

ARTICLE I
General Provisions

§ 165-1. Purpose.

- A. The purpose of this chapter is to provide for orderly, efficient and economical growth within the community and to ensure the provision of adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.
- B. It is the duty of the Town of Eaton Planning Board to ensure that 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; that proper provision shall be made for drainage, water supply, sewage disposal and other needed improvements; that all proposed lots shall be so laid out and of such size as to be generally in harmony with the development pattern of neighboring properties; that the proposed streets shall compose a convenient system conforming to Chapter 120, Land Use, and any Master Plan, should it exist, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks, recreation and playgrounds.

§ 165-2. Enactment and authorization.

By authority of the resolution of the Town Board of the Town of Eaton pursuant to the provisions of Article 16, § 271 of the Town Law of the State of New York, the Eaton Town Planning Board is authorized and empowered:

- A. To approve, conditionally approve or disapprove plats showing lots, blocks or sites, with or without roads or highways.
- B. To conditionally approve preliminary plats.
- C. To approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk.

§ 165-3. Title.

This chapter shall be known as the "Subdivision Regulations of the Town of Eaton."

§ 165-4. Effective dates.

This chapter, after public hearing and adoption by the Planning Board and subsequent approval by the Eaton Town Board, will become effective July 1, 1993.

§ 165-5. Administration.

This chapter shall be administered by the Planning Board and the Code Enforcement Officer.

§ 165-6. Amendment.

The Planning Board, on its motion and after public hearing, may amend, supplement or change

this chapter, subject to the approval of the Town Board.

§ 165-7. Waiver.

When, in the opinion of the Planning Board, undue individual hardship may result from strict compliance with this chapter, it may modify this chapter so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of this chapter.

§ 165-8. Fees.

- A. Minor and major subdivisions. All applications for plat approval for minor and major subdivisions shall be accompanied by the appropriate fee (base application fee plus a per-lot fee) as determined by resolution of the Town Board.
- B. Other fees. If the Planning Board decides it is necessary to hire an outside consultant to assist in the review of the subdivision proposal, the Planning Board will charge an additional fee to the applicant in order to cover the actual costs of such a review. The applicant will be notified of this action, and fee must be paid prior to the Board's actually contracting with the consultant(s).

ARTICLE II Terminology

§ 165-9. Definitions.

For the purpose of this chapter, words and terms used herein are defined as follows:

AGRICULTURE — The use of land and water resources for the production of food and fiber. Forestry and aquaculture activities are included within this definition. Processing operations, such as lumber mills or food processing plants, and nonproduction animal-based activities, such as riding stables, are considered commercial uses, not agriculture.

CLUSTER DEVELOPMENT — A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under Chapter 120, Land Use.

CODE ENFORCEMENT OFFICER — Any person appointed, designated or otherwise retained by the Town Board to carry out the functions assigned to such person according to this chapter.

FINAL PLAT — A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this chapter to be presented to the Planning Board for approval and which, if approved, shall be duly filed or recorded by the applicant in the office of the County Clerk and the Town Clerk.

GENERAL PLAN — A Comprehensive or Master Plan for the development of the town prepared by the Planning Board pursuant to § 272-a of the Town Law.

LAND USE REGULATIONS — The Town of Eaton Land Use Regulations (Chapter 120, Land Use).

OFFICIAL SUBMISSION DATE — The date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board. An application shall not be considered complete until either a SEQR negative declaration has been filed, or a draft environmental impact statement has been accepted by the SEQR lead agency as satisfactory with respect to scope, content and adequacy.

PARCEL — Land under one tax map number (SBL) as recorded by the Madison County Assessment Department.

PLANNING BOARD — The Town of Eaton Planning Board.

PRELIMINARY PLAT — A drawing or drawings clearly marked "preliminary plat," showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SKETCH PLAN — A sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this chapter.

SUBDIVIDER — Any person, firm, corporation, partnership, association, estate, trust or another group or combination acting in concert, undertaking the dividing of land so as to constitute a subdivision as defined herein for the purpose of sale or development, either by the subdivider or

others.

SUBDIVISION — Division of any parcel of land into two or more lots, blocks or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. "Subdivision" shall include any sale transfer or conveyance of any fee interest in a parcel or tract of land which comprises less than the entire contiguous premises owned by the grantor of that interest, regardless of whether a plat establishing separate lot boundaries within the premises of the grantor has been filed in the office of the Madison County Clerk prior to the effective date of this chapter.

SUBDIVISION, MAJOR — A subdivision containing five or more lots; any subdivision requiring a new road or roads or the reclassification of any road presently in seasonal use; any subdivision with one or more lots not fronting on an existing public road; or the simultaneous or cumulative division of any individual parcel or multi-parcel tract of land held under single, joint, common or corporate ownership and shown on a filed plat, as of the effective date of this chapter, into five or more lots, none of which has already received plat approval.

SUBDIVISION, MINOR — The simultaneous or cumulative division of any individual parcel or multi-parcel tract of land held under single, joint, common or corporate ownership and shown on a filed plat, as of the effective date of this chapter, into two to four lots fronting on an existing public road.

ARTICLE III
Review and Approval Procedure

§ 165-10. General.

- A. Processing stages for minor subdivisions:
- (1) Sketch plan conference.
 - (2) Public hearing.
 - (3) Final plat approval.
- B. Processing stages for major subdivisions:
- (1) Sketch plan conference.
 - (2) Public hearing.
 - (3) Preliminary plat approval.
 - (4) Optional public hearing.
 - (5) Final plat approval.

§ 165-11. Preapplication procedures.

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. The subdivider should study the site suitability and opportunities for development; presumably he will discuss financing, planning and marketing with the lending institutions. The subdivider should develop a preliminary layout in sketch form which should be submitted to the Planning Board for advice and assistance. The sketch plan submission should include a preliminary environmental assessment form (SEQR Short EAF, Appendix A). The sketch plan should include the information identified in Articles IV and V herein. It is recommended that this sketch plan be prepared in consultation with a licensed land surveyor.

§ 165-12. Sketch plan conference.

- A. The subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Secretary will notify the subdivider of the time, date and the place that the Planning Board will meet to consider and review such sketch plan and the subdividers' intentions as they relate to the general plan for the Town of Eaton (should it exist), design standards and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans.
- B. The subdivider, or authorized agent, must attend this meeting. It is preferred that the same person attend all subsequent meetings. This step does not require formal application, fee or filing with the Planning Board.

- (1) Subdivision classification. The plan will be classified as an agricultural waiver, two-lot waiver, minor or major subdivision by the Planning Board as defined by this chapter. Subdivisions qualifying for a two-lot or agricultural waiver (see § 165-13) will require no further approvals as per this chapter. Subdivisions classified as minor or major may proceed according to the processing stages listed in § 165-10 herein.
 - (2) Adverse natural features review. The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site as indicated by the maps of physical limitations to development contained in the Town of Eaton's Land Use and Natural Resources Inventory (prepared by the Madison County Planning Department, September 1988). If the site falls into areas on the soils map denoted as having "moderate" or "severe" limitation, within flood hazard areas, or areas of unique hydrologic or natural habitat areas (including wetlands), the Planning Board may require the subdivider to consult with the appropriate technical review or assistance agencies (such as, but not limited to the County Soil and Water Conservation District, the County Health Department, United States Army Corps of Engineers and the New York State Department of Environmental Conservation) to determine appropriate measures to mitigate or eliminate such problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or subdivider.
- C. The Planning Board may require that design techniques be used to avoid development in these critical resource areas, and shall not approve a sketch plan which has failed to adequately address these critical resources concerns (soils, flood hazards and hydrologic and natural habitat resources). Building or fill work in a floodplain must be reviewed and approved by the town's Code Enforcement Officer, who serves as the local administrator of Eaton's Flood Damage Prevention Law (see Chapter 95, Flood Damage Prevention).

§ 165-12.1. Boundary line changes. [Added 10-10-2017 by L.L. No. 1-2018 ; 4-9-2019 by L.L. No. 1-2019]

- A. If, at the sketch plan conference, the Planning Board determines that the subdivision involves only the relocation of a boundary line between two existing lots, or the combining of two existing lots into a single, larger lot, then, upon the making of the hereafter stated findings, the Planning Board may waive the application of these regulations and allow the applicant to prepare and present a final plat showing the redefined boundary line to the Planning Board for approval:
- (1) That the lot or lots to be created are all in conformance with the zoning ordinance and subdivision requirements in regard to lot size and dimensions and road access;
 - (2) That no environmental or other factors are present which could restrict development on the reconfigured lot(s), or otherwise create a risk to the public health, safety or welfare.
- B. Upon the making of such findings, a public hearing shall not be required, and the Planning Board may waive any requirement to provide a survey of the entire affected lands as long as the survey presented adequately defines the new boundary line and the applicant has provided sufficient information (tax maps, etc.) to allow the Board to make the above-stated findings.

§ 165-13. Agricultural subdivision waiver.

If, at the sketch plan conference, the Planning Board determines that the subdivision is for agricultural purposes only, does not involve the creation of new building lots, does not involve the creation of a new road or highway and does not include more than one lot of less than five acres in area, the Planning Board may waive the subdivision review procedures and waive the subdivision from this chapter. This waiver will not impact regulatory control of future resubdivision of these properties. The Board's written waiver must state that the proposed subdivision would result in all new lots being in conformity with Chapter 120, Land Use.

§ 165-14. Two-lot subdivision waiver.

If, at the sketch plan conference, the Planning Board determines that the subdivision is a two-lot subdivision that does not create a new road, request a reclassification for a road currently in seasonal use or create a resubdivision of a lot previously subdivided since the effective date of this chapter, the Planning Board may waive the subdivision from these subdivision review regulations. Each newly created lot needs to have an acceptable perk test before a waiver can be given. The written waiver must state that the proposed subdivision would result in both new lots being in conformity with Chapter 120, Land Use, and that the Planning Board finds it meets the conditions stated above.

§ 165-15. Madison County Department of Health.

The Madison County Department of Health approval may be required for any subdivision containing five or more lots. Early contact by the subdivider with this Department is advised. If jurisdiction is declared, the signature and/or seal of an authorized representative of the County Health Department must be affixed to the final plat before the Town Planning Board's final approval and authorization to file the plat with the County Clerk.

§ 165-16. Preliminary plat.

All major subdivisions shall be subject to the preliminary plat requirements, as specified herein. The subdivider shall file an application for approval of the preliminary plat on forms available at the Town Office accompanied by all documents specified in Article IV herein. Three copies of the preliminary plat must be submitted to facilitate the review process.

- A. Review of subdivision. Following the review of the preliminary plat and supplementary material submitted for conformity to this chapter, and following discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the plat. The subdivider or the subdividers representative is expected to attend the hearing. This hearing may also fulfill the hearing requirements for the State Environmental Quality Review Act. Within 62 days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the preliminary plat and state its reasons for disapproval.
- B. Notice of public hearing. The hearing shall be advertised at least once in the town's designated official newspaper at least five days before the hearing. Notice of the hearing shall be mailed to the owners of all adjoining properties within 500 feet of the subdivided property

at least five days before the hearing. The Clerk of the Planning Board will be responsible for said mailings.

- C. State Environmental Quality Review (SEQR). If the subdivision meets or exceeds any Type 1 thresholds listed in Section 617.12 or any of the criteria considered indicators of significant effect on the environment as listed in Section 617.11 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined respectively in Section 617.6 of the SEQR regulations and the subdivider must complete a full environmental assessment form. Upon review of the full EAF, determination of no significant environmental impact (negative declaration) or a draft environmental impact statement (DEIS) is required by the designated lead agency before the subdivision review process can continue (in accordance with Sections 617.8 and 617.14 of the SEQR rules). As noted in § 165-16A above, the public hearing shall be used to solicit comments on the draft EIS under SEQR.
- D. Coordination with agricultural districts program.
- (1) Any application for subdivision approval that would occur on property within an agricultural district (as per Article 25AA of Agriculture and Markets Law) containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district shall include an Agricultural Data Statement. The Agricultural Data Statement shall include the following information:
- (a) Name and address of the applicant.
 - (b) Description of the proposed project and its location.
 - (c) Name and address of any owner of land within the agricultural district which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed.
 - (d) Tax map or other map showing the site of the proposed project relative to the location of farm operations identified in Subsection D(1)(c).
- (2) The Planning Board Clerk shall mail written notice of the public hearing on the subdivision application to the owners of land as identified by the applicant in the Agricultural Data Statement at least five days before the hearing.
- E. Notice of decision. The action of the Planning Board shall be noted on three copies of the preliminary plat and reference shall be made to any modifications determined. One copy shall be returned to the subdivider and the other two copies retained by the Planning Board (one copy to be filed in the office of the Planning Board Clerk). If granted preliminary approval, the Clerk of the Planning Board shall certify such within five days of the approval and mail a certified copy of the preliminary plat to the owner.
- F. Effect of approval. Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with this chapter and all requirements set forth by the Planning Board in its review of the preliminary plat, and any other State/County Health Department requirements.

§ 165-17. Final plat.

- A. All subdivisions shall require final plat approval by the Planning Board, except those receiving waivers.
- B. The subdivider shall file an application for final plat approval on forms available at the town offices, and the application shall be accompanied by documentation, as specified in Article IV and V herein, to the Planning Board. Such application shall be submitted at least 10 days prior to the meeting at which it is to be considered by the Planning Board, and no later than six months after the date of the preliminary plat approval.
- (1) Optional public hearing.
 - (a) A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within 62 days of the official submission date of the final plat. The subdivider or the subdivider's representative is expected to attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the final plat within 62 days of the public hearing.
 - (b) If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the regulation violated by the plat. Failure of the Planning Board to render a decision within the stated sixty-two-day period shall be deemed final approval of the plat.
 - (2) Notice of public hearing. The hearing shall be advertised at least once in the town's designated official newspaper at least five days before the hearing. Notice of the hearing shall be mailed to the owners of all adjoining properties within 500 feet of the subdivided property at least five days before the hearing. The Planning Board Clerk will be responsible for said mailings.
 - (3) Waiver of public hearing. If the final plat is in substantial agreement with the preliminary plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve or disapprove the plat within 62 days of the official submission date.
 - (4) State Environmental Quality Review (SEQR). The Planning Board's action on the subdivision plat shall include either a negative declaration or the final environmental impact statement and a statement of findings on the subdivision as required under § 8-0109, Subdivision 8, of the Environmental Conservation Law (and 6 NYCRR 617.9 or SEQR).
 - (5) Notice of decision. The subdivider shall be notified of the final action of the Planning Board and the subdivider shall file or record the final plat, or section thereof, in the office of the Clerk of Madison County, New York within 62 days after the date of approval. Any plat not so filed or recorded shall be considered null and void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Madison County, New York.
 - (6) Conditional approval. Upon conditional approval of such final plat, the Planning Board

shall empower a duly authorized officer to sign the plat subject to completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Planning Board Clerk as conditionally approved and a copy filed in such Clerk's office, along with a certified statement of such requirements that must accompany such plat which, when completed, will authorize the signing of the conditionally approved final plat. A copy of the resolution, including the noted requirements, shall be mailed to the owner. Conditional approval of a plat shall expire six months after the date of the resolution granting such approval. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted by circumstances, for up to two additional periods of 90 days each.

ARTICLE IV
Minor Subdivision

§ 165-18. Information required for minor subdivisions.

The following shall be submitted with applications for approval of a final plat for a minor subdivision:

- A. Name and address of the subdivider and professional advisers, including license numbers and seals.
- B. Two copies of the minor subdivision plat, one each to be submitted to the County Clerk and the Town Clerk, drawn with ink on cloth, plus two paper copies. The plat map (drawn by a licensed surveyor at a scale of one inch to 100 feet, unless otherwise specified by the Planning Board) shall contain the following information:
 - (1) Subdivision name, scale, North arrow and date.
 - (2) Subdivision boundaries.
 - (3) Contiguous properties and names of owners.
 - (4) Total acreage of the subdivision and number of lots proposed.
 - (5) Existing roads, utilities and structures.
 - (6) Watercourses (including all FEMA Federal Flood Insurance Hazard Areas), marshes (including DEC-designated wetlands), wooded areas and other significant physical features on or near the site.
 - (7) Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewerage and water supply.
 - (8) Land contours at twenty-foot intervals or less, as required by the Planning Board.
 - (9) Reference to all existing and/or proposed restrictions on the land (also see Subsection D below).
 - (10) The location of each perc test hole and deep hole test on each lot with identification numbers and a corresponding table containing the test data (the table can be attached to the map on a separate sheet of paper).
 - (11) Any other conditions requested by the Planning Board.
- C. One copy of the appropriate Tax Parcel Map(s) to enable the entire tract to be shown on one sheet and to show the proposed subdivision's location in relation to surrounding parcels and the nearest street intersection.
- D. Complete text of all existing and/or intended restrictions on the use of land including easements, covenants and zoning.
- E. Building types and approximate size and cost, if known.

- F. SEQR Environmental Assessment Form (EAF); full or short form, as required by the Planning Board.
- G. On-site sanitation and water supply facilities shall be designed to meet the specifications of the State Department of Health, and a statement to this effect shall be made on the application.
- H. A statement of all lands owned by applicant within 2,000 feet of the property under consideration and a brief description of future development plans for any of these lands, if known.
- I. For all proposed lots fronting on state or county highways or town roads, written confirmation from either the New York State Department of Transportation, Madison County Highway Department or Town Highway Superintendent, as appropriate, that the frontage of all such proposed lots in the subdivision would allow location of a driveway providing safe highway access.
- J. Additional information as deemed necessary by the Planning Board.
- K. Any required fees.

§ 165-19. Waiver of submission requirements.

When an application concerns a minor subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

ARTICLE V
Major Subdivision

§ 165-20. Preliminary plat.

The following shall be submitted with all applications for approval of a preliminary plat for a major subdivision:

- A. Name and address of the subdivider and professional advisers, including license numbers and seals.
- B. Three copies of the preliminary plat map, drawn to scale. The map scale shall be one inch to 100 feet, unless otherwise specified by the Planning Board, including:
 - (1) Subdivision name, scale, North arrow and date.
 - (2) Subdivision boundaries.
 - (3) Contiguous properties and names of owners.
 - (4) Total acreage of the subdivision and number of lots proposed.
 - (5) Existing and proposed roads, utilities and structures.
 - (6) Watercourses (including all FEMA Federal Flood Insurance Hazard Areas), marshes (including DEC-designated wetlands), wooded areas and other significant physical features on or near the site.
 - (7) The proposed pattern of lots, including lot widths, depths and areas, with lot identification numbers.
 - (8) Proposed road layout, open space, drainage, sewerage and water supply.
 - (9) Land contours at twenty-foot intervals or less, as required by the Planning Board.
 - (10) All parcels of land proposed to be dedicated to public use and the conditions of such use (if desired, conditions can be referenced on map and detailed as an addendum on a separate sheet of paper).
 - (11) Reference to all existing and/or proposed restrictions on the land (also see Subsection D below).
 - (12) The location of each perc test hole and deep hole test on each lot with identification numbers and a corresponding table containing the test data (the table can be attached to the map on a separate sheet of paper).
 - (13) Any other conditions requested by the Planning Board.
- C. Copy of the appropriate Tax Parcel Map(s).
- D. Complete text of all existing and/or proposed restrictions on the use of land, including easements, covenants and zoning.

- E. Building types and the approximate size and cost (if determined).
- F. Grading and landscaping plans.
- G. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
- H. The approximate location and size of all proposed waterlines, hydrants and sewer lines showing connection to existing lines.
- I. Drainage plans indicating profiles of lines or ditches and drainage easements on adjoining properties.
- J. Preliminary plans, drawn to scale and including cross sections, showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers, storm drains, the character, width and depth of pavements and subbase, and the location of any underground cables or other utilities.
- K. Preliminary designs for any bridges or culverts.
- L. An actual field survey of the boundary lines of the tract, giving a complete description of bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
- M. An Environmental Assessment Form (SEQR Full Form, Appendix A) and a draft environmental impact statement, if required.
- N. Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
- O. Other properties owned by the applicant within 2,000 feet of the property proposed for subdivision.
- P. For all proposed lots fronting on state or county highways or town roads, written confirmation from either the New York State Department of Transportation, Madison County Highway Department or Town Highway Superintendent, as appropriate, that the frontage of all such proposed lots in the subdivision would allow location of a driveway providing safe highway access.
- Q. Additional information as deemed necessary by the Planning Board.
- R. Any required fees.

§ 165-21. Final plat.

The following shall be submitted with all applications for approval of a final plat for a major subdivision:

- A. Two copies of the minor subdivision plat, one each to be submitted to the County Clerk and the Town Clerk, drawn with ink on cloth, plus two paper copies. The map scale shall be one

inch to 100 feet, unless otherwise specified by the Planning Board. The following items need to be shown on the plat:

- (1) The proposed subdivision name and the name of the town and county in which the subdivision is located.
 - (2) Name and address of the owner of record and subdivider.
 - (3) Name, address, license number and seal of the surveyor and/or engineer.
 - (4) The boundaries of the property, locations, graphic scale and true North point.
 - (5) Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
 - (6) Sufficient data (lengths, bearings, radii, central angles of curves, etc.) acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line and boundary line. Such data shall be sufficient to allow for the reproduction of such lines on the ground.
 - (7) Locations of permanent reference monuments.
 - (8) Reference to any deed restrictions or proposed easements and any land maintenance covenants.
 - (9) Approval of the State/County Health Department of water supply systems and sewage disposal systems proposed or installed.
- B. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- C. An approved environmental impact statement, if required.
- D. Construction drawings, drawn to scale by a licensed engineer, including plans, profiles and typical cross sections, as required, showing the proposed location, size, type and name of roads, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements and subbase and other facilities.
- E. Evidence of legal ownership of the property.
- F. Deed restrictions, existing and proposed, in form for recording.
- G. A certificate by the Code Enforcement Officer certifying that all infrastructure and improvements have been installed by the developer in accordance with requirements of this chapter and with the action of the Planning Board giving approval of the preliminary plat or, alternatively, a written security agreement with the town, approved by the Town Board and approved by the Town Attorney as to the form, sufficiency and manner of execution, as detailed in Article VII herein.
- H. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this chapter.

§ 165-22. Waiver of submission requirements.

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

ARTICLE VI
Design, Standards and Required Improvements

§ 165-23. General.

All improvements specified in the subdivision plan or required by the Planning Board in accordance with this article shall be constructed at the expense of the subdivider without reimbursement by the town or any district therein.

§ 165-24. Road design and construction standards.

- A. Conform with town standards. The arrangement, width, location and extent of roads within the subdivision should conform and be in harmony with local highway standards adopted by the Town Board. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.
- B. Traveled road area.
- (1) The roadway should be a minimum of 18 feet in width. The base should be constructed of a suitable gravel approved by the Town Highway Superintendent; the subbase shall be at least 12 inches of ROB (run-of-bank) gravel. The gravel base should be constructed with not more than a six-inch lift using at least a ten-ton roller.
 - (2) At a minimum, the pavement shall be a double surface consisting of two layers of No. 1 stone using a minimum of one gallon of emulsion per square yard of road surface.
 - (3) All roads will be constructed to connect to main roads. If a dead-end condition is necessary, provision will be made to accommodate the need for emergency equipment to turn around. The Town Highway Superintendent shall have the option to choose a cul-de-sac or a hammerhead type turnaround. Dead-end streets shall be designed with either a circular turnaround (cul-de-sac) having a minimum right-of-way radius of 100 feet and pavement radius of 60 feet or a T-type street-end (hammerhead) having a minimum arm length of 60 feet each.
 - (4) Roadway grades shall not exceed 12%. The roadway crown shall be constructed with a slope of at least 1/4 inch per foot. The shoulder slope from the paved area shall be constructed at 3/4 inch per foot. The road grade at intersections should not exceed 3% for a distance of 100 feet in any direction.
 - (5) All vertical and horizontal curves shall meet minimum AASHTO standards for rural roads. Sight distances for all road and driveway intersections shall meet the minimum AASHTO standards for rural roads. In general, all streets should join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.
 - (6) Prior to the commencement of roadway excavation or fill, stripping shall be conducted to remove all topsoil, trees, roots, organic matter, rubbish, muck, quicksand, rock or any other material objectionable in the judgment of the Town Highway Superintendent for the full width of the pavement and shoulders. All trees and stumps shall be removed from the right-of-way.

- (7) Plans shall be submitted prior to construction. They shall indicate original ground elevations, finished grades, center-line profiles, typical cross sections and proposed drainage facilities. The drainage pattern should clearly indicate direction of flow of all surface water and size and type of drainage structures with their respective locations.
 - (8) If deemed necessary, the developer shall provide funds for the Town of Eaton to choose its own engineer to review the drawings, plans and specifications submitted.
 - (9) The developer shall be responsible for all road signs that are needed according to the Highway Superintendent's specifications. All signs shall meet MUTCD (Manual of Uniform Traffic Control Devices) standards.
- C. Shoulders. The shoulders shall be a minimum of five feet in width. They are to be constructed at a minimum of 12 inches in depth. The material is to be a machine crushed gravel approved by the Town Highway Superintendent. Compaction should be performed with at least a ten-ton roller with not more than six-inch lifts.
- D. Drainage. All drainage, ditching and banks are to be constructed in conformity with § 165-29 herein and to the satisfaction of the Town Highway Superintendent. Rip-rap or bank stabilization, storm sewers and catch basins shall be constructed if deemed necessary by the Town Highway Superintendent. All materials shall meet previous minimum specifications. Drainage design shall meet the minimum requirement for a twenty-year storm.
- E. Culverts. The minimum culvert size shall be 15 inches in diameter. The pipe shall be corrugated steel meeting NYSDOT specifications with a minimum of 16-gauge. Culverts shall be installed where necessary as determined by the Town Highway Superintendent. They shall be a minimum of 20 feet in length at all driveways using a minimum twelve-inch corrugated steel. Culverts beneath the roadway shall be lengths determined by the Town Highway Superintendent.
- F. Road names. All street names must be approved by the Planning Board. In general, streets shall have names and not numbers or letters. The subdivider shall confer with the County Fire Coordinator/Emergency Preparedness Director to assure that proposed street names are substantially different and are not confused in sound or spelling with present names in this or adjacent municipalities, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name.
- G. Dedication. The acceptable right-of-way (ROW) shall be a minimum of 50 feet. Wherever possible, the roadway should be centered within the ROW. The town shall be provided with a survey map and legal description prepared by a New York State licensed land surveyor. The highway boundaries shall be clearly marked by permanent survey markers. The town shall receive a title-insured warranty deed by properly executed conveyance. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements and/or rights-of-way. A written statement of acceptance must be filed by the Town Highway Superintendent and the Town Attorney before any road shall be accepted by the Town Board. The Town Board is not obligated to accept an offer of dedication, even if all requirements are met.

§ 165-25. Sidewalks.

Sidewalks are not required in every subdivision; when sidewalks are required, they shall be installed as follows:

- A. Sidewalks shall be installed at the expense of the subdivider at such locations as the Planning Board may deem necessary.
- B. Sidewalks must be constructed to comply with the detailed specifications of the Planning Board.
- C. Sidewalks shall be concrete or other approved material, and have a minimum width of four feet in residential areas and five feet in commercial and industrial areas.

§ 165-26. Utilities.

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

- A. Fire protection. Hydrants shall be of size, type and location specified by the Insurance Services Organization.
- B. Streetlighting. Poles, brackets and lights shall be of size, type and location approved by the local power company. Energy-conserving lighting is recommended. Lights might be required at new proposed intersections of existing public roads and proposed new subdivision roads.
- C. Electricity. Power lines, especially for larger subdivisions with lots not fronting on existing roads, shall be required to be placed underground, where practical, and shall be approved by the local power company.
- D. Utility services. Utility services, where practical, shall be located from six to eight feet from the edge of the roadway or between the sidewalk and curblin.

§ 165-27. Water supply.

- A. Individual wells shall be installed at the expense of the subdivider to the approval of the Planning Board.
- B. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board.
- C. All individual wells shall meet the requirements of the State/County Department of Health to the satisfaction of the Planning Board.

§ 165-28. Sewage disposal.

- A. A perc test and deep hole test shall be required on each lot within the boundary of each required leach field at the expense of the subdivider to the approval of the Planning Board.
- B. If, in the opinion of the Planning Board, it is feasible and desirable to require a sanitary sewer system or an alternative community sewerage system, such system shall be installed at the

expense of the subdivider to the approval of the Planning Board.

- C. All sanitary sewage disposal systems shall meet the requirements of the State/County Department of Health to the satisfaction of the Planning Board.

§ 165-29. Drainage improvements.

- A. Removal of springwater and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any springwater or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. On-site stormwater management measures, such as retention or detention ponds, are preferable to designs that immediately remove runoff from the site property.
- B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Highway Superintendent shall approve the design and size of facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by Chapter 120, Land Use, in the watershed.
- C. Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Highway Superintendent. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a ten-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provisions have been made for the improvement of said condition.
- D. Land disturbance management during construction. The subdivider shall install and maintain appropriate temporary soil erosion and sedimentation control measures to protect the soil and water resources and stormwater management facilities during road and drainage system construction and wherever significant land disturbance activities occur.

§ 165-30. Lots.

- A. Location. All lots shall have suitable access to public roads.
- B. Dimensions. The lot size, width, depth, shape and area shall comply with Chapter 120, Land Use. In addition, lot depth may be no greater than four times the lot width as measured at the edge of the road right-of-way.
- C. Double frontage lots. Fronting on two roads other than corner lots shall be discouraged.
- D. Pedestrian easements. In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements at least 20 feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required.
- E. Setback. The provisions of Chapter 120, Land Use, shall apply regarding setback lines.

- F. Lot lines. Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots, except when indicated by topography, lot lines shall be straight.
- G. Corner lots. Corner lots for residential use shall have extra width to permit appropriate building setbacks from and orientation to both roads (i.e., front setbacks are required from each road).
- H. Unusual lots. Unusually shaped lots (i.e., lots not meeting requirements of Subsection B) may be approved by the Planning Board, if deemed appropriate and justifiable.
- I. Flag lots. In order to allow the efficient use of otherwise landlocked areas, while maintaining rural character, keeping development costs down and limiting the creation of additional streets, the creation of flag lots may be approved subject to the following conditions:
 - (1) Minimum front, side and rear yard requirements in the district where located must be met exclusive of the driveway property strip or right-of-way connecting the flag lot with the public road.
 - (2) The driveway property strip or right-of-way must have a width no less than 25 feet.
 - (3) No more than one flag lot may be approved for each driveway, property strip or combination of the two.
 - (4) Driveway property strips or rights-of-way must be at least as far away from each other as the minimum lot width for the district where located, measured at the public road frontage.
 - (5) The maximum length of the driveway property strip or right-of-way, measured from the edge of the public road's right-of-way, may be no greater than 500 feet.
 - (6) To ensure the flag lot is not further subdivided in the future, the lot area should be less than twice the minimum lot area for the zoning district or the deed of ownership shall be modified formally to state that the lot is forever restricted from further subdivision.

§ 165-31. Unique and natural features.

Unique physical features, such as historic landmarks and sites, rock outcrops, hilltop lookouts, desirable natural contours and similar features, shall be preserved where possible. Streams, lakes, ponds and wetlands also shall be left unaltered and protected by easements. All surfaces must be graded and restored within six months of completion of subdivision so that no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided. Appropriate soil erosion and sedimentation control measures shall be used during land disturbance activities.

§ 165-32. Public parks, open spaces and other recreational sites.

A. Basic requirements.

- (1) To meet the recreational demands of the future residents of the proposed subdivision development, the Planning Board shall require that the plat shows sites of a character, extent and location suitable for the development of a park, playground or other

recreation purpose. The Planning Board may require that the subdivider satisfactorily grade any such recreation areas shown on the plat.

- (2) The Planning Board shall require that not less than five acres of recreation space be provided per 100 dwelling units shown on the plat. However, in no case shall the amount required be more than 10% of the total area of the subdivision.
- B. Availability dedication. The park, open space and recreation land to be allocated for community purposes shall be made available for use by one of the following methods:
- (1) Dedication to the town; or
 - (2) Reservation of land for the use of property owners by deed or covenant.
- C. Waiver of plat designation of area for parks; open space and recreation.
- (1) If the Planning Board determines that suitable parks or recreation land of adequate size cannot be properly located in the plat or is otherwise not practical due to the size, topography or location of the subdivision, the Board may waive the requirement that the plat show land for such purposes.
 - (2) If the Board does waive this requirement, it shall then require, as a condition to approval of the plat, a payment to the Town of Eaton of a compensatory sum. The sum will be determined by the Town Board and shall be held in a special Town Recreation Trust Fund to be used by the town exclusively for neighborhood park, playground, open space or other recreational purposes, including the acquisition and/or improvement of property.
 - (3) The sum shall be calculated by multiplying the number of acres deemed necessary times the average per-acre value of all the land in the subdivision (in its unimproved, predevelopment state).

§ 165-33. Other reservation of land area.

The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the future needs of the town such as water plants, sewage treatment plant and other community purposes.

ARTICLE VII
Bond for Installation of Improvements

§ 165-34. General.

- A. In order that the town has the assurance that the construction and installation of such improvements as storm sewers, public water supplies, road signs, sidewalks and road surfacing will be constructed, the subdivider shall either construct all improvements directly affecting the subdivision as required by this chapter and by the Planning Board, prior to final approval of the plat or enter into one of the following types of security agreements with the town:
- (1) A performance bond issued by a bonding or surety company;
 - (2) The deposit of funds in or a certificate of deposit issued by a bank;
 - (3) An irrevocable letter of credit from a bank located and authorized to do business in New York State;
 - (4) Obligations of the United States of America; or
 - (5) Any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements.
- B. If not delivered to the town, such security shall be held in a town account at a bank or trust company.

§ 165-35. Conditions.

- A. Before the final plat is approved, the subdivider shall have executed a subdivider contract with the town, and a performance bond shall have been deposited or a security agreement approved covering the estimated cost of the required improvements that have been designated by the Planning Board.
- B. The performance bond or vehicle from the security agreement shall be to the town and shall provide that the subdivider, his heirs, successors and assigns, their agent or servants, will comply with all the applicable terms, conditions, provisions and requirements of this chapter and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.
- C. Any such bond or security agreement shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.
- D. Wherever a certified check is made, the same shall be made payable to the Town of Eaton.

§ 165-36. Extension of time.

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a performance bond or other security agreement shall be completed within one year from the date of approval of the final plat. Road improvements shall be completed within two years from the date of approval of the final plat. The

subdivider may request an extension of time, provided that the subdivider can show reasonable cause for inability to perform said improvements within the required time. The extension should not exceed 12 months, at the end of which time the town may use as much of the bond or check deposit to construct the improvements as necessary. More than one twelve-month extension may be granted at the discretion of the Planning Board. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

§ 165-37. Agreement for schedule of improvements.

Regardless of the form of security agreement chosen, the town and subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, 10% of the check deposit, performance bond or other security shall not be repaid to the subdivider until one year following the completion, inspection and acceptance by the town of all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.

§ 165-38. Inspections.

Periodic inspections during the installation of improvements shall be made by the Code Enforcement Officer and/or Town Highway Superintendent, as appropriate, to ensure conformity with the approved plans and specifications as contained in the subdivider's contract and this chapter. The subdivider shall notify the Code Enforcement Officer when each phase of improvements is ready for inspection. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Planning Board Clerk any inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his representative, and such letter shall be sufficient evidence for the release by the Town of Eaton the portion of the performance bond or other security as designated in the subdivider's contract to cover cost of such completed work.

§ 165-39. Acceptance of roads and facilities.

When the Code Enforcement Officer and Highway Superintendent, following final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installations and improvements have been completed in accordance with the subdivider's contract, the Town Board may, by resolution, proceed to accept the facilities for which the security agreement was made.

ARTICLE VIII
Cluster Subdivisions

§ 165-40. Authority.

Pursuant to a resolution of the Town Board, the Town of Eaton Planning Board is empowered to modify the minimum width and minimum setback requirements, in accordance with the provisions of § 281 of Town Law, 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, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands and shorelines.

§ 165-41. Initiation of cluster subdivision procedure.

The cluster subdivision procedure may be initiated by either the subdivider or the Planning Board. Regardless of who initiates the cluster subdivision provision, the procedures of a major subdivision are followed.

- A. Planning Board initiation. The Planning Board, upon initial review of a sketch plan, may decide that a cluster subdivision is appropriate for the site. The Planning Board shall set forth the reasons for requiring a cluster subdivision design and request the subdivider to submit an alternative subdivision plan that utilizes the cluster development concept.
- B. Subdivider initiation. A subdivider may request the use of Town Law § 281 simultaneously with, or subsequent to, the submission of the sketch plan, as described in Article III. Any submission subsequent thereto shall require a resubmission of the sketch plan.

§ 165-42. Standards.

The following shall be standards and procedures:

- A. The minimum acreage to which this section may be applicable to shall be 10 acres, except that where municipal sewer and/or water are available, the Planning Board may modify the minimum size.
- B. No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land.
- C. When the use of this section results in a plat showing lands available for open space, park, recreation or other municipal purposes, such conditions on the ownership, use and maintenance of such lands as is deemed necessary to assure the preservation of such lands for their intended purposes must be delineated, in writing. The Planning Board, in the case of lands to be retained in open space, may further require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or other appropriate means against any development or land use inconsistent with their retention on open space.
- D. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in Chapter 120, Land Use.
- E. Dwelling units permitted may be, at the discretion of the Planning Board, detached,

semidetached, attached or multifamily residential structures. Multifamily residences will still need a special permit as per Chapter 120, Land Use.

§ 165-43. Procedures.

- A. Sketch plan. A subdivider shall present for the Planning Board's consideration, along with a proposal utilizing the provisions of Town Law § 281, a conventional sketch plan, with lots meeting the minimum lot area, minimum lot width and other requirements of Chapter 120, Land Use. Using the conventional sketch plan and the minimum lot size regulations as its guide, the Planning Board observes the maximum number of dwelling units that could be placed on the land being subdivided, taking into consideration roads, wetlands, steep areas and other topographic restrictions to development. The number so determined is the maximum number of dwelling units that may be allowed in the cluster development. Where the plat falls within two or more zoning districts with differing density requirements, the Planning Board may approve in any one such district a cluster development representing the cumulative density as derived from the summing of all units allowed in all such districts.
- B. Plat submission. Upon determination by the Planning Board that the sketch plan utilizing the provisions of this section is suitable, the procedures attendant to and subsequent to the sketch plan submission, as set forth in Article III, shall be followed in regular order.
- C. Local filing for notation on Land Use Map. In addition to the filing requirements in Article IV and V hereof, any subdivision final plat approved, which involves modifications as provided for in this article, shall be filed by the subdivider with the Town Clerk, who shall make appropriate notation and reference thereto on the official Town Land Use Map.