines that the land can be used for building purposes without danger to health and is otherwise suitable for such purposes. This includes wetlands and areas with insufficient drainage conditions.

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Approval of a subdivision may be withheld if the proposed system for the drainage of surface water from or on the Subdivision is disapproved by the Planning Board after consultation with the County Health Department and/or Soil and Water Conservation District.

### **ARTICLE 8: BOND FOR INSTALLATION OF IMPROVEMENTS MAJOR SUBDIVISION**

#### Section 810 General

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

1. An agreement that the sub-divider will construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to final approval of the Plat.
2. In lieu of the completion of the improvements, the sub-divider shall furnish a bond executed by a surety company acceptable to the Town in an amount equal to the cost of construction of the improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board, after consultation with an Approved Engineer. The sub-divider shall pay for the cost, if any, incurred by the Planning Board in consulting an Approved Engineer for verification of the adequacy of bonding amounts.
3. In lieu of the completion of improvements, the sub-divider shall deposit a certified check or a letter of credit in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the estimate furnished, by the sub-divider and accepted by the Planning Board following verification of surety amounts by an Approved Engineer.

#### Section 820 Conditions

Before the Final Plat is approved, the sub-divider shall have executed a sub-divider contract with the Town, and a performance bond, certified check, or letter of credit shall have been deposited covering the estimated cost of the required improvements that have been determined by the Planning Board.

The performance bond or letter of credit shall (a) in the case of the performance bond, name the Town as obligee and (b) in the case of the letter of credit, name the Town as the payee, and each shall provide that the sub-divider, his heirs, successors, and assigns, his agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of these regulations, and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with all applicable laws and regulations.

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Any such bond or letter of credit shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety and/or financial institution.

Wherever a certified check is deposited, it shall be made payable to the Town of Preble.

#### Section 830 Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the sub-divider in the form of a bond, letter of credit, or certified check deposit, shall be completed within one year from the date of approval of the Final Plat. Road improvements shall be completed within two years from the date of approval of the Final Plat. The sub-divider may request an extension of time, provided he can show reasonable cause for his inability to perform the improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond, letter of credit, or certified check deposit to construct the improvements called for by the approved Plat. The same shall apply whenever construction of improvements is not performed in accordance

with applicable standards and specifications. There shall be no extension of time given unless and until the terms of the bond or letter of credit shall be extended as well and proof of such extension provided to the Town in sufficient time to enable the Town to grant an extension.

#### Section 840 Agreement - Schedule of Improvements

When a certified check, letter of credit or performance bond are provided pursuant to the preceding sections, the Town and the sub-divider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the sub-divider upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit, letter of credit or performance bond shall not be repaid to the sub-divider until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the sub-divider's contract.

#### Section 850 Modification of Requirements

Upon approval by the Town Board, the Planning Board, after due notice and a public hearing, may modify its requirements for any or all improvements, and the

face value of the performance bond or letter of credit shall there upon be increased or reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond or letter of credit may be increased or reduced proportionately.

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#### Section 860 Inspections

Periodic inspections during the installation of improvements shall be made by the Town Engineer or other designated Town representative to insure conformity with the approved plans and specifications as contained in the sub-divider's contract and these regulations. The sub-divider shall notify the Town Engineer or other designated Town representative when each phase of improvement is ready for inspection. Upon acceptable completion and installation of the improvement, as certified by the Town Engineer or other designated Town representative, the Planning Board shall issue a letter to the sub-divider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond, letter of credit or certified deposit as designated in the sub-divider's contract to cover the cost of such completed work.

#### Section 870 Acceptance of Roads and Facilities

When the Town Engineer, following the final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installations and improvements have been completed in accordance with the sub-divider's contract, the Town Board may, by resolution, proceed to accept the facilities for which the performance bond has been posted, the letter of credit issued, or the certified check deposited. Prior to acceptance of the facilities, the sub-divider shall deposit with the Town Clerk a complete set of as-built drawings which show the location and extent of all installations and improvements required to be completed by the sub-divider's contract.

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