

**TOWN OF WHITEHALL
LOCAL LAW #6 OF 1990
TITLE: PROVIDING FOR LAND SUBDIVISION REGULATIONS**

Be it enacted by the Town Board of the Town of Whitehall as follows:

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LOCAL LAW NO. 6 OF 1990
TOWN OF WHITEHALL

A Local Law providing for Land Subdivision Regulations

ARTICLE I GENERAL PROVISIONS

Section 1 Legislative Authority

Pursuant to the authority of Section 10 of New York State Municipal Home Rule Law and by New York State Statutes of Local Government, the Town Board of the Town of Whitehall authorizes and empowers the Planning Board of the Town of Whitehall to review and approve plats within that part of the Town of Whitehall (outside the limits of the Village of Whitehall), and to review and approve the development of plats already filed in the office of the Clerk of Washington County, if such plats are entirely or partially undeveloped.

Section 2 Citation

In order that land subdivisions may be made in accordance with this policy, this local law shall be known as and may be cited as the "Town of Whitehall Land Subdivision Regulations" have been adopted by the Planning Board on July 25, 1990, and approved by the Town Board on September 20, 1990.

Section 3 Effective Date

This local law shall take effect upon their proper filing with the New York State Secretary of State.

Section 4 Application and Fees

No subdivision of any lot, tract or parcel of land shall be effected; no road, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these regulations.

Condominium and cooperative development shall be reviewed under this law.

All plans for subdivisions shall be submitted to the Whitehall Planning Board for review and approval.

The provisions contained herein shall apply to all land within the limits of the Town of Whitehall (outside the limits of the Village of Whitehall).

Application and review fees shall be set by resolution of the Town Board and periodically reviewed by said Town Board.

Section 5 Policy

It shall be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly and efficient growth within the area of the Town of Whitehall (outside the limits of the Village of Whitehall) and to afford adequate facilities for the transportation, housing, convenience, safety, health and welfare of its residents. This means among other things:

- a) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace;
- b) Proper provision shall be made for water supply, drainage, sewerage and other needed public improvements and utilities;
- c) Proposed roads shall constitute a convenient system conforming to the official map (where or as may be approved) and development plans;
- d) Any proposed roads shall be of such width, grade and location as to accommodate present and prospective traffic, and shall comply with the requirements listed herein and the town Highway Ordinance or local law, if such exists;
- e) All development shall facilitate adequate fire protection and provide access for appropriate fire fighting equipment and other emergency equipment;

f) Open space for parks, playgrounds and green areas of suitable location, size and character, shall be provided whenever appropriate;

g) Consideration shall be given by the Planning Board regarding the proposed project in relationship to the following: aesthetic, agricultural, archaeological, historic or other natural or cultural resources of the town of Whitehall.

Nothing in this law shall prohibit the subdivider from self-imposed restrictions consistent with this law. Any such restrictions shall be indicated on the plat.

Section 6 Separability

Should any section or provision of this law contained herein or as amended be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this law as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE II DEFINITIONS

Section 1 Use and Interpretation of Words

Except where specifically defined herein or where the context requires otherwise, all words used in this local law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number includes the singular, unless the context clearly indicates the contrary.

The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "building" includes all other structures of every description except fence and walls, regardless of dissimilarity to conventional building forms. The word "lot" includes "plot" or "parcel". The word "person" includes a corporation as well as an individual. The phrase "used for" includes "arranged for", "designed for", "intended for", and "occupied for".

Section 2 Definitions

For the purpose of this local law, the following words shall have the following meanings:

Aesthetics-The pleasantness of the total environment. Aesthetics relate to the perceptual aspects of the surroundings-their appearance to the eye and the comfort and enjoyment offered to the other senses. Aesthetics are viewed as a legitimate though minor purpose of planning, but are frequently accepted in combination with a major planning element: that is, economy, health and safety, control of densities and hazards, and convenience.

Agricultural Use-Any management or use of any land for agriculture, including raising of cows, horses, pigs, poultry, and/or other livestock, truck gardens, horticulture or orchards, including the sale of products grown or raised directly on such land and including the construction, alteration or maintenance of fences for agricultural purposes, agricultural roads, agricultural drainage systems and farm ponds.

Agricultural Use Structure-Any building or structure directly and customarily associated with agricultural use.

Applicant-A person, partnership, or corporation that applies for a permit.

Arterial Road-See Major Road.

Buffer-An unpaved, natural area without buildings designed to reduce the possibility of adverse impact on land or water quality and /or conflicts of land use between two (2) or more areas. No parking or storage of vehicles of any kind or objects associated with the use of the property is permitted. When not inhabited with natural woody plants (i.e. trees and shrubs) sufficient to visually screen adjoining uses of zones, such "buffer area" shall be planted, regraded and/or fenced as approved.

Building-Any structure which is permanently affixed to the land, is covered by a roof supported by columns or by walls, and is intended for shelter, housing or enclosure of persons, animals or chattels (see "structure").

Building Height-The vertical distance measured from the lowest portion of the natural grade of the building site covered by the building or finished grade of cut required to accommodate the building to the highest point of the structure.

Building Line-The point from which all yard requirements are measured and which is determined by a line formed by the intersection of a horizontal plane of the lowest grade level and a vertical plane that extends from the most projected part of the building open to the sky.

Building Permit-Written permission issued by proper municipal authority for the demolition, construction, repair, alteration or addition to a structure.

Cluster Development-A planned development in which the lots are plotted with less than the minimum lot size and dimensional requirements, but which have access to common open space which is a part of the overall development plan.

Collector Road-A road which carried traffic from a minor road to the major system of secondary or arterial roads, the principal entrance and circulation roads within a development.

Commercial Use-Any use involving the sale, rental, distribution or storage of goods, services or commodities, retail or wholesale, or the provision of recreation facilities or activities for a fee. The term shall include but not be limited to the following: drive-in restaurant; fast food operation, filling station, public garage, retail store, retail stand, tavern and warehouse.

Commercial Use, Transient and/or Temporary-Any commercial use where retail display in principally outdoors, such as sidewalk sales, or within temporary structures including tents. Said use is typically seasonal, not a principal part of a commercial establishment, operating from the same site and facility year-round. Such use shall not include community based religious or civic groups or organizations.

Common Facilities-Complementary structures and/or improvements located on a common open space appropriate for the benefit and enjoyment of the space by the public or members of the controlling association or condominium.

Common Open Space-A parcel or parcels of land or an area of water, or a combination of land and water, designated and intended for the private or public use of enjoyment of the space and may include any appurtenant structures that are necessary to allow the enjoyment of the space.

Condominium Development-A project or individual single-family dwelling units which may consist of one, a part, or more than one structure, wherein the dwelling units are individually owned, each owner holding a title thereto, while retaining together with all the other owners of units in the project, an undivided interest in the common facilities and areas of the buildings and grounds which are used by all the residents, pursuant to an offering prospectus. A condominium development shall be reviewed as a subdivision under this local law.

Condominium Unit-An individual single-family dwelling unit within a condominium development.

Cooperative-A multi-family project of single-family dwelling units, offices or commercial shops, which may include one or more buildings on the same lot or property. Those dwelling units, offices, shops or spaces, common areas and facilities, which are owned by an organization, independent corporation, partnership or other enterprise, are in turn owned and operated for the benefit of those using or occupying the property. A cooperative development shall be reviewed.

Cul-De-Sac-See "Dead-End Road".

Dead-End Road (cul-de-sac)-A road or a portion of a road with only vehicular outlet and with a turn-around at its terminus.

Duplex Dwelling, Two-Family-A detached building containing two (2) dwelling units.

Dwelling, Single-Family-A detached building (not including a mobile home) of one or more stories in height, above a main grade level, which is designed or used exclusively as living quarters for one family or household.

Dwelling, Two-Family-A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit-A building or portion thereof providing complete housekeeping facilities for one family.

Easement-Authorization by a property owner for the use by another for a specified purpose, of a designated part of the owner's property.

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

Environmental Assessment Form-A properly completed Environmental Assessment Form (short form) shall accompany all applications for the subdivision of land and shall contain sufficient information to describe the proposed action, its location, its purpose, and its potential impacts on the environment. A long form EAF shall be required if the subdivision is classified by the Planning Board as a major subdivision. The long form may be required if said subdivision is a type I or unlisted action and meets the thresholds as outlined in Section 617.12 of the State Environmental Quality Review Act (SEQRA).

Environmental Impact Statement-A written document prepared in accordance with Sections 617.8 and 617.14 of NYCRR Part 617 State Environmental Quality Review Act.

Family-One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel or other such premises.

Farm-Any parcel of land used for agricultural use, including any structure; building which is incidental to the permitted use.

Fence-An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials.

Historic Site-A structure or place of historical significance. May be designated as such by local, state or federal government.

Home Owners Association-A contract by and between owners of dwelling units in an area that provides rules and regulations for the operation and maintenance of commonly owned facilities and/or open space.

Improvements (Required)-Any activities or improvements required by this law, except as may be waived by the Planning Board, including but not limited to, roads, utility installations, road ditches, drainage facilities and culverts, monuments and revegetation operations.

Industrial Use-Any manufacturing, production or assembly of goods or materials, including and on-site waste disposal area directly associated with an industrial use. This term includes junkyards, but does not include mineral extractions, private and commercial sand and gravel extraction, sawmills, chipping mills, pallet mills and similar wood using facilities.

Land Clearing-The excavation, cutting, removal, alteration, destruction or clearing of perennial or annual vegetation, including trees, or the disturbance of soil.

Landscape-All natural features, such as fields, hills, forests, water, etc., that distinguish one part of the earth's surface from another part, usually that portion of land or territory which the eye can comprehend in a single view, including all of its natural characteristics.

Landscape Plan-A plan of sufficient detail to describe proposed changes in topography, structures, vegetation and visual characteristics.

Land Use or Development or Use-Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or structure.

Lot-A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Corner-A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 115 degrees.

Lot, Coverage-That portion of the lot that is covered by buildings and structures.

Lot Depth-The minimum continuous distance measured from the front line to the rear lot line.

Lot Width-The minimum contiguous distance between the side lines of a lot.

Major Road-A road which serves or is designated to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Major Subdivision-Any subdivision not classified as a minor subdivision or a resubdivision.

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

Minor Road-A road intended to serve primarily as an access to abutting residential properties.

Minor Subdivision-Any subdivision containing not more than four (4) lots, each fronting on or having access by easement to an existing public road, not involving any new road or roads or the extension of municipal facilities or when not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Master Plan or Town Development Plan, if enacted.

Mobile Home-Any self-contained dwelling unit, (not travel trailers) that is designed to be transported to its site on its own wheels or those of another vehicle, which may contain the same water supply, kitchen facilities and plumbing, sewage disposal and electric systems as immobile housing and is designed to be used exclusively for residential purposes; the structure must be certified by U. S. Department Housing Urban Development (HUD) and conform to the HUD Code. (A modular home which conforms to New York State Building Code is not considered a mobile home.

Mobile Home Park-A parcel of land under a single deed ownership which is designed and improved for the placement of two or more mobile home units therein.

Modular Home-Any building comprised of two (2) or more sections with or without their own chassis, capable of being transported to their building site and permanently joined into one integral unit which is indistinguishable in appearance from a conventionally built home, including, but not limited to, a sloped roof, permanent foundation and conforms with New York State Building Code.

Official Map-The map established by the Town Board, pursuant to Section 270 of the Town Law, showing roads, highways and parks and drainage, existing and proposed.

Perc Test-(Percolation Test) A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

Potable Water Supply-Water suitable for drinking or cooking purposes.

Submittal Date-Applicant shall submit and file with the Secretary of the Planning Board any required information at least ten (10) days prior to the Planning Board meeting.

Open Space Recreation Use-Any recreation use particularly oriented to utilizing the outdoor character of an area which does not depend on amusement devices or rides. These recreational uses may include a snowmobile trail, bike, jeep or all-terrain vehicle trail, cross country ski trail, hiking and backpacking trail, bicycle trail and horse trail, as well as playground, picnic area, public park, and public beach for activities such as soccer baseball, football, tennis and water related activities.

Parcel of Property-Any real property shown on the latest adopted County tax roll as a unit, or as contiguous units under common ownership. Parcels separated by public highway and owned by the same owner shall be deemed to be separate parcels of real property.

Parking Area, Public-An open area other than a road or other public right-of-way used for the parking of automobiles and available to the public.

Parking Space-For the purpose of these regulations, one parking space shall constitute an area of two hundred (200) square feet of such shape and vertical clearance so as to accommodate one automobile having an overall length of twenty (20) feet.

Parking Space, Handicapped-An oversized parking space designed to accommodate the handicapped. Such space shall constitute an area of two hundred forty (240) square feet with a minimum width of twelve (12) feet and having an overall length of twenty (20) feet.

Person-Any individual, corporation, partnership, association, trustee, or other legal non-government entity.

Planning Board-Pursuant to Section 271 of the Town Law, the Town of Whitehall created a "Planning Board". Such Board consists of five (5) members appointed by the Town Board in such manner and for such terms as provided in the Town Law. The Planning Board shall have all the powers and perform all the duties prescribed by Statute and by this Local Law.

Plat, Final-The final maps of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with this law and which, if approved, shall be filed with the Washington County Clerk.

Plat, Preliminary-A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision, as specified in this law, submitted to the Planning Board for purposes of consideration prior to submission of the final plat and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Plat, Sketch (or Sketch Plan)-A sketch of a proposed subdivision showing the information specified in this law to enable the subdivider to save time and expense in complying with the general objectives of this law.

Principal Building-any one of the following:

1. a single-family dwelling or mobile home constitutes one principal building;
2. a tourist cabin or similar structure for rent or hire involving 300 square feet or more of floor space constitutes one building;
3. each dwelling unit of a multiple-family dwelling, including each separate dwelling unit used on a time-sharing, leased time, or other similar basis whereby more than one person, group of persons or family has a legal right of occupancy at different times constitutes one principal building;
4. all agricultural use structures and single-family dwelling or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as one principal building;
5. any other structure which exceeds 1,250 square feet of floor space constitutes one principal building;
6. a structure containing a commercial use which is also used as a single-family dwelling constitutes one principal building.

An accessory structure does not constitute a principal building.

Recreation Facilities, Commercial-Recreation facilities open to the general public for private gain.

Recreational Facilities, Private-Recreational facilities supplemental to a principal use, for the utilization of proprietors and guests, and excluding any use which is open to the public for a charge.

Resubdivision-A change in a subdivision plat or resubdivision plat filed in the office of the Washington County Clerk, which change a) affects any area reserved thereon for public use; b) affects any road layout shown on such plat; or c) increases or diminishes the size of any lot shown thereon.

Retail Business-The offering, for a fee, of goods and merchandise, excluding restaurants, to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise.

Right-Of-Way-A parcel of land open to the public for vehicular or pedestrian traffic.

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

Road Pavement-The wearing or exposed surface of the roadway used by vehicular traffic.

Road Width-The distance between property lines.

Runoff-That portion of the precipitation, rain and/or snowmelt, that can not be absorbed by the soil within a drainage area, that is discharged from the area in water channels, either natural as a stream, or man-made. Types of runoff include surface, groundwater,

snowmelt, stormwater and/or seepage.

Single Family Dwelling-A building, not including a mobile home, of one or more stories of height above the main grade level, which is designed or used exclusively as the living quarters for one family, whether seasonal or year round.

Slope-The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.

State Environmental Quality Review Act (SEORA)-The Planning Board shall also determine the applicability of SEQRA and shall require that an applicant submit, as a minimum requirement, a short form Environmental Assessment Form (EAF).

An Environmental Assessment Form (EAF), long form, to be completed by the applicant, shall be required if the proposed subdivision is classified as a major subdivision. The long form may be required if the proposed subdivision is classified as meeting the threshold as outlined in the State Environmental Quality Review Act Regulations.

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

Structure-Any object constructed, installed or permanently placed on land to facilitate land use and development or subdivision of land, including, but not limited to, buildings, sheds, single family dwellings, mobile homes, signs, service station pumps, drive-in or drive through islands with or without canopies, all above ground tanks, and any fixtures, additions and alterations thereto but excluding animal shelters less than 100 square feet. (See "Building").

Subdivider-Any person, firm, corporation, partnership or association, or any combination of the foregoing, or successor in interest to any such parties, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision-A division of any residential, commercial or industrial land into two (2) or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy by any person or by any such person controlled by, under common control with any such person or group of persons acting in concert as part of a common scheme or plan provided.

The following shall not be considered a subdivision within the meaning of the law:

1. conveyances of small amounts of land to correct a boundary of a lot so long as such conveyance does not create additional building lot;
2. division of land for agricultural purposes;
3. division of land by testamentary or intestate provision.

For the purpose of this law, a condominium and cooperative shall be reviewed as a subdivision.

Subdivision shall also include any development of a parcel of land such as a shopping center, mobile home court, industrial area, condominium or multiple dwelling project which involves the installation of roads and/or alleys, even though the alleys may not be dedicated to public use, and the parcel may not be divided immediately for the purpose of conveyance, transfer or sale.

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

Surveyor-A person licensed as a land surveyor by the State of New York.

Town-The Town of Whitehall in New York State.

Town Engineer-The duly designated engineer of the Town.

Town House-A dwelling unit which is one of a series of units, having a common party wall between each adjacent unit, each unit with private outside entrances.

Townhouse Development-A multiple family dwelling project of individual single family units arranged in a row of at least three (3) such units each on its own separate lot of record and wherein each unit has its own front and rear access to the outside, no unit located over another unit, and each unit is separated from any other unit by one or more common walls.

Travel Trailer Camp-A parcel of land which is occupied or used for the placement of two or more travel trailers, motor homes, or similar temporary living quarters.

Travel Trailer, Travel Vehicle or Recreational Vehicle-Any trailer or vehicle, including a tent camper or motor home, which is designed to be transported on its wheels, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include one or all of the accommodations and facilities customarily included in a mobile home.

Type I Action-Any action or class of actions listed in Section 617.12 of SEQRA, or in any involved agency's procedures adopted pursuant to Section 617.4, including the Town of Whitehall's local laws.

Type II Action-Any action or class of actions which is listed in section 617.13 of SEQRA. When the term is applied in reference to an individual agency's authority to review or approve a particular proposed project or action, it shall also mean an action or class of actions listed as Type II actions in that agency's own procedures to implement SEQRA adopted pursuant to Section 617.4 of this Part.

Undeveloped Plat-Any plat where twenty (20%) percent or more of the lots within the plat are unimproved, unless existing conditions, such as poor drainage, have prevented their development of such lots.

Unlisted Action-Any action that may have a significant effect on the environment as explained in Part 617.2 of SEQRA.

ARTICLE III PROCEDURE FOR FILING SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed to be made, and before any contract for the sale or lease of, or any offer to sell or lease any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

Whenever possible, it shall be the intent of the Planning Board to consolidate procedures and applications in order to promote a more efficient and timely review.

To the greatest extent possible, the procedures and requirements as outlined in Article 8 of the Environmental Conservation Law and Volume 6A, Part 617, of the Official Compilation of Codes, Rules and Regulations of the State of New York have been incorporated into the procedures described in this local law. Time periods for the conduct of public hearings in order to coordinate the State Environmental Quality review process with other procedures relating to the review and approval of actions may affect the subdivision review process. When this occurs, applicants may be requested to extend the scheduled review period to accommodate the State Environmental Quality Review process.

Section I Pre-Application Review

a. Submission of Sketch Plan

An owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary or other duly authorized official of the Planning Board at least ten (10) days prior to the regular meeting of the Board two (2) copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article V, for the purposes of classification as a major or minor subdivision and preliminary discussion.

b. Other Government Agency Approvals and Additional Land Use Requirements

An owner of land shall determine the requirements of the appropriate governmental agencies whose approval is required by this law, and other land use regulations which may be applicable to the applicant's project.

c. Discussion of Requirements and Classifications

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to review the requirements of this law for road improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information set forth on the sketch plan.

Classification of the sketch plan is to be made at this initial meeting by the Planning Board as to whether it is a minor or major subdivision as defined in this law. When the subdivision is classified by the Planning Board as a major or minor subdivision, a notation to that effect shall be made on the sketch plan. The Board may require, when it deems necessary for protection of the public health, safety or welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions.

If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Section 2 or 3 of this Article.

If the sketch plan is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Section 4 of this Article.

Subdivisions classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat.

d. Study of Sketch Plan

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

e. Fees

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

Section 2 Approval of Minor Subdivision

a. Application

Within six months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application on a form provided by the Planning Board for approval of a subdivision plat. Failure to submit the prescribed application within six (6) months shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board. Said application shall conform to the requirements listed in Article V.

b. Fees

Every application for plat approval for a minor subdivision shall be accompanied by the applicable fee set forth on the current schedule of fees for the Town of Whitehall posted in the office of the Town Clerk.

c. Number of Copies

Five (5) copies of the subdivision plat and application shall be presented to the Secretary of the Planning Board at least ten (10) days prior to the scheduled meeting of the Planning Board.

d. Subdivider to Attend Planning Board Meeting

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

e. When Officially Submitted

The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of

the Planning Board at least ten (10) days prior to which the application for plat approval, complete and accompanied by the required fee and all data required by Article IV of these regulations, has been filed with the Secretary of the Planning Board.

f. Public Hearing

Following the review of the subdivision plat and any additional materials submitted, the Planning Board shall hold a public hearing, only after the application has been deemed complete by the Planning Board. This hearing shall be held within forty five (45) days following the submission of the completed plat. The hearing shall be advertised in the Town's official newspaper at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate.

g. Action on Subdivision Plat

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

h. Submittal and Recording of Subdivision Plat

The requirements regarding the Mylar and recording of said plat is as follows:

1. Three (3) copies (one copy in ink or mylar) of the plat, the original and one (1) true copy of all covenants and agreements.
2. The subdivider shall record the final plat in the Office of the County Clerk of Washington County within ninety (90) days after the date of approval; otherwise the plat shall be considered void, and must be again submitted to the Planning Board for review and approval before recording in the Office of the County Clerk of Washington County.

Every final plat shall set forth the following endorsement: "Approved by resolution of the Town of Whitehall Planning Board on (date) , 20___, subject to all requirements and conditions of said resolution. Signed this (date) , 20___, by:

_____, Chairman
 _____, Secretary or other designated officer of the Planning Board

Section 3 Accelerated Process of Minor Subdivision

The subdivider may elect to submit his complete application (including final plat, environmental Assessment Form and applicable fees) prior to the Planning Board's initial meeting with applicant.

If the subdivision is classified as minor, and application submission is deemed complete, the Planning Board shall schedule a public hearing within thirty days of the initial meeting if the Planning Board deems a public hearing is necessary. Otherwise, the Planning Board may waive the public hearing and consider approval of the proposed minor subdivision at this initial meeting.

If the subdivision is classified as major, the applicant must proceed under Section 4 of this Article.

Section 4 Approval of Major Subdivision

a. Application and Fee

Every major subdivision shall be subject to the preliminary plat requirements as set forth herein. The subdivider shall file an application for approval of the preliminary plat plan on forms available from the Town Clerk, accompanied by all documents specified in Article V. The application shall be accompanied by a fee listed on the current schedule of fees for the Town of Whitehall, posted in the office of the Town Clerk.

b. Number of Copies

Five (5) copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least ten (10) days

prior to a regular monthly meeting of the Planning Board.

c. Study of Preliminary Plat

The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangements, the future development of adjoining land, and the requirements of the Master Plan, the official map and zoning regulations, if such exist.

d. When officially Submitted

The time of submission of the preliminary plat shall be deemed to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article IV of these regulations, has been filed with the Secretary of the Planning Board.

e. Public Hearing for Preliminary Plat

Following the review of the preliminary plat and any additional materials submitted, the Planning Board shall hold a public hearing, but only after the application has been deemed complete by the Planning Board. This hearing shall be held within forty five (45) days following the submission of the completed preliminary plat and application. The hearing shall be advertised in the Town's official newspaper at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate.

f. Approval of the Preliminary Plat

Within forty-five (45) days after the public hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat indicating the ground for any modification or conditions or for disapproval. Failure of the Planning Board to do act within such forty-five (45) day period shall constitute a conditional approval of the preliminary plat.

When granting approval to a preliminary plat, the Planning Board shall state any modifications or conditions of such approval, such as 1) the specific changes which it will require in the preliminary plat; 2) the character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals, and general welfare; and 3) the amount of improvement of the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. The action of the Planning Board, plus any conditions attached thereto, shall be noted on three (3) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, one (1) retained by the Planning Board, and one (1) forwarded to the Town Board.

Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for the approval of the Planning Board and for recording upon fulfillment of the requirements of this law and the conditions of the conditional approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the Public Hearing.

Section 5 Final Plat for Major Subdivision

a. Application for Approval

The subdivider shall, within six (6) months after the conditional approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application form prescribed by the Planning Board and available from the Secretary of the Planning Board. If the final plat is not submitted within six (6) months after the conditional approval of the preliminary plat, the Planning Board shall refuse to approve the final plat and require resubmission of the preliminary plat.

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

b. Number of Copies

A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Secretary of the Planning Board with a copy of the application and three (3) copies (one copy in ink or mylar) of the plat, the original and one (1) true copy of all offers of cession, covenants, and agreements, and two (2) prints of any construction drawings, at least ten (10) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

c. When Officially Submitted

The time of submission of the final subdivision plat shall be deemed to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which the application for approval of the subdivision plat, complete and all data required by Article IV, Section 4 of these regulations, has been filed with the Secretary of the Planning Board.

d. Endorsement of State and County Agencies

Where required, water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the New York State Department of Health and by New York State Department. Applications for approval of plans for sewer or water facilities shall be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by the New York State Department of Health shall be secured by the subdivider before official submission of the subdivision plat.

e. Public Hearing

A public hearing and waiver thereof may be held by the Planning Board within forty-five (45) days after the time of submission of the subdivision plat application is deemed complete by the Planning Board. This hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing. Provided however that the public hearing may be waived by the Planning Board if the Board finds that there are no substantial changes from preliminary plat approval as approved.

Section 6 Action of Proposed Final Plat

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

If the public hearing had been waived, pursuant to paragraph 5 (e), the Planning Board shall act within forty-five (45) days of the official completed submission date. The time in which the Planning Board must take action on such plat may be extended by mutual consent between the subdivider and the Planning Board.

Section 7 Conditional Approval of Final Plat

Upon conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat and grant final approval upon completion of such requirements as may be stated in the conditional approval resolution. The plat shall be certified by the Town Clerk. A certified statement of the requirement shall accompany the plat, which when completed will authorize the signing of the conditionally approved final plat. Upon completion of the requirements, the plat shall be signed by said duly authorized officer of the Planning Board.

Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting conditional approval. The Planning Board may, however, extend the expiration time not to exceed one (1) additional period of ninety (90) days.

Section 8 Recording of Final Plat

The subdivider shall record the final plat in the Office of the County Clerk of Washington County within ninety (90) days after the date of approval; otherwise the plat shall be considered void, and must be again submitted to the Planning Board for renewal before recording in the Office of the County Clerk of Washington County.

Every final plat shall set forth the following endorsement:

"Approved by the resolution of the Town of Whitehall Planning Board on)date), 20 ___, subject to all requirements and conditions of said resolution. Signed this (date), 20 ___, by:

_____, Chairman
_____, Secretary
or other designated officer of the Planning Board"

Section 9 Plat Void if revised After Approval

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

Article IV REQUIREMENTS AND DESIGN STANDARDS FOR ALL SUBDIVISIONS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards and considerations as set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VIII herein.

Section 1 General Requirements

The following are factors which should be considered in development of said subdivision:

- a. Natural Resource Considerations
 1. Water
 - a. Existing Water Quality
 - b. Natural Sedimentation of Siltation
 - c. Existing Drainage and Runoff Patterns
 - d. Existing Flow Characteristics
 - e. Existing Water Table and Rates of Recharge
 2. Land
 - a. Existing Topography and Soil Types
 - b. Erosion and Slippage
 - c. Floodplain and Flood Hazard
 - d. Mineral Resources
 - e. Viable Agricultural Soils
 - f. Forest Resources
 - g. Open Space Resources
 - h. Vegetative Cover
 - i. The Quality and Availability of Land for Outdoor Recreational Purposes.
 3. Air Quality
 4. Noise Levels
 5. Resource Areas
 - a. Rivers, canals, streams, ponds and lakes
 - b. Rare plant communities
 - c. Habitats of rare and endangered species and key wildlife habitat
 - d. Wetlands
 - e. Elevations of twenty-five (25) hundred (2,500) feet or more
 - f. Unique geologic features.

- 6. Fish and Wildlife
- 7. Aesthetics and Scenic Vistas
- b. Historical Site Considerations
- c. Site Development Considerations
 - 1. Natural Site Factors
 - a. Geology
 - b. Slopes
 - c. Soil Characteristics
 - d. Depth to ground water and other hydrological factors
 - 2. Other Site Factors
 - a. Adjoining and nearby land uses
 - b. Adequacy of site facilities
- d. Governmental Considerations
 - 1. Governmental Service and Finance Factors
 - a. Ability of government to provide facilities and services
 - b. Municipal school or special district taxes
 - 2. Conformance with Other Governmental Controls
- e. Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

- f. Conformity to Official Map and Master Plan/Development Plan

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Master Plan or Town Development Plan, in enacted at the time of application.

- g. Specifications for Required Improvements

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

- h. Preservation of Existing Features

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

Section 2 Road Layout

- a. Width, Location and Construction

Roads shall be of sufficient width, suitably located, adequately constructed to conform with the Master Plan, if such exists, accommodate presented prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

b. Relation to Topography

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

c. Block Site

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

d. Intersections With Major Road

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

e. Visibility at Intersections

Within the triangular area formed at corners by the intersecting road lines, for a distance of forty (40) feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges, or other landscaping, shall be permitted to obstruct such visibility.

f. Design Standards

Roads shall meet the following standards, unless otherwise indicated on the Town Plan, if one exists.

ROAD CLASSIFICATION	MINOR ROAD	MAJOR ROAD
A. Minimum width of right of way	50 feet	60 feet
B. Minimum width of pavement	26 feet	36 feet
C. Minimum radius of horizontal curves	150 feet except for road intersection corners	400 feet
D. Minimum length of vertical curves as measured from center of line or right of way	100 feet, but no less than 20 feet for each 1% algebraic difference of grade	200 feet, but no less than 60 ft. for each 1% algebraic difference of grade
E. Minimum length of tangent between reverse curves	100 feet except where excessive grades may be reduced to reasonable grades by shortening tangent	200 feet
F. Maximum grade	12%	8%

G. Minimum grade 1% 1%

H. Minimum sight distance (vertical) 200 feet 300 feet

g. Construction Requirements

All roads and road improvements shall be constructed in accordance with any specifications established by the Town Board of the Town of Whitehall and at the expense of the subdivider.

Approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road easement or other open space shown on such subdivision plat.

h. Continuation of Roads into Adjacent Property

Roads shall be arranged to provide for the continuation of roads between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the Town Master Plan, if such exists.

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

i. Permanent Dead-End Roads (Cul-De-Sacs)

Where a proposed road does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance of not less than one hundred (100) feet. Reserve strips of land shall not be left between the end of a proposed road and adjacent property; however, the Planning Board may require the reservation of a twenty (20) foot wide easement to accommodate pedestrian traffic or utilities. A circular turn-around with a minimum right of way radius of sixty five (65) feet shall be provided at the end of a permanent dead-end road. For general convenience to traffic and more effective police and fire protection dead-end roads shall, in general, be limited in length to twelve hundred (1,200) feet.

j. Road Names

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

k. Public Improvements

Roads shall be graded and improved with pavement, road signs, sidewalks, road lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains, fire hydrants, and underground electric and telephone services, except where the Planning Board may waive, under such circumstances as the Planning Board deems appropriate taking into consideration the public health, safety and general welfare.

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

Section 3 Lots
a. Access

Each lot shall directly abut a public or approved private road or easement as required by Town Law, Section 280-a. This abutment shall include at least twenty (20) feet of road frontage suitable for access by emergency vehicles. easements may be considered for access. Access from private road or easement shall be deemed acceptable if such roads or easements are designed and

improved in accordance with these regulations or such negotiations are waived.

b. Access Across a Watercourse

Where a watercourse separate the buildable area of a lot from the access road, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Engineer or other duly designated Town Official.

c. Side Lot Lines

Side lot lines shall be at right angles to the road lines unless a variation from this rule will give a better road of lot plan.

d. Access from Major Roads

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

e. Arrangement

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

f. Buildable Lots

Each lot shall have a buildable area free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unbuildable soils.

g. Driveway Access

Driveway access and grades shall conform to specifications of the Town Driveway Ordinance or Local Law, if one exists.

h. Septic Requirements

Where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provisions for septic absorption fields or seepage pit systems as required by the New York State Uniform Building and Fire Code and Washington County Sanitary Code.

Section 4 Parklands, Reservations and Easements

a. Parks and Playgrounds (for Major Subdivisions Only)

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

If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, the Board may require as a condition to approval of any such plat a payment to the Town in the amount established pursuant to a fee schedule set by the Town Board and filed in the Town Clerk's Office. Such money shall be used by the Town for park and recreational purposes, including the acquisition of property.

When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and provision for the cost of the grading, development, equipment and maintenance of any such

recreation area.

b. Realignment or Widening of Existing Roads

Where the subdivision borders an existing road, and the official map or Town Plan indicates plans for realignment or widening of the roads that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "Reserved for Road Alignment (or Widening) Purposes'.

c. Utility and Drainage Easements

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

d. Easements for Pedestrian Access

The Planning Board may require, in order to facilitate pedestrian access from road to schools, parks, playgrounds or other nearby roads, perpetual unobstructed easements at least twenty (20) feet of width may be required. In areas of heavy vehicle or pedestrian traffic, sidewalks may be required.

All required sidewalks shall be installed at the expense of the subdivider, and shall conform to the specifications of the Planning Board. All required sidewalks shall be of concrete or of material approved by the Planning Board, and shall have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas.

e. Responsibility for Ownership of Reservation

Ownership of any reservation shall be clearly marked on any plat.

ARTICLE V REQUIRED DATA AND PLATS

Section 1 Sketch Plan

The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than fifty (50) feet to an inch) to enable the entire tract to be shown on one sheet. The sketch plan shall show the following:

- a) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest road intersection.
- b) Any existing structure, wooded area, streams and other significant physical features, within the portion to be subdivided and with two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
- c) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- d) The tax map sheet, block and lot numbers, if available.
- e) Any utilities available, and any road indicating whether proposed, mapped or built.
- f) The proposed patterns of lots (including lot width and depth), road layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
- g) Total acreage of subdivision and number of lots proposed.
- h) Any existing and potential restriction on the use of the applicant's land including easements, covenants, Federal and State Designated Wetlands, Town of Whitehall Floodway District, Town of Whitehall Special Flood Hazard District, and Town of Whitehall Agricultural District.
- i) Potential alterations of existing topography.
- j) Environmental Assessment Form; long form if classified as major, otherwise short form. Additional environmental information may be required in accordance with provision of the State Environmental Quality Review Act.
- k) Such additional information and exhibits the applicant or the Planning Board may feel necessary to describe the project and its compliance with the requirements of this law.

Section 2 Minor Subdivision Plat

In the case of minor subdivision ONLY, the subdivision plat applicant shall include the following information:

- a) Information specified under Section 1 of this Article.
- b) A copy of any covenant or deed restriction which is applicable to any part of the tract.
- c) An actual field survey of the boundary lines of the tract, giving complete description data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Town authorized engineer, and shall be referenced and shown on the plat.
- d) Evidence to show that suitable on-site sanitation and suitable on-site water supply facilities exist. If conditions warrant, based on review of said site, the Planning Board may require that any on-site sanitation or water supply facility be designed to meet or exceed the minimum specification of the State Department of Health and the Washington County Sanitary Law, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
- e) Proposed subdivision name, name of the Town and County in which it is located.
- f) Any additional information as deemed necessary by the Planning Board.
- g) Any required fees.

Section 3 Major Subdivision Preliminary Plat and Accompanying Data

The following documents shall be submitted:

Five (5) copies of the preliminary plat prepared at a scale of not more than one hundred (100), and preferably not less than fifty (50) feet to the inch, showing:

- 1) Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
- 2) The name of any subdivisions immediately adjacent to the parcel of which the proposed subdivision is a part and the name of the owners of record of all adjacent property.
- 3) Any parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 4) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
- 5) Location of any existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
- 6) Contours with intervals of ten (10) feet or other suitable indication of slope as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to change more than two (2) feet.
- 7) The width and location of any road, public way or place shown on the official map or Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and road profiles of any road or public way proposed by the developer.
- 8) The approximate location and size of any proposed water line, valve, hydrant and sewer line, and fire alarm box. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of any proposed water and sewer lines.
- 9) Storm drainage plans indicating the approximate location and size or proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
- 10) Plans and cross-sections showing the proposed location and type of sidewalks, road lighting standards, trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
- 11) Preliminary designs of any bridges or culverts which may be required.

12) The proposed lot lines with approximate dimensions and area of each lot.

13) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map if any such official map exists.

14) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town authorized engineer, and shall be referenced and shown on the plat.

15) If the application applies to only a portion of the subdivider's parcel, a map of the entire parcel, drawn at a scale of not less than fifty (50) feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the parcel and the probable future drainage layout of the entire parcel shall be submitted. The application for the portion of subdivider's entire parcel shall be considered in light of the entire holdings.

16) A copy of any covenants and deed restrictions which are intended to cover any or part of the tract.

17) Long Form Environmental Form.

18) Such additional data and information as deemed necessary by Planning Board to meet the objectives of this local law.

19) Any required fees.

Section 4 Major Subdivision Final Plat and Accompanying Data

The following documents shall be submitted for final plat approval:

a. The plat to be filed with the County Clerk shall be printed upon linen or mylar, or be clearly drawn in India ink upon tracing cloth or polyester film or shall be photographic copies of polyester film. The sheets shall include a margin for binding two (2) inches, outside of the border, along the left side and a margin on one (1) inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than one hundred(100) feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:

1) Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.

2) Any road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

3) Sufficient data acceptable to the Planning Board to determine readily the location, bearing the length of every road line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced monuments included in the State system of plane coordinates, and in any event should be tied to any reference points previously established by a public authority.

4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, and tangent bearings shall be given for each road. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true north point.

5) Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Town authorized engineer. When referenced to the State system of plan coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town authorized engineer and their location notes and referenced upon the plat.

6) All lot corner markers shall be permanently located satisfactorily to the Town authorized engineer, at least three-quarters (3/4) inches, if metal, in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.

7) Monuments of a type approved by the Town authorized engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all road intersections, angle points in road lines, point of curve and such intermediate points as shall be required by the Town authorized engineer.

b. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of roads, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins, and other facilities.

c. Any deed restrictions existing and proposed in form for recording.

d. Approval of the State Health Department of water supply systems and sewage disposal systems proposed or installed and applicable Washington County Rules and Regulations.

ARTICLE VI REQUIRED IMPROVEMENTS, AGREEMENTS AND FEES

Section 1 Improvements and Performance Bond

Before the Planning Board shall grant final approval of a major subdivision plat, the subdivider shall follow the procedure set forth in either subparagraph a or subparagraph b.

a. In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and shall be satisfactory to the Town Board and the Town authorized engineer as to form, sufficiency, manner of execution and surety. A period of one (1) year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which the required improvements must be completed.

b. The subdivider shall complete all required improvements to the satisfaction of the Town authorized engineer, who shall file with the Planning Board a letter stating the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily completing any improvements not approved by the Town authorized engineer. Any such bond shall be satisfactory to the Town Board and Town authorized engineer as to form, sufficiency, manner of execution and surety.

c. The required improvements shall not be considered to be completed until the improvements have been approved by the Town authorized engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements in accordance with paragraph b of this Section, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in paragraph a of this Section then such bond shall not be released until such a map is submitted.

d. The subdivider may request an extension of time to perform required public improvements provided that the subdivider can show reasonable cause for inability to construct and install said improvements within the required time. Such extension of time shall not exceed six (6) months. At the end of such extension of time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required by this Article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules and regulations.

Section 2 Modification of Design and Improvement

If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town authorized engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town authorized engineer may, upon approval by a previously delegated member of the Planning Board, authorize

modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town authorized engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

Section 3 Inspection of Improvements

At least five (5) days prior to commencing construction of required improvement, the subdivider shall notify the Town Board in writing of the time when the subdivider plans to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to ensure the satisfactory completion of improvements and utilities required by the Planning Board.

Section 4 Proper Installation of Improvements

If the Town authorized engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, such engineer shall so report to the Town Board and the Planning Board. The Town Board shall then notify the subdivider, and if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. Where a subdivider is in default with respect to a subdivision, the Planning Board shall not approve or proceed with any other subdivision by the same subdivision.

Section 5 Utilities

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

Such public utility improvements may include fire protection (hydrants); road lighting, electricity (power lines), and natural gas.

Section 6 Monuments

Permanent monuments shall be set at block corners and at the beginning and end of all curves and at such other points as are necessary to establish definitely all lines of the plat, except those outlining individual lots. In general, permanent monuments shall be placed at all critical points necessary to correctly lay out any lot in the subdivision. Such permanent monuments shall be constructed of concrete with a three-quarter (3/4) inch iron rod insert having ground level dimensions at five (5) inches square, and twenty-four (24) inches long, tapering to six (6) inches square at the subsurface level. Four (4) such monuments at the periphery of the plot shall have a brass cap accurately set and identified as a bench mark with the elevation labeled thereon. At the corners of each lot, an iron pin one (1) inch in diameter and twenty-four (24) inches long shall be placed into the ground to grade.

Applicant with a minor subdivision may request waiver of this provision, and said approval shall not be unreasonably withheld. The intent of said Section 6 is to principally apply to major subdivisions.

Section 7 Fees

a. The Planning Board may employ consultants, legal counsel, professional engineers and inspection services for their assistance and advice in the review of any application before it and for such purposes as the Planning Board may require, including on-site investigation, evaluation and inspection; verification of the accuracy of information submitted; evaluation of the adequacy of plans, of the sufficiency of submitted reports, flood hazard evaluation; and study of the impact of proposals upon the resources and environment of the Town; preparation and review of environmental impact statements; review of the design and layout of improvements; and inspection of installed improvements and such other services or technical assistance as the Planning Board may deem necessary for its review of such application and for the administration of these regulations in relation thereto.

b. All costs incurred for such services shall be borne by the subdivider; as further provided below, deposits shall be required in advance to cover the estimated costs of said services. Such deposits shall be in the amounts set forth in the duly adopted fee schedule, if any, or in the amounts to be determined by the Planning Board, or its duly authorized agent, as sufficient to cover all such

costs. Fees for the preparation and review of environmental impact statements shall be as determined by 6 NYCRR, Part 617, adopted pursuant to Article 8 of the Environmental Conservation Law.

c. Deposits for such services as are deemed by the Planning Board to be required for its appropriate review of any particular application shall be filed by the subdivider, or his duly authorized agent, with the Town Clerk by certified check payable to the Town of Whitehall. An application shall not be deemed complete until all such deposits have been received; no application shall be deemed complete by the Planning Board until the requirements of this section have been complied with.

d. In like manner, deposits required for services related to the development of a plat and the installation of improvements therein, shall be filed in the Town Clerk's office before final plat approval (signing of the plat by the duly authorized officers of the Planning Board).

e. The balance of any deposits remaining after completion of installment shall be returned by the Town Board to the subdivider, or paid to the order of the subdivider, without payment of interest.

f. Any deficiency in the amount of such deposits to cover such incurred costs in full shall be submitted to the Town Clerk on or before the specified date by the Planning Board; building permits and certificates of occupancy may be withheld for construction with respect to a plat for which any balance of such an amount due remains unpaid until such balance has been duly submitted in full.

ARTICLE VII CLUSTER DEVELOPMENT

In order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, and to facilitate the adequate and economic use of roads and utilities, and to preserve the natural and scenic qualities of open lands, the Planning Board encourages subdividers to consider cluster development.

ARTICLE VIII VARIANCES AND WAIVERS

Section 1 Variances

Where the Planning Board finds that extraordinary and unnecessary hardships may result from the strict compliance with this law, it may vary the requirements of one or more of the provisions of this law so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of the official map, Master Plan or Development Plan, if enacted.

Section 2 Waivers

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

Section 3 Objectives

In granting a variance and modification or waiver, the Planning Board shall require such reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied, modified or waived.

No such waiver, modification or variance may be granted if it will have the effect of nullifying the intent and purpose of said subdivision regulations.

ARTICLE IX ENFORCEMENT

Section 1 Penalty

Any person owning, controlling or managing any building, structure, land or premises wherein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this Local Law, shall be guilty of an offense and subject to fines or imprisonment as follows: not exceeding Five Hundred Dollars (\$500.00) or Ten (10)

days imprisonment, or both;

Such fines shall be recovered by the Town in a civil action. Every person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "person" for the purpose of this Local Law.

Section 2 Alternative Remedy

In case of any violation or threatened violation of any of the provisions of this law, or conditions imposed by the Planning Board or pursuant to a building permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceeding to prevent such threatened or continuing violation or to restrain, correct or abate such violation.

Section 3 Stop Work Order

a. The Town Board for the Town of Whitehall hereby grants to the Town's Code Enforcement Officer, or the applicable Washington County Code Enforcement Officer, the administrative responsibility of immediately terminating any actions in violation of this law by posting a Stop Work Order on the premises wherein the violation has occurred or continues to occur.

b. The Stop Work Order shall serve notice to the owner, builder, developer, agent and/or other individual or business on the premises that all such actions specified on the Stop Work Order must be terminated immediately.

c. Relief from the Stop Work Order can be realized as follows:

If all provisions of this Local Law, together with other conditions specified by the Town's Code Enforcement Officer, or the applicable Washington County Code Enforcement Officer, are met, the termination of the Stop Work Order shall occur.

Section 4 Misrepresentation

Any permit or approval granted under this Local Law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of a subdivider shall be void. This Section shall not be construed to affect the remedies available to the Town under any other Section of this law.

Section 5 Complaints and Violations

Whenever a violation of this Local Law occurs, any person may file a complaint in regard thereto. Any such complaints shall be filed with the Town Code Enforcement Officer or Washington County Code Enforcement Officer, who may require such complaint to be in writing. The Town Code Enforcement Officer and Washington County Code Enforcement Officer shall have the complaint properly investigated and report thereon to the Planning Board or Town Board.

ARTICLE X SUPERSEDE, INCONSISTENCY AND COMPLIANCE WITH SEQRA

In the event any of the provisions of this law conflict with or in inconsistent with any provision of Town Law, it is the intent of this local law, pursuant to Municipal Home Rule and the Statutes of Local Government, to supersede such provisions of Town Law specifically, and including Town Law Sections 130, 261, 264, 265, 265(a), 268, 276, 277, 278, and 281.

All applications reviewed under this local law shall also comply with the provisions of the State Environmental Quality Review Act (SEQRA) as applicable.