

SUBDIVISION OF LAND

Chapter 108

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[HISTORY: Adopted by the Town Board of the Town of Brutus 9-3-1985 by L.L. No. 2-1985; amended in its entirety 5-11-1992 by L.L. No. 2-1992. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Electrical standards - See Ch. 60.

Fire prevention and building construction - See Ch. 65.

Flood damage prevention - See Ch. 69.

Freshwater wetlands - See Ch. 73.

Zoning - See Ch. 125.

**ARTICLE I
General Provisions**

§ 108-1. Title.

The official name of these Regulations shall be "Subdivision Regulations of the Town of Brutus, New York."

§ 108-2. Purpose.

These regulations are adopted to secure and provide for:

- A. The proper arrangement of streets and highways in relation to existing or proposed streets, highways and the thoroughfare plan.
- B. Adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and the avoidance of congestions of the population.
- C. The orderly, efficient and appropriate development of land.
- D. The orderly and efficient provision of community facilities at minimum cost and maximum convenience.
- E. Safe and convenient vehicular and pedestrian movement.
- F. The promotion of public health, safety, morals, comfort, convenience, prosperity or general welfare.
- G. The accurate surveying of land and preparing and recording of plats.
- H. The equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdivider.

§ 108-3. Authority to approve plats.

The Planning Board, Town of Brutus, New York, has the authority to review and approve subdivision plats within the town limits in accordance with a resolution adopted by the Town Board on August 5, 1985, pursuant to the provisions of Article 16 of the Town Law, as amended.

§ 108-4. Compliance required; applicability.

- A. No subdivision of any lot, tract or parcel of land and no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use of occupants of buildings abutting thereon except in strict accordance with the provisions of this chapter.
- B. Subdivision plats shall not be recorded unless approved by the Town Planning Board.
- C. The provisions contained herein shall apply to all land within the unincorporated area of the Town of Brutus.

§ 108-5. Construal of provisions.

- A. The provisions of these regulations shall be construed to be minimum requirements.
- B. Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other applicable law, local law, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. This chapter is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
- D. No subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall be made lawful solely by reason of the adoption of these regulations, and to the extent that said subdivision of land is in conflict

in any manner with the requirements of this chapter, said subdivision of land remains unlawful hereunder.

ARTICLE II
Definitions and Word Usage

§ 108-6. Word usage.

- A. Words used in singular include the plural.
- B. Words used in the present tense include the future tense.
- C. The word "shall" is mandatory and the word "may" is permissive.

§ 108-7. Definitions.

Throughout these regulations, the following terms shall have the meanings given herein:

BUILDING SETBACK LINE - A line establishing the limits of a yard which abuts a street and in which no building may be located.

CLUSTER OR DENSITY DEVELOPMENT - A subdivision in which the lot area for each dwelling has been reduced but the overall density does not exceed the maximum density (dwelling units per acre) set for the district by Chapter 125, Zoning, and thereby provides common open space which may be retained in public or private ownership.

DEAD-END STREET - A street or a portion of a street with only one (1) vehicular outlet.

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

FINAL PLAT - (Also referred to as "final subdivision plat") The final map or drawing upon which the subdivision is

presented to the Planning Board for approval and which, if approved, will be submitted to the County and Town Clerks for recording.

FRONTAGE - The length of the front property line or the lot, lots or tract of land abutting a public street, road, highway or rural right-of-way.

GRADE - The slope of a street, specified in percent, and shown on street profile plans as required herein.

IMPROVEMENTS - Grading, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks, street signs, streetlights, street trees and the appropriate appurtenances required to render land suitable for the use proposed.

LOT - A parcel of land intended for transfer of ownership or building development, whether immediate or future.

LOT, CORNER - A lot at the point of intersection of and abutting on two intersecting streets.

LOT DEPTH - The mean or average horizontal distance between the front and rear lines of a lot.

LOT, DOUBLE-FRONTAGE - A lot, other than a corner lot, that abuts more than one street.

LOT LINES - The boundaries of a lot.

LOT, REVERSE-FRONTAGE.- A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

MASTER PLAN - Mapped and/or written proposals for future land use and thoroughfare development in the area.

OFFICIAL SUBMISSION DATE - The date when a subdivision plat shall be considered submitted to the Planning Board as provided in § 276 of the Town Law, and is hereby

defined to be the date of the meeting of the Planning Board at which all required surveys, plans and data are submitted.

PEDESTRIAN WALKWAY - A dedicated public right-of-way limited to pedestrian use.

PLANNING BOARD - The Planning Board of the Town of Brutus.

PRELIMINARY PLAT OR LAYOUT - The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for its review and recommendations.

PUBLIC SEWER SYSTEM - When individual homes are connected to a common sewage disposal system.

PUBLIC WATER SYSTEM - When individual homes are connected to a common water distribution system.

PUBLIC UTILITY - Any person, firm, corporation, governmental agency, or board fully authorized to furnish and furnishing under regulations to the public electricity, gas, steam, telephone, transportation or water or any other similar public utilities.

STREET - A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, drive, place or other similar designation and as defined by the Town of Brutus Highway Department and its Highway and Drainage Standards adopted October 1995 and as amended. [**Amended 4-8-1996 by L.L. No. 1-1996**]

STREET RIGHT-OF-WAY LINE - A line between a lot, tract or parcel of land and the contiguous street where the lot, tract or parcel has been conveyed to the center of the street; the "street right-of-way line" then becomes the inside line of land reserved for street purposes.

SUBDIVIDER - Any individual, firm, association, corporation, trust or any legal entity, including agents,

commencing proceedings under these regulations to subdivide land.

SUBDIVISION - A division of land into two or more lots, plots, sites or other division of land for the purpose of conveyance, whether immediate or future, of transfers of ownership except for agricultural purposes or building development. Such division shall include resubdivision, as defined in § 276 of the Town Law. **[Amended 11-4-1996 by L.L. No. 6-1996; 2-10-2008 by L.L. No. 1-2008]**

A. **MAJOR SUBDIVISION** – Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any size subdivision requiring any new street or extension of municipal facilities.

B. **MINOR SUBDIVISION** - Any subdivision containing not more than one lot fronting on an existing street, not involving any new street or road or extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property.

ARTICLE III

Submission and Review Procedures

§ 108-8. Purpose.

The purpose of this Article is to specify the procedures that shall be followed to subdivide land.

§ 108-9. Stages of approval.

Subdivisions consisting of two or more lots shall be approved in three stages: the informal discussion stage; preliminary plat or layout stage; and the final plat stage.

- A. The informal discussion stage requires the subdivider to discuss the proposed subdivision with the Planning Board so that he can become familiar with subdivision requirements, existing conditions and future plans. (This step does not require application fee or formal application.)
- B. The preliminary plat or layout stage requires the subdivider to present all information needed to enable the Planning Board to determine that the proposed layout is satisfactory and will serve the public interest. This stage also ensures that the subdivider will not be required to expend excessive moneys without some assurance that his plat will finally be approved.
- C. The final plat stage requires the subdivider to present all data needed to enable the Planning Board to determine that the subdivision fully complies with these regulations and conforms to the approved preliminary layout. After approval has been given, the plat can be recorded.

§108-10. Sketch plat or discussion stage.

- A. The subdivider shall consult with the Soil and Water Conservation District and avail himself of the advice and assistance of these Offices. He shall submit a discussion map, including all items required by § 108-14.
- B. The Planning Board shall express, in writing to the subdivider, their opinions and recommendations about potential and actual problems which must be considered for the preparation of the preliminary plat or layout.

§108-11. Preliminary plat or layout stage.

- A. Submission of preliminary plat or layout. The subdividers shall make an application to the Planning Board for approval of a preliminary plat. All information required by § 108-15 shall be submitted to the Planning Board as follows:

- (1) Two copies of the application.
 - (2) Eight copies of the preliminary plat, including a vicinity map.
 - (3) Any other data the Planning Board deems necessary.
- B. Transmission of preliminary plat or layout. The Planning Board shall transmit a copy of the preliminary plat to the following officials and agencies for their review and recommendations:
- (1) The County Environmental Health Department and/or State Health Department.
 - (2) The Town Highway Superintendent. [**Amended 4-8-1996 by L.L. No. 1-1996**]
 - (3) The Town Zoning Officer.
 - (4) The Water Resources Commission of New York State.
 - (5) Utility companies.
- C. Planning Board action. The Planning Board, within 45 days after the preliminary plat has been properly submitted, shall hold a public hearing as provided in § 276 of the Town Law. The Planning Board shall make its decision within 45 days of said hearing.
- D. Effect of approval. Approval of a preliminary plat by the Planning Board shall not constitute approval of the final plat or an acceptance of the subdivision for record. It is an approval of a general plat as a guide for the preparation of a subdivision plat for final approval and recording upon fulfillment of all the requirements of these regulations. Approval of a preliminary plat shall be effective for a period of one (1) year following the date of approval by the Planning Board unless an extension of time is granted. Upon expiration of a preliminary plat approval, no

approval of a final plat shall be given until the preliminary plat has been resubmitted and approved.

§108-12. Final plat stage.

A. Submission of final plat.

- (1) The subdivider shall make an application to the Planning Board for approval of a final plat. The final plat submitted shall conform to the approved preliminary plat. The final plat may include the entire subdivision or sections thereof submitted for approval, provided that preliminary approval has been given for the entire subdivision. Such sections shall be numbered consecutively as they are submitted.
- (2) All items required by § 108-16 shall be submitted to the Planning Board as follows:
 - (a) Two copies of the final plat application.
 - (b) One copy of the approved preliminary plat and application.
 - (c) One copy of the protective covenant, if proposed.
 - (d) Reproducible tracing and four copies of approved improvement plats. [**Amended 4-8-1996 by L.L. No. 1-1996**]
 - (e) A certificate of compliance by the Zoning Officer.
 - (f) A certificate of approval from the State and County Health Departments that the water and sewage systems of the proposed subdivision comply with the standards of the State and County Sanitary Code or other applicable codes.

- B. Official submission date. The final plat shall be considered officially submitted only at a regular meeting of the Planning Board following the completion of the procedures outlined below.
- (1) The final plat shall be submitted to the Planning Board through its secretary or other receiving agent at least two (2) weeks prior to the regular meeting of the Planning Board.
 - (2) The Planning Board shall determine if all the items as required by §108-16 have been submitted. If all the required items have not been submitted, the Planning Board shall notify the subdivider of such omissions either prior to its regular meeting or at the regular meeting.
 - (3) Upon determination by the Planning Board at its regular meeting that the final plat has been properly submitted, the Planning Board shall accept it as being officially submitted and schedule a public hearing within thirty (30) days of this submission date.
- C. Public hearing. Before the Planning Board acts on any final plat, it shall hold a public hearing thereon, in accordance with § 276 of the Town Law. This hearing shall be advertised in a newspaper of general circulation or official town newspaper at least five (5) days prior to such hearing.
- D. Planning Board action. The Planning Board shall act within forty-five (45) days from the date of official submission. One (1) of the following actions shall be taken by the Planning Board:
- (1) Approve; modify and approve. The Planning Board may give final approval before all required improvements are installed, provided that a bond in an amount estimated by the Planning Board is filed with the Town Board to secure to the Town the satisfactory construction and installation of the incompleeted portion of the required improvements.

A period of one (1) year, or such other period as the Planning Board may determine appropriate within which required improvements must be completed, shall be specified by the Planning Board and expressed in the bond. Such performance bond shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency and manner of execution. The bond shall provide that an amount determined adequate by the Planning Board shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition. All required improvements shall be made by the applicant at his expense without reimbursement by the Town of any district therein.

- (2) Disapprove. If the Planning Board disapproves the final plat, written notice of such action, including reference to the regulation or regulations violated by the plat, shall be mailed to the subdivider. The action shall also be entered on the official records of the Planning Board.
- (3) Approval without Planning Board action. In the event that the Planning Board shall fail to act upon the final plat within forty-five (45) days from the date of its official submission, the final plat shall be deemed to have been approved. The subdivider may obtain a certificate from the Clerk of the Town stating the official submission date of the final plat and the failure of the Planning Board to take action within the legally required time. This certificate shall be issued on demand and shall be sufficient in lieu of the written enforcement of other evidence of approval required herein. The certificate will permit the County Clerk to file the final plat without it being signed by the Planning Board.

- E. Effect of approval. The approval by the Planning Board of a final subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any street, park, playground or other open space shown on said plat.
- F. Recording of final plat. After the Planning Board has given its final approval of a plat, the plat shall be properly signed and sealed by the Planning Board. If approved, the plat shall be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed within 90 days of final approval shall become null and void. **[Amended 4-8-1996 by L.L. No. 1-1996]**
- G. Waiver of final plat requirements for minor subdivisions. In the case of a small subdivision when the parcel to be subdivided will result in no more than one new lot being formed from a parcel that was shown on Cayuga County Tax Maps for the Town of Brutus as of the date of this enactment, contains no new streets or other physical improvements, the Planning Board may waive the following final plat requirements: § 108-12B(3), C, D and E. **[Amended 11-4-1996 by L.L. No. 6-1996; 2-10-2008 by L.L. No. 1-2008]**

ARTICLE IV Plat Specifications

§108-13. Purpose.

The purpose of this Article is to inform the subdivider of the specific information that he must provide to permit adequate review, approval and recording of plats.

§ 108-14. Informal discussion stage.

A map shall be submitted by the subdivider as a basis for informal discussion. The map shall show the following information:

- A. Location: the subdivision boundaries, Town and north point.
- B. Existing and proposed streets and highways on and adjacent to the proposed subdivision.
- C. A statement of how sewage disposal and water supply will be provided.
- D. Utility transmission lines and easements.
- E. Existing zoning districts (if applicable).

§ 108-15. Preliminary plat or layout stage.

The subdivider shall furnish the following:

- A. Preliminary plat or layout application.
- B. Vicinity map. The map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. The vicinity map may be on the same sheet as the preliminary plat or layout drawing. The vicinity map shall show:
 - (1) The subdivision name, town, tract, original lot or section number, if applicable, and North arrow.
 - (2) Existing and proposed main traffic arteries.
 - (3) Shopping facilities.
 - (4) Schools.
 - (5) Parks and playgrounds.
 - (6) Any other significant community features.
- C. Preliminary plat or layout drawing. The plat or layout shall be prepared by a registered surveyor, professional planner, landscape architect or professional engineer. The plat shall be accurately and clearly drawn. The drawing

shall include the proposed plat or alternate plats of the subdivision and shall show the following:

(1) Identification.

- (a) The proposed name of subdivision (must not duplicate others in the county), town, tract and original lot or section number, if applicable.
- (b) The names, addresses and telephone numbers of the owners, subdivider and registered surveyor, professional planner, landscape architect or professional engineer.
- (c) The scale [one (1) inch equals one hundred (100) feet], North arrow and date, unless otherwise stated by the Planning Board during the preliminary discussion stage.

(2) Existing data.

- (a) Boundary lines, showing bearings and distances as surveyed by a registered surveyor.
- (b) Easements: location, width and purpose.
- (c) Streets on and adjacent to the subdivision: names (should not duplicate others in the county), location, right-of-way and roadway width.
- (d) Utilities on and adjacent to the subdivision, such as sanitary and storm sewers, water mains, gas lines, fire hydrants and utility poles.
- (e) Ground elevations on the subdivision: show contours with an interval of not more than ten (10) feet if ground slope is in excess of four percent (4%), and two (2) feet if ground slope is less than four percent (4%).

- (f) Subsurface conditions on the subdivision: any conditions that are not typical, such as abandoned mines.
- (g) Other conditions on the subdivision:
 - [1] Watercourses and areas subject to flooding.
 - [2] Marshes.
 - [3] Rock outcroppings.
 - [4] Wooded areas.
 - [5] Isolated preservable trees one (1) foot or more in diameter.
 - [6] Any structures or other significant features.
- (h) Other conditions on adjacent (within 200 feet) land:
 - [1] The approximate direction and gradient of ground slope, including any embankments or retaining walls.
 - [2] The location and type of buildings.
 - [3] Railroad lines.
 - [4] Power lines and towers.
 - [5] Other nearby nonresidential uses of land.
 - [6] Owners of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name, plat book and pages).
- (i) Zoning requirements (if applicable).

- [1] District.
 - [2] Lot area and yard requirements.
 - [3] Proof of any modifications in lot area which may have been granted.
- (j) Planned public improvements: highways or other major improvements planned by public authorities for future construction on or near the subdivision.
- (3) Proposals.
- (a) Streets: show proposed streets (indicate each street by a letter, except where the street is a continuation of an existing street), right-of-way widths, approximate grades and proposed improvements.
 - (b) Other rights-of-way or easements: location, width and purpose.
 - (c) Lots: numbers as directed by the County Clerk; blocks in the same manner.
 - (d) Minimum building setback lines.
 - (e) Land parcels within the subdivision not to be divided into lots.
 - (f) Public sites reserved or dedicated for parks, playgrounds or other public uses.
 - (g) Sites for other uses: multifamily dwellings, shopping facilities, churches, industry or other nonpublic uses, exclusive of single-family dwellings.
 - (h) Total site data, including acreage, number of residential lots, typical lot size and acres in parks and other public uses.

- (i) When extensive changes to topography are contemplated, a plat showing the proposed changes is required.
- (j) In cases where lots or parcels have been previously transferred, without plat, out of the tract intended to be subdivided, such lots or parcels previously transferred shall also be numbered in sequence and included with all new lots created in the proposed subdivision.
- (k) **Drainage Control: show how storm drainage will be retained on site or otherwise controlled so as to prevent storm drainage from damaging other properties. [Added 2-10-2008 by L.L. No. 1-2008]**

D. Other information. The Planning Board may require such additional information as it deems necessary.

§108-16. Final plat stage.

The subdivider shall furnish the following:

- A. Final plat application.
- B. Final plat drawing.
 - (1) The final plat (map) shall be drawn in waterproof ink on tracing cloth or Mylar, maximum sheet size 24 inches by 36 inches within the border on major subdivisions and minimum sheet size 8 ½ inches by 14 inches or an appropriate size, within the border on major subdivisions and shall be at a scale of not more than 100 feet to one inch. Where necessary, the plat (map) shall be on several sheets accompanied by an index showing the entire subdivision. **[Amended 4-8-1996 by L.L. No. 1-1996]**
 - (2) The final plat shall show the following:

- (a) Identification:
 - [1] The proposed name of the subdivision (must not duplicate others in the county), town, tract and original lot or section number, if applicable.
 - [2] Location Map at a scale of one inch equals 2,000 feet (United States Geological Survey), with North arrow.
- (b) Control points. All dimension angles and bearings are to be referred to control points, nearest established street line, section lines or other established point.
- (c) Lines and boundaries: center lines and right-of-way lines of streets, easements and other rights-of-way, natural and artificial watercourses, streams, shorelines, corporation limits and property lines of all lots and parcels with distances, radii, arcs, chords and tangents of all curves (nearest one-hundredth of a foot), bearings or deflection angles (nearest second).
- (d) Street names. Street names shall not be so similar to existing street names as to create the possibility of confusion. Street names shall be subject to the approval of the Planning Board.
- (e) Building setback lines accurately shown with dimensions.
- (f) Lot and block identification. Lots shall be numbered in consecutive order and when the subdivision is submitted in sections or phases, lots shall be numbered consecutively as each section or phase is submitted. In cases where lots or parcels have been transferred previously, without plat out of the tract intended to be subdivided, such lots or parcels

previously transferred shall also be numbered in sequence with all new lots created in the proposed subdivision.

- (g) Total site data, including acreage, number of residential lots, typical lot size and acres in parks and other public uses.
- (h) Land for public use: show boundaries and identify the use of all parcels which are to be dedicated or reserved for public use or easements.
- (i) Monuments: location and description of those found, set or to be set.
- (j) Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume and page of the County Clerk's map.
- (k) Certification and seal by a registered surveyor to the effect that the plat represents a survey made by him which balances and closes and that the monuments shown thereon exist or shall be set as shown and that all dimensional and geodetic details are correct.
- (l) Tax certificate by the owner or owners of the subdivision and any offer of street dedication or other public areas, provided that there are no unpaid taxes or special assessments against the land contained in the plat.

[1] Certification of person or persons designated to review and inspect the required improvements to the effect that the required improvements have been satisfactorily installed or adequate financial guaranties have been provided.

[2] Acceptance of offers of dedication by the Town Board.

[3] Proper notations for transfer and recording by the County Treasurer and County Clerk.

(m) Protective covenants.

(n) Drainage Control: show how storm drainage will be retained on site or otherwise controlled so as to prevent storm drainage from damaging other properties. [Added 2-10-2008 by L.L. No. 1-2008]

C. Improvement, plats, specifications and cost estimates.

- (1) Drawings showing cross sections, profiles, elevations, construction details, specifications and cost estimates and all calculations and computations for all required improvements shall be prepared by a professional engineer. The improvement plat shall be prepared as directed by the engineering agent employed by the Town and subject to the Planning Board's approval.
- (2) If it becomes necessary to modify the improvements as approved, due to unforeseen circumstances, the subdivider shall inform the Planning Board, in writing, of the conditions requiring the modifications. Written authorization from the Planning Board to make the required modification must be received before proceeding with the construction of the improvement.
- (2) At the completion of the construction, and before acceptance, the subdivider shall furnish the Planning Board or its receiving agent a set of reproducible tracings for permanent record, showing the locations, sizes and elevations of all improvements as constructed.

ARTICLE V
Design Standards

§ 108- 17. Use of existing topography.

Subdivisions should be planned to take advantage of the topography of the land to economize in the construction of drainage facilities, to reduce the amount of grading and to minimize the destruction of trees and topsoil.

§ 108-18. Lands subject to flooding or other hazards.

If any portion of the land within the subdivision is subject to flooding or other hazards, due consideration shall be given to such problems in the design of the subdivision. Land subject to flooding and land otherwise uninhabitable shall not be platted for residential occupancy nor for such other uses that may increase danger to health, life or property or aggravate the flood hazard.

§ 108-19. Streets.

- A. Arrangement. The arrangement, character, extent, width and location of all streets shall conform to the locally adopted highway and drainage standards as established by the Town Board and Highway Superintendent. The design of proposed streets shall provide for both the continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served with a coordinated street system. **[Amended 4-8-1996 by L.L. No. 1-1996]**
- B. Street classifications.
 - (1) Major arterial thoroughfares shall be planned for continuation of movement of fast traffic between points of heavy traffic generation and from one section of the community to the other. They shall contain as few intersections with minor streets as possible. Such thoroughfares should traverse the

community and should be spaced approximately one mile apart.

- (2) Collector streets shall provide a traffic route from local streets to major arterial thoroughfares. Collector streets normally contain a relatively large number of intersections with local streets and few intersections with major arterial thoroughfares. These streets should be spaced at least 1/4 mile apart.
 - (3) Local streets shall provide direct access to each lot and shall be laid out so that their use by through traffic will be discouraged.
 - (4) Parallel streets or marginal access streets, rear service alleys and reverse frontage lots may be required to provide adequate and safe access to lots along such major arterial thoroughfares.
 - (5) Service drives shall be designed to provide only secondary access.
- C. Street dimensions. Street dimensions and design standards shall be in accordance with the prevailing standards as established by the Town Engineer or Superintendent of Highways of Brutus.
- D. Half streets. Half streets shall be prohibited.
- E. Cul-de-sac and dead-end streets. Dead-end streets or culs-de-sac shall not exceed 1,000 feet in length and shall have a minimum width of 50 feet and shall have a turnaround with a minimum radius of 50 feet at the outside pavement line at the closed end.
- F. Intersections.
- (1) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60° .

- (2) Multiple intersections involving junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
 - 3) Clear sight triangles of 30 feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.
 - (4) To the fullest extent possible, intersections with arterial streets shall be located not less than 800 feet apart, measured from center line to center line.
 - (5) Minor streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 150 feet, except for major streets, which shall have a minimum center-line offset of 400 feet.
 - (6) Minimum curb radii at street intersections shall be twenty 20 feet for intersections involving only minor streets, 30 feet for intersections involving other type streets or such greater radius as is suited to the specific intersection.
 - (7) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width may be required.
 - (8) Where the grade of any street at the approach of an intersection exceeds 7 %, a leveling area shall be provided having not greater than 4% grades for a distance of 125 feet measured from the nearest right-of-way line of the intersecting street.
- G. Corner radii. Curb radii at intersection shall not be less than 20 feet, and property lines shall be adjusted accordingly.

- H. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be prohibited. If deemed necessary by the Planning Board, the minimum distance between center-line offsets may be increased under certain circumstances. The Town Planning Board may deem it necessary to increase distances.

§ 108-20. Easements.

A. Utility easements.

- (1) Electric power, telephone and television community antenna lines. All subdivisions shall have easements provided for the installation of electric power and telephone utility lines to serve each and every lot, and provision shall be made when necessary for the location of television community antenna lines to be installed in said easements. Electric power and telephone utility lines shall be installed underground.

- (2) Gas transmission lines. When any subdivider proposes to provide gas transmission lines within a subdivision, said gas transmission lines shall be installed underground between the curb-line and the property line of any street right-of-way located on the opposite side of the street from water lines.

- B. Drainage easements. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage.

§ 108-21. Blocks.

- A. Residential block lengths. The long dimension of a residential block shall not exceed 1,500 feet or less than 800 feet.

- B. Pedestrian walks. Pedestrian walks may be required where necessary to assist circulation or provide access to community facilities. Such walks shall have a width of not less than 10 feet and a paved walk of not less than four feet.
- C. Commercial or industrial blocks. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with adequate space set aside for off-street parking and loading facilities.

§108-22. Lots.

- A. Zoning conformance. The lot size, width, depth and minimum building setback lines shall conform to Chapter 125, Zoning.
- B. Corner lots. Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets.
- C. Access to public streets. The subdividing of land shall provide each lot with access to an existing public street.
- D. Double-frontage lots. Double-frontage lots are prohibited, except where employed to prevent vehicular access to major streets.
- E. Lot lines. Lot lines shall be substantially at right angles or radial to street lines.

§ 108-23. Public facilities; natural features.

- A. Public facilities. The design of the subdivision shall provide for playgrounds and other sites for public use as provided in § 108-24E of these regulations. If there is a land use and thoroughfare plan for the area, such public facilities shall conform to the plan.

- B. Natural features. Due consideration shall be given to preserving outstanding natural features, such as scenic spots, water bodies or exceptionally fine groves of trees. Consultation shall be made with the Soil and Water Conservation District so that preservation of these features can be ensured. Dedication to and acceptance by a public agency is usually the best means of assuring their preservation.

ARTICLE VI
Required Improvements

§ 108-24. Design and installation.

The plat requirements hereafter listed shall be designed, furnished and installed by the subdivider in accordance with the provisions of these regulations and other regulations of the state and county. They shall be installed before the final plat is approved, or in lieu thereof, financial guaranty (performance bond) sufficient in amount to cover the estimated full costs of such installation shall be approved by the Planning Board prior to the approval of the final plat.

A. Drainage, erosion and sediment control.

- (1) Construction phase. An erosion and sediment control plan for the construction phase of the plat shall be prepared by the applicant and approved by the Planning Board after review by the Cayuga County Soil and Water Conservation District.
- (2) A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part.
- (3) Drainage requirements (grading). The subdivider shall grade each subdivision in the following order to establish street, block and lot grades in their proper relation to each other and to the topography.

B. Trees.

- (1) As many trees as can be reasonably utilized in the final development plan shall be retained and the grading adjusted to the existing grade at the streets.
- (2) Trees shall be provided in all residential subdivisions of a type compatible with local conditions. Such trees shall be planted in the front yard setback area spaced at intervals of not more than 50 feet. The size, type and species of such trees shall be approved by the Planning Board.

C. Street improvements; streetlights. Street signs, street-lighting and fire alarm signal devices shall be provided at appropriate locations on all streets. The type, height and design shall be approved by the Planning Board.

D. Sewer and water facilities. Sewer and water facilities shall meet the requirements of the Cayuga County Health Department.

E. Public sites and sidewalks.

- (1) Where reasonable and desirable, the Planning Board may require sidewalks, the design of which shall be determined following discussion with the developer. In general, sidewalks will be required where there is a reasonable belief that traffic flow will be sufficient to threaten the safe movement of pedestrians within the subdivision.
- (2) The Planning Board may, as it deems appropriate, require the placement of parks, playgrounds and open space with the subdivision. When such facilities are required, they shall be shown on the required plat and be in conformance with the town's comprehensive land use plan. (See §108-23A.)
- (2) The following tables may serve as a guide for the development of open space areas.

Single-Family Residential Uses

Average Lot Area for Single-Family Residential Uses (square feet)	Land Area Required for Public Use (acres per gross acre in subdivision)
43,561 or more*	0.06
20,001 to 43,560*	0.07
12,001 to 20,000*	0.08
8,001 to 12,000*	0.09
Less than 8,000*	0.10

*NOTE: The Planning Board may vary these requirements.

Non-Single-Family Residential Uses

Type of Use	Land Area Required for Public Use (acres per gross acres in subdivision)
Multifamily	0.12*
Industrial	0.05*
Business	0.05*

*NOTE: The Planning Board may vary these requirements.

F. Monuments.

- (1) Monuments shall be placed by the subdivision so that scored or marked point shall coincide exactly with the intersection of the lines to be marked and shall be set so that the top of the monument is level with the surface of the surrounding ground.

- (3) Concrete markers shall be provided at all four corners of each lot on the center of the marker designated four inches in diameter and 30 inches

deep. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision.

§108-25. Construction requirements; inspections.

- A. Pre-construction meeting and work schedule. A pre-construction meeting shall be held with the Planning Board and Town Board prior to the commencement of any project. At this time the project will be discussed in regard to procedure, plats, materials, inspections, etc.
- B. Construction inspections. The Brutus Highway Superintendent shall be responsible for the inspection of all street and drainage construction. The Cayuga County Health Department shall be responsible for the inspection of all sanitary sewer and water systems that fall under this or its authority.

§108-26. Water supply.

- A. Provision of water supply. Where public water supply, in the opinion of the Planning Board, is reasonably accessible, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants which shall not be greater than 500 feet apart, in accordance with Town fire specifications. Where public water supply is not within reasonable distance, an alternate supply approved by the County Health Department shall be furnished.
- B. Location of water lines. Where public water lines are installed, all such water lines shall be located between the curb line and the property line within any street right-of-way.

§108-27. Sanitary sewer system.

- A. Public sewer system. Where the public sanitary sewer, in the opinion of the Planning Board, is reasonably accessible, sanitary sewers shall be installed to adequately serve all lots with connections to the public system.
- B. On-lot sewage and water tests.
 - (1) Where evidence indicated that the minimum lot size requirements specified in other sections of these regulations or in any applicable zoning ordinance are not adequate to permit the installation of individual on-lot water supply and/or sewage disposal facilities, the Planning Board may require that the subdivider request the State Department of Health to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. In all such cases, a certificate from such Health Department indicating that the proposed facilities are adequate shall be prerequisite to final approval of the plan.
 - (2) Capped sewers. Where the municipality has a plan for extending the public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by the public system within a period of five years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.
- C. Location of sewer lines. Whenever sanitary sewers are provided, they shall be located on the side of any street right-of-way as is reasonably possible, and all such sewer lines shall provide service connections to the property line of each and every lot, said service connections being properly capped.
- D. Type of sewer system. No combined sanitary and storm sewer systems will be permitted.

- E. Manholes. Sanitary sewer manholes will be provided at all changes in grade and direction, and in no instance shall the distance between said manholes exceed 400 feet.

§ 108-28. Storm sewers.

- A. Provision of storm sewers. Storm sewers and related drainage facilities shall be installed, if in the opinion of the Town Highway Superintendent and/or other applicable regulatory agencies, it is deemed necessary to provide adequate drainage for the subdivision. Such facilities shall provide a clear channel adequate to handle runoff from a ten-year storm. **[Amended 4-8-1996 by L.L. No. 1-1996]**
- B. Purpose of storm sewers. When storm sewers, culverts and related installations are provided, they shall be designed as follows:
- (1) To permit unimpeded flow of natural watercourses;
 - (2) To ensure adequate drainage of all low points along the line of streets; and
 - (3) To intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained and at all intersecting streets.
- C. Special problems. In the design of storm sewage installations, special consideration shall be given to avoidance of problems which may arise from concentration of stormwater runoff over the adjacent properties.
- D. Construction standards. The applicant shall provide a certified plan from the engineer that all drainage structures, culverts, boxes, grates, etc., shall conform to the state, county and local laws, rules and regulations. **[Amended 4-8-1996 by L.L. No. 1-1996]**

§ 108-29. Other utilities.

- A. Electric power, telephone and television community antenna lines. All subdivisions shall have easements provided for the installation of electric power and telephone utility lines to serve each and every lot, and provision shall be made, when necessary, for the location of television community antenna lines to be installed in said easements. Electric power and telephone utility lines shall be installed underground.
- B. Gas transmission lines. When any subdivider proposes to provide gas transmission lines within a subdivision, said gas transmission lines shall be installed underground between the curblines and the property line of any street right-of-way located on the opposite side of the street from water lines.

§ 108-30. Powers and duties of inspectors.

- A. Inspectors shall be authorized to inspect any work done and all material furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter or waive any requirements of the specifications or plats. He shall be authorized to call to the attention of the contractor any failure of the work materials to conform to the specifications and contract. He shall have the authority to reject materials which do not meet specification requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the Town Board.
- B. Inspection during the installation of improvements may be made by the inspector to ensure conformity with the approved plans and specifications as in the subdivider's construction agreement.

§ 108-31. Final inspection.

Upon completion of all the improvements, the subdivider shall request, in writing, a final inspection. The Brutus Highway Superintendent shall make a final inspection of streets and drainage improvement. The Cayuga County Health Department shall make a final inspection of all sanitary sewer and water systems that fall under its authority.

§ 108-32. Responsibilities of subdividers.

- A. Cooperation of subdivider and/or contractor. The subdivider and/or contractor shall have available on the project at all times two approved copies of all required plats and specifications. He shall cooperate with the inspector and with other contractors in every way possible.
- B. Repair of damage. Any damage to the improvements by construction traffic, local traffic or by any other means shall be repaired or the damaged materials replaced before the next item of construction is begun.
- C. Final cleaning up. Upon completion of the work and before acceptance, the subdivider and/or contractor shall clean all ground occupied or affected by him in connection with the work. The entire area shall be left in a neat and presentable condition satisfactory to the inspector.
- C. Maintenance of improvements on dedicated streets. The subdivider shall be responsible for the maintenance of the improvements during the construction period and shall be responsible for providing the services necessary to guarantee access to all occupied lots until final acceptance of the improvements by the Town Board. The subdivider shall be notified by the Town Board of the need for said maintenance or service. If the subdivider fails to perform such necessary maintenance or service within a time specified by the Town Engineer, the Town Engineer may perform said maintenance or service and bill the subdivider for said service. Payment shall be guaranteed

by the performance bond. In addition, the subdivider shall maintain all improvements for such periods specified as in § 108-27D.

§ 108-33. Agreements and guaranties; insurance requirements.

All bonds and insurance required under this section shall be secured from companies authorized to transact business in the State of New York and shall be deposited and remain at all times with the Clerk of the town.

A. Construction agreement.

- (1) To assure construction and installation of improvements required by these regulations, the subdivider shall execute a construction agreement with the Town Board in form and substance as determined by the Town Engineer and approved by the town's legal counsel.
- (2) This agreement shall provide that all such improvements shall be constructed and installed at the subdivider's expense in compliance with the standards of each of the various types of improvements; such improvements shall be available to and for the benefit of the lands within the subdivision; and that such improvements will be completed and installed within a reasonable period determined by the Town Board. Any further provisions that the Town Board, on the advice of its legal counsel, may deem necessary in the public interest may be added.
- (3) The construction agreement shall further provide that, in the case where approval of the final plat has been given before construction of improvements and a performance bond or guaranty has been provided, and if the improvements are not completed within a reasonable time, the town, upon proper notice, may

complete the improvements and recover full costs and expenses thereof from the bond posted for the faithful performance of said works.

- B. Commencement of improvements. No construction of any improvement or clearing and grading shall be commenced prior to the approval of the construction agreement by the Town Board.
- C. Liability insurance. The subdivider shall furnish such insurance as is deemed necessary by the Town Board, which shall indemnify and save harmless the Town from any and all liability arising by reason of the conditions which may arise or grow out of the construction or installation of such facilities and for damage to state, county, and Town roads. The insurance shall be of such duration as determined by the Town Board. A copy of the insurance policy shall remain at all times with the Clerk of the town.

ARTICLE VII Administration and Enforcement

§ 108-34. Administration.

The Planning Board shall administer these regulations.

§ 108-35. Recording of plat

No plat of any subdivision of land showing lots, blocks or sites, with or without streets or highways, shall be filed or recorded in the office of the County Clerk or have any validity until it has been approved in the manner prescribed herein.

§ 108-36. Sale of lots.

No owner or agent of the owner of any land located within a subdivision shall transfer or agree to transfer ownership in the future by reference to, exhibition of, or by use of a plat of a

subdivision before such plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provision of this section is void. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

§ 108-37. Revision of plat after approval.

No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Board and endorsed, in writing, on the plat. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

§ 108-38. Penalties for offenses.

Penalties for offenses against this chapter shall be as set forth in § 268 of the Town Law.

§ 108-39. Variances.

The Planning Board may grant variances from these regulations where unusual or exceptional factors or conditions require such modification, provided that the Planning Board shall:

- A. Find that unusual topographical or exceptional physical conditions exist.
- B. Find that strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions.

- C. Permit any modification to depart from these regulations only to the extent necessary to remove the extraordinary hardship.
- D. Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these regulations, when modified.
- E. Require such other conditions to be met by the proposed plat as the Planning Board may find necessary to accomplish the purposes of these regulations, when modified.

§ 108-40. Cluster or density development.

- A. The Planning Board may vary the zoning requirements pertaining to lot area, types of dwelling units and building height regulations in any residentially zoned districts in which a proposed subdivision is intended to be located and is designed to provide common open space while meeting the dwelling unit density requirement of the zoning district.
- B. These modifications are intended to provide sufficient flexibility in subdivision design so that a subdivision may be integrated with the topography and thus facilitate the economical provision of adequate streets and utilities and also preserve the natural and scenic qualities of existing open lands.
- C. Procedure. The subdivider shall make a written application to the Planning Board of his desire to use cluster or density development and it may be followed at the discretion of the Planning Board if, in said Board's judgment, its application would benefit the town. If acceptable, the same procedure for regular subdivision is followed.
- D. Conditions. The Planning Board may require such conditions that will ensure that common open space, park

and recreation facilities will be preserved and maintained properly and that covenants and other legal provisions indicate ownership and who shall use the open space and facilities. The Town Board must approve the conditions before the plat may be approved for filing.

- E. Site plat. The final site plat shall show the location and dimensions of structures, open spaces, landscaping, parking facilities, streets, driveways and all other physical features as shown on said plat, and any modifications, changes or supplementations of existing zoning provisions not shown on said site plat shall be described in a written statement accompanying the site plat.

§ 108-41. Appeals.

Rights of appeal shall be as set forth in Article 16, § 282 of the Town Law and other applicable sections of the New York State Statutes.