

TOWN OF LINDLEY SUBDIVISION LAW

A local law regulating land subdivision within the Town of Lindley.

Became a law June 20, 1966. Passed by the local legislative body of the Town of Lindley. Filed in the Office of the Secretary of State, November 10, 1966.

Best enacted by the town board of the Town of Lindley as follows:

- Section 1. Title. Local law regulating land subdivision within the Town of Lindley.
- Section 2. Purpose. The purpose herein is to provide rules, regulations and standards to guide the orderly subdivision of land in the Town of Lindley in order to promote the public health, safety, convenience and general welfare of the town. It shall be administered to insure the orderly growth and development, the conservation, protection and proper parceling of land, the adequate provision of service and the safe movement of vehicles in the Town of Lindley.
- Section 3. In the interpretation and enforcement of these rules and regulations, the following definitions shall apply:
 - 3.1. Subdivision. The division of any parcel of land into two or more lots, plots, sites or other division of land, for the purpose, whether immediate or future, of transfer of ownership or building development which shall include resubdivision in whole or in part of any plot, filed or unfiled, which is entirely or partially undeveloped. When land is divided into parcels of five or more acres for agricultural purposes only and no streets, roads or habitable structures are involved, this shall not be considered a subdivision.
 - 3.2. Minor subdivision. Any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road or the extension of any municipal facilities and not adversely affecting the development of the remainder of the property or of adjoining parcels.
 - 3.3. Major subdivision. Any subdivision of land not classified by the planning board as a minor subdivision.
 - 3.4. Subdivider. Any person, firm, corporation, partnership, association or their agent, who shall lay out for the purpose of sale or development, either immediate or future, any subdivision of land or part thereof.
 - 3.5. Lot. Any parcel or tract of land separated from other parcels or tracts by description as on a subdivision or record of survey map, or by metes and bounds for the purpose of sale, lease or separate use.

- 3.6 Plat. A subdivision map.
- 3.7. Sketch plan. Drawing(s) of the proposed subdivision made with sufficient accuracy to be used for the purpose of discussion and classification by the planning board as required by section four and section six of these rules and regulations.
- 3.8. Preliminary layout. The preliminary map presented for planning board review showing the proposed design layout of the subdivision and prepared in compliance with the provisions of section 6.2 of these rules and regulations.
- 3.9. Final plat. The final map of all or a portion of the subdivision presented to the town clerk for final approval by planning board and prepared in compliance with the provisions of section 6.3 of these rules and regulations, and which, if approved, shall be filed in the county clerk's office.
- 3.10. Date of presentment of preliminary layout. The date when the planning board received a preliminary layout complete and with all supporting data required by section 6.2 of these rules and regulations.
- 3.11. Date of submission. The date when the final plat complete with all supporting data required by section 6.3 of these rules and regulations and by the planning board in its action on the preliminary layout, is submitted to the town clerk.
- 3.12. Performance guarantee. Any security which may be acceptable to the town board in lieu of requirement that all improvements to be made by the subdivider, as specified in these rules and regulations, be made before the planning board approves the final plat.
- 3.13. Approval of final plat. Official action of the planning board taken on a previous approved preliminary layout after all requirements, conditions, engineering plans, public hearing, et cetera, have been completed and the required improvements have been installed or a performance guarantee for their completion has been properly posted.
- 3.14. Street. Any street, avenue, boulevard, road, land, parkway, alley, or other way which is an existing state, county or town roadway, or a street or way shown on a plat duly filed and recorded in the office of the county clerk. Streets shall include the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this local law streets shall be classified as follows:

Primary Streets. Those streets used primarily for fast or heavy traffic.

Secondary streets. Those streets which carry traffic from local streets to primary streets and which connect primary streets but do not carry heavy volumes of fast traffic.

Local streets. Those streets which are used primarily for access to the abutting properties.

Section 4. Procedure. The purpose of this section is to set forth the step by step actions which shall be followed by the subdivider and planning board when land is to be subdivided.

4.1. Pre-application meeting. Prior to applying for approval of a subdivision, the subdivider may appear and discuss with the planning board the scope and intent of the proposed subdivision. He may submit general site information and data regarding existing conditions, a location map and a sketch plan with the request for informal consideration by the board and for an expression of its views. The purpose of such a meeting is to afford the subdivider and opportunity to consult informally at an early stage with the board to conserve time and expense for the subdivider and create opportunity for achievement of a desirable subdivision in the public interest. At this time the board will make its determination as to whether the subdivision shall be classified as a minor or major subdivision. No previous notice or application is required for this informal meeting.

4.2. Submission of a sketch plan.

4.2.1 Any subdivider, prior to subdividing land as defined by this local law, shall submit four copies of a sketch plan of such proposed subdivision or resubdivision to the planning board for discussion and classification.

4.2.2. The planning shall take action on sketch plans at a regular or special meeting and shall notify the subdivider of the action taken within ten days form such meeting. Reasons for granting conditional approval or for failure to approve any sketch plan shall be attached to each copy of the sketch plan.

4.2.3. The planning board may, before approving any sketch plan, require the subdivider to submit any additional data deemed necessary.

4.2.4. A sketch plan which is classified as a minor subdivision and has received board of health approval may be approved by the planning board immediately.

4.2.5. Upon planning approval of a sketch plan classified as a minor subdivision no

further approval shall be required. Two copies of the approved plan shall be returned to the subdivider, one filed with the town clerk and one kept in the files of the planning board. The subdivider shall file a copy of the approved sketch plan with the county clerk within ninety days.

4.2.6. After a subdivider has submitted four contiguous minor subdivisions to the planning board any subsequent subdivision on the same street or on an intersecting street, submitted by said subdivider shall be classified as a major subdivision and shall require preliminary layout and final plat approval submission of all data required for such approval

4.3. Submission of a preliminary layout for a major subdivision.

4.3.1. Following sketch plan approval or conditional approval by the subdivider shall submit to the planning board two copies of a preliminary layout and supplementary material along with application for approval not less than seven (7) days prior to a regularly scheduled meeting.

4.3.2. The preliminary layout drawing shall be reviewed by the planning board for compliance with any sketch plan conditions and with the provisions required by this local law. For any noncompliance the planning board may return the layout drawings to the subdivider along with suggestions for bringing it into compliance. The planning board may approve the layout as submitted, may conditionally approve the layout subject to stated conditions, or may disapprove the layout stating the reasons therefor. The board shall conditionally approve or disapprove the application and preliminary layout within forty (40) days after submission to the county clerk.

4.4. Submission of a final plat for a major subdivision.

4.4.1 The final plat of the subdivision shall be submitted to the town clerk at least seven (7) days prior to the planning board meeting at which it is to be considered.

4.4.2. Four (4) copies of the final plat drawing, the application for approval, and all supporting documents required by this local law shall be submitted.

4.4.3. The final plat shall conform substantially to the preliminary layout as approved by the planning board. If the subdivider so desires, the final plat may consist of only that portion of the preliminary layout which is to be developed and recorded at that time, provided that such portion conforms to all requirements of this local law.

4.4.4. Planning board shall hold a public hearing within thirty (30) days from the date of submission of the final plat. Notice shall be placed in the official

newspaper at least five (5) days prior to said hearing.

4.4.5. The planning board shall act on the final plat within forty-five (45) days from the date of the public hearing.

4.5. Fining of approved plat.

4.5.1 After planning board approval of a minor subdivision, or approval of the final plat of a major subdivision, the plat shall be signed by the chairman of the planning board, or the member acting in his place. Subdivision plats must be filed by the subdivider in the county clerk's office. Any subdivision plat not so filed within ninety (90) days from the date of planning board approval shall be null and void.

4.5.2. No plat shall be accepted for filing by the county clerk unless it has been duly approved by the planning board in accordance with this section.

4.5.3. No final plat shall be in any way altered or revised after it has been given approval and has been properly signed in accordance with this section. Such alterations or revisions shall cause said final plat to be null and void.

Section 5. Fees.

5.1 Minor subdivision. There shall be a filing fee of five dollars (\$5.00) per lot for a minor subdivision.

5.2. Major subdivision. There shall be a filing fee of ten dollars (\$10.00) per lot for a minor subdivision.

5.3. All filing fees shall be paid to the town clerk with submission of the plat for final approval.

5.4. All necessary costs and disbursements for the public hearing shall be paid by the subdivider.

Section 6. Plan details. The purpose of this section is to specify for the subdivider the information required by the planning board before review of the proposed subdivision is undertaken.

6.1. The sketch plan. When the sketch plan is submitted to the planning board for consideration the subdivider shall provide the following information:

6.1.1. A location map identifying the subdivision by name and owner of record and showing existing street and utility rights-of-way, the names of adjacent

property owners.

- 6.1.2. A sketch drawing of the proposed layout of streets, lots, easements, and any other features, indicating lot dimensions and the general location and width of street and easement rights-of-way. The sketch plan shall indicate: the scale, date, north arrow, acreage, number of lots and building types.
 - 6.1.3. A general indication of existing natural features including topography, streams, water bodies, ditches, buildings and large trees and tree masses.
 - 6.1.4. General information regarding proposed water supply and sewage treatment and any proposed protective covenant on the lots.
- 6.2. The preliminary layout. A preliminary layout of the proposed subdivision shall be presented to the planning board in duplicate at a scale of one inch equals one hundred feet, or one inch equals fifty feet, whichever most clearly illustrates the subdivider's proposal.
- 6.2.1 Identification. Name of subdivision, if any; name and address of owner of record; names of all adjacent property owners; scale, north arrow and date.
 - 6.2.2. Topography. Sufficient approximate contour lines and elevations to determine the general slope and natural drainage of the land.
 - 6.2.3. Existing features. Location and approximate dimension of all easements and all street and utility rights-of-way; location of ditches, streams, water bodies, large trees, property lines and buildings.
 - 6.2.4. Proposed features. Name, location, width and approximate grades of all streets; location, width and purpose of all easements; number of lots, location and dimension of all drainage facilities; location of all other uses or features proposed by the subdivider or required by this local law or the planning board.
 - 6.2.5. Utilities. Source of water supply and method of sewage disposal for each lot in the subdivision including results of percolation tests and board of health approval.
 - 6.2.6. A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary layout.
- 6.3. The final plat. The final plat shall be drawn at a scale of one inch equals one hundred feet or one inch equals fifty feet, whichever most clearly illustrates the subdivider's proposal. Four (4) copies of all maps and supplementary data shall be submitted. The final plat shall show or be accompanied by the following:

- 6.3.1. Name and location of subdivision, name and address of owner or record, names of all adjacent property owners, scale, north arrow and date.
- 6.3.2. Boundary lines of the tract or that portion of it being submitted for final plat.
- 6.3.3. Location, names and right-of-way widths of all existing streets and easements; location of existing building lines, structures, creeks, ditches and other features to be retained.
- 6.3.4. Location, name and right-of-way widths of all proposed streets, creeks, water courses, drainage facilities, tree masses and other features.
- 6.3.5. Property lines of all lots with accurate dimensions, bearings or deflection angles, and radii and arcs of all curves.
- 6.3.6. Number or letter to identify each lot on the plat.
- 6.3.7. Detailed drawings showing profiles and cross sections of all proposed streets. Aid in preparing drawings may be obtained from the town highway superintendent.
- 6.3.8. County board of health certification, or state health department approval where applicable.
- 6.3.9. Map of town.
- 6.4. Prior to granting approval of the final plat the subdivider shall have installed all improvements required by this local law or shall have furnished the planning board with satisfactory guarantees of performance.

Section 7. Design standards. The purpose of this section is to provide design principles and minimum standards which shall be applied to the subdivision of land. These principles and standards are established to promote and assure sound, efficient and safe long-range development. All subdividers shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof:

- 7.1. General. The subdivision plat shall conform to design standards which will encourage efficient and beneficial development patterns. Where an official map, a general plan or zoning ordinance have been adopted, the subdivision shall conform to the proposals and conditions shown thereon.
- 7.2. Streets.
 - 7.2.1. The layout of new streets in any subdivision shall provide for the appropriate

extension of existing streets and shall take into consideration topography, public convenience, safety and the proposed uses of the land to be served by such streets.

- 7.2.2. Secondary and local streets shall be designed to discourage through traffic.
- 7.2.3. Any subdivision of four or more lots on a primary street shall, whenever possible, be designed so that not lot shall have direct access to the primary street.
- 7.2.4. When a subdivision abuts or contains and existing or proposed arterial street or railroad, the planning board may require marginal access streets, reverse frontage with screen planting contained in the non-access reservation along the real property line, or such other treatment as may be necessary for adequate protection of residential properties.
- 7.2.5 Reserve strips controlling access to streets or providing for access to land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed in the town under conditions approved by the town board.
- 7.2.6 No dead end (cul-de-sac) streets shall be permitted without a suitable turn around. Dead end streets extending to tract boundary lines which are intended to connect to future streets in adjoining tracts and dead end streets within a tract which are to be extended shall be provided with a temporary turn around. Approximate arrangements shall be made for those portions of temporary turn-arounds outside of street rights-of-way to revert to abutting property owners at such time as streets shall be extended.
- 7.2.7 No street names shall be used which will duplicate or be confused with the names of existing streets in the town. Streets that are extensions of or in alignment with existing named streets shall bear the names of the existing streets. Street names shall be subject to the approval of the town board.
- 7.2.8. Subdivisions adjoining or including existing streets which do not conform to right-of-way widths as specified by this local law shall dedicate additional width along either or both sides of said street.
- 7.2.9. Every street shown on the plat that is hereafter filed or recorded in the office of the county clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the public and formally accepted as a public street by resolution of the town board; or alternatively condemned by the municipality for use as a public street.

7.2.10 Minimum street design standards shall be as follows:

| | Primary Street | Secondary Street | Local Street | Cul-de-sac (Turn around) |
|---|----------------|------------------|--------------|---------------------------|
| Minimum right-of-way width | 60' | 50' | 50' | 50'* (60' T.A. Radius) |
| Maximum grade | 8% | 10% | 12% | 10% (5% within T.A.) |
| Minimum grade** | 0.5% | 0.5% | 0.5% | 0.5% |
| Minimum radius of horizontal and vertical curves | 500' | 150' | 150' | 150' |
| Maximum grade within 150' of centerline intersections | 3% | 3% | 3% | 3% |
| Maximum braking sight distance | 200' | 200' | 200' | 150' |
| Minimum distance between centerline of street offsets | 150' | 150' | 150' | 150' |
| Maximum length of cul-de-sacs*** | | | | 500' |
| Minimum outside pavement radius of turn around**** | | | | 50' |
| Angle at intersection of street centerlines | 80° - 100° | 80° - 100° | 80° - 100° | 80° - 100° |

* Reduction may be permitted by planning board based on length and design of cul-de-sac.

** Grades less than 0.5% acceptable when approved storm water drainage facilities are provided.

*** Except where in the judgement of the planning board, the cul-de-sacs does not impose any problem and constitutes a positive design feature, but in no case more than one thousand two hundred fifty feet.

**** A wye may be used when a turning width and length of pavement are approved by the planning board.

7.3. Easements.

- 7.3.1. Adequate easements centered on rear or side lot lines shall be provided for utilities where necessary. A minimum easement of fifteen (15) feet shall be required. Greater easement widths may be required by the planning board id indicated by topographic conditions.
- 7.3.2. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be a storm water easement or drainage right-of-way conforming substantially to the lines of the water course or construction or both, as will be adequate for the purpose.

7.4. Lots.

- 7.4.1. The lot size, width, depth, shape and orientation, and building set-back lines shall be appropriate for the location of the subdivision, topographical conditions, and for the type of development and use proposed, and shall conform to the requirements of the zoning ordinance, as may be hereafter adopted.
- 7.4.2. Each lot shall face on an approved street and have satisfactory access to a public street.
- 7.4.3. Side lot lines hall be substantially at right angles or radical to street lines.
- 7.4.4. Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets.
- 7.4.5. Double frontage lots should be avoided.
- 7.4.6. Excessive lot depth shall be avoided. A proportion of two and one-half depth to one width will normally be considered maximum.
- 7.4.7. Off-street parking space shall be provided for all uses. At least one hundred-eighty (180) square feet of off-street parking space per dwelling unit shall be provided back of the street right-of-way line, plus access drive and maneuvering space.

7.5. Blocks.

- 7.5.1. The length, width, and shape of blocks shall be determined with due regard to:
 - (a) Zoning requirements, as may be hereafter adopted;
 - (b) Limitations and oppportunities of topography;

- (c) Provision of adequate building sites suitable to special needs of use proposed;
- (d) Need for convenient access, circulation, control and safety of street traffic with particular attention to limitation of the number and location of points of ingress or egress.

7.5.2. Block lengths shall not exceed twelve hundred fifty feet (1250'), or the width of three lots, whichever is greater, nor be less than six hundred feet (600').

7.5.3. In blocks over eight hundred feet (800') a pedestrian right-of-way not less than ten feet (10') shall be provided where deemed essential by the board to provide safe circulation, or access to schools, playgrounds, parks, shopping, transportation and similar neighborhood facilities.

7.6. Natural features and trees.

7.6.1. All natural features such as trees, streams, hilltops, historic spots and exceptional views shall be preserved whenever possible in the design and layout of the subdivision. The planning board may require changes in the layout to assure such features are preserved.

7.6.1¹ There shall be at least two existing or new trees per lot spaced approximately fifty (50') apart.

7.6.3. New trees shall be hardy, suitable to local soil and climate and of species approved by the planning board.

7.6.4. New trees shall measure at least one and one-half (1 ½) inches in diameter at a point four feet (4') above the finished grade level.

Section 8. Required improvements. The purpose of this section is to establish the minimum installation and construction standards for improvements which a subdivider is expected to install when land is subdivided. Proper installation of improvements will prevent excessive future maintenance and replacement costs.

8.1. The following improvements shall be installed by the subdivider prior to requesting approval of the final plat; or alternatively, the subdivider shall post a performance bond or other satisfactory guarantee of performance sufficient in amount to cover the estimated full costs of such improvements as determined by the planning board.

8.1.1. Monuments. Tract boundary lines, and the lines of all streets or roads shall

¹ So in original. [Evidently should read "7.6.2"]

be permanently monumented. Monuments shall be set at all block corners or if no complete blocks are involved at each corner of the area to be subdivided. Monuments shall be set at intervals of approximately five hundred feet (500') or at angle points, points of street curvature and points of tangency as required by the town engineer and approved by the planning board. Monuments shall be of granite or concrete with an iron pin or monument cap in the center.

- 8.1.2. Streets. All streets shall be graded and improved in accordance with this ordinance and shall conform at least to the minimum standards and specifications provided by the town board.
 - 8.1.3. Curbs. Where curbs exist on abutting properties, their extension by the subdivider will ordinarily be required throughout the proposed subdivision. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing by the developer.
 - 8.1.4. Sidewalks. The planning board may require such sidewalks as it deems necessary to provide safety for pedestrians. Sidewalks shall be at least four feet (4') wide and of construction approved by the planning board.
 - 8.1.5. Water supply. If available, the subdivider shall connect each lot with the public water supply. Neighborhood water supply systems or individual wells, where proposed must conform to standards and inspection by the New York State Department of Health. Where a water supply system is installed, the subdivider shall provide fire hydrants no more than one thousand feet (1,000) apart, or as required by the planning board.
 - 8.1.6. Storm drainage. All drainage facilities (ditches, culverts, et cetera) required by the planning board shall be installed and banks shall be stabilized to prevent erosion.
 - 8.1.7. Utilities. Electrical service, gas mains and other available utilities shall be provided or arranged for with the utility companies by the subdivider within each subdivision.
 - 8.1.8. Recreation areas. Recreational and park areas shall be of such size and contain such facilities as directed by the planning board.
 - 8.1.9. Miscellaneous. Street signs, street lighting, lighting standards, and street trees shall be of design and type approved by and as directed by the planning board and approved by the town highway superintendent.
- 8.2. The planning board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and general

welfare.

- 8.3. All improvements shall be installed by the subdivider at his expense to the satisfaction of the planning board and the town board.
- 8.4. This subdivider shall file a performance bond or other satisfactory guarantee of performance with the town board to guarantee satisfactory construction and installation of all improvements not constructed or installed at the time of submitting the final plat. The town board shall be satisfied as to the form, amount, and manner of execution of such bond or guarantee. A period of months, within which time all improvements shall be made, shall be specified by the planning board and expressed in the performance bond or guarantee.

Section 9. Offer and acceptance of streets and public facilities.

- 9.1 The approval by the planning board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the town of any street, park, playground or other open space on said plat.
- 9.2. Formal offers of cession to the town of all streets, parks and proposed public facilities shall be prepared by the subdivider and filed with the planning board prior to plat approval. All such facilities for which cession will not be offered shall be so marked on the subdivision plat.
- 9.3. No new streets, parks, easements or other public facilities shall become town property until accepted by the town board.

Section 10. Waivers and modifications.

- 10.1. When unusual conditions occur and in the planning board's opinion strict compliance with this local law would result in unnecessary hardships, the local law may be varied or modified by the planning board so that substantial justice may be done and the public interest secured.
- 10.2. In modifying any part of this local law, the planning board may impose any conditions that are necessary, in its judgment, to accomplish substantially the objectives of the portion of the local law so modified.
- 10.3. The standards and requirements of this local law may be modified by the planning board after prior approval by the town board in the case of a plan and program for a complete new community, planned neighborhood, or cluster development, which in the judgment of both boards provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal

providions² as will assure conformity to or achievement of adequate community growth.

Section 11. Amendements². This local law may be amended after public hearing and approval by the town board as set forth by section two hundred seventy-two of the Town Law.

Section 12. Violations and penalties.

12.1. The violation of any rule or regulation adopted by the town board herein shall be deemed an offense against such rules and regulations.

12.2. For any violation of any provision of this ordinance, the person violating same shall be subject to a fine of not more than fifty dollars (\$50.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

12.3. 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 in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of rules and regulations herein.

Section 13. Saving clause. If any clause, sentence, paragraph, section or part of this local law shall be adjusted by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

Section 14. Court review. Any person or persons jointly or severally, aggrieved by any decision of the planning board concerning such plat may have said decision reviewed by a special term of the Supreme Court in the manner provided by the Civil Practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the planning board, all as set forth in section two hundred eighty-two of the Town Law.

Section 15. Effective date. This local law shall be effective immediately.

²So in original [word misspelled]