

## Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated. ~~Do not use italics or underlining to indicate new matter.~~

Town of Gouverneur

Local Law No. 1 of the year 2003

A local law to amend Article I, Section 3; Article IV, Section 17 (O) and Section 20 of Local Law No. 1 of 1996 and by the addition of a new Part II Subdivision Regulations, Articles I, II, III, IV and V.

Be it enacted by the Town Board of the  
(Name of Legislative Body)

Town of Gouverneur as follows:

### **PART I - LAND USE REGULATIONS**

#### **ARTICLE I GENERAL PROVISIONS**

**Section 3. PERMITS REQUIRED** is hereby repealed and the following substituted therefor.

No use or structure shall be established, erected nor land developed until a permit has been issued by the Enforcement Officer, who shall issue such permits in accordance with regulations set forth in this Local Law. No permits shall be required for the erection of fences, disaster cleanup, nor for the construction of non-commercial structures of less than 144 square feet of gross floor area.

#### **ARTICLE IV. SPECIAL PERMIT STANDARDS AND REQUIREMENTS**

**Section 17 (O). Telecommunication and/or other towers** is hereby repealed and the following substituted therefor.

The lot shall be so sized and the tower so placed on the lot that the distance from the tower to the lot line in any direction shall be at least equal to the height of the tower.

**Section 20. VISIBILITY AT INTERSECTIONS** is hereby repealed and the following substituted therefor.

On a corner lot in any residence district no fence, wall, hedge or other structure or planting more than three and one-half (3.5) feet in height above the surface of the road shall be erected, placed or maintained within the triangular area formed by the intersecting street lines at points which are thirty (30) feet distant from the point of intersection measured along said street lines.

**PART II--SUBDIVISION REGULATIONS**

## PART II

# ***TOWN OF GOUVERNEUR***

## Subdivision Regulations

### **ARTICLE I PROCEDURES FOR FILING AND REVIEW OF SUBDIVISION APPLICATIONS**

This booklet is part of Local Law No. 2 of 1985 as amended and contains the Subdivision Regulations portion of the that law. It has been separated from the Land Use Regulations solely to reduce the bulk of that document. It is not, however, a "stand alone" piece, any subdivider, developer or contractor must observe the requirements in Book One, Land Use Regulations for the Town of Gouverneur

Whenever any subdivision of land into five or more parcels of five acres or less, each, within any consecutive three year period is proposed to be made within the Town and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted; the subdivider shall make application for, and receive, final approval of such proposed subdivision in accordance with the following procedures, provided that plats filed or recorded in the Office of the Clerk of St. Lawrence County prior to the effective date of these regulations shall not be subject to review under these regulations.

#### **SECTION 1. SKETCH PLAN**

##### **A. Submission of Sketch Plan.**

Prior to the subdivision of land requiring approval as defined above, the subdivider shall submit to the Chair of the Planning Board at least ten (10) days prior to the regular meeting of the Board, two copies of a Sketch Plan of the proposed subdivision, complying with the requirements of Article III, Section 15, for the purpose of preliminary discussion.

##### **B. Discussion of Requirements.**

After submission of a Sketch Plan, the subdivider shall meet with the Planning Board to discuss the requirements of these regulations, including those relating to lot intensity and arrangement, street and road design and construction, placement of utilities, drainage, sewage disposal, water

supply, fire protection and parks and open space areas, as well as the availability of existing services and other pertinent information. In addition, the Planning Board shall review the location of the proposed subdivision for the presence of any adverse physical, biological, aesthetic or public considerations limiting development of the site.

The Planning Board shall study the Sketch Plan, and shall make advisory recommendations to the subdivider as to whether the subdivision shown by the Sketch Plan meets the requirements of these regulations insofar as can be determined, and such other comments that may be appropriate. If practicable, the Board shall make these recommendations at the same time it meets with the subdivider, and in no case shall the Board fail to make such recommendations within thirty (30) days of submission of the Sketch Plan.

After a discussion of requirements with the Planning Board, the subdivider shall then comply with the procedures outlined in this article.

## **SECTION 2. REVIEW OF SUBDIVISION PRELIMINARY PLATS**

### **A. Application for Approval and Fee.**

The application for Preliminary Plat approval shall be on a form provided by the Chair of the Planning Board and shall include the elements described in Article III, Section 15 hereof, and the Plat shall be in general conformance with the layout shown on the Sketch Plan, reflecting any recommendations made by the Planning Board. All applications for Subdivision Plat approval shall be accompanied by an application fee as may from time to time be set by the Town Board.

### **B. Number of Copies**

Three (3) copies of the completed application form and Preliminary Plat shall be presented to the Chair of the Planning Board at the time of submission of the Subdivision Preliminary Plat.

### **C. Subdivider to Attend Planning Board Meeting.**

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

**D. Date of Official Submission.**

The date of submission of the Subdivision Preliminary Plat shall be considered to be the date on which a completed application for Preliminary Plat approval and the required fee have been filed with the Chair of the Planning Board.

**E. Study of Preliminary Plat.**

The Planning Board shall study the Preliminary Plat, taking into consideration the provisions of these regulations, the requirements of the community, and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and design of streets, and roads and their relation to topography, water supply, sewage disposal, drainage, lot sizes and arrangement, the placement of utilities, the future development of adjoining lands as yet unsubdivided, the recommendations of the Comprehensive Land Use Plan and the requirements of the Official Map, if such are in effect. Preliminary Plats impacted by Section 239N of General Municipal Law must be referred to the County Planning Board prior to the Public Hearing. See Section 5.

**F. Public Hearing.**

Within sixty-two (62) days of the date of official submission of the Subdivision Preliminary Plan, a public hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing, and may be further advertised in such manner as the Board deems appropriate for full public consideration of such Preliminary Plat.

**G. Action on the Preliminary Plat.**

Not more than sixty-two (62) days after the completion of such hearing, the Planning Board shall approve with or without modification or disapprove such Preliminary Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. When approving a Preliminary Plat, the Planning Board shall state in writing modifications if any, as it deems necessary for submission of the Plan in final form. Within five (5) days of the approval of such Preliminary Plan it

shall be certified by the Chair of the Planning Board. Failure to act within such sixty-two (62) days or otherwise agreed-upon period shall be deemed approval of the Preliminary Plan.

When granting approval to a Preliminary Plan, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Preliminary Plat, (2) the character and extent of any required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to Subdivision Final Plat approval. Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat, and as a guide to the preparation of the Subdivision Final Plat.

### **SECTION 3. REVIEW OF SUBDIVISION FINAL PLATS**

#### **A. Application for Approval and Fee.**

Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for Subdivision Final Plat approval within six months after Preliminary Plat approval. Failure to do so within such time period may require resubmission of the Preliminary Plat to the Planning Board. The applications shall be on a form provided by the Chair of the Planning Board, and shall include the elements described in Article III, Section 15 hereof, and the Plat shall conform to the Preliminary Plat, as modified by the Planning Board if such Preliminary Plat was approved with modifications.

All applications for Subdivision Final Plat approval shall be accompanied by an applications fee and an inspection fee as may both from time to time be set by the Town Board.

#### **B. Number of Copies.**

Seven copies of the Plat shall be presented to the Chair of the Planning Board at the time of submission of the Subdivision Final Plat.

#### **C. Date of Official Submission.**

The date of submission of the Subdivision Final Plat shall be considered to be the date on which a completed application for approval of the Subdivision Plat, including any endorsements required by paragraph D of this section is received, and the required application and inspection fees have been filed with the Chair of the Planning Board.

**D. Endorsement of State Agencies.**

Any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by The Department of Environmental Conservation and/or the State Department of Health shall have received such approval and the Plat shall be properly endorsed to that effect.

**E. Public Hearing (optional)**

Within sixty-two (62) days of the date of official submission of the Subdivision Final Plat for approval, a public hearing may be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing and further advertised in such manner as the Board deems appropriate for full public consideration of such Plat, provided however, that when the Planning Board deems the final Plat to be in substantial agreement with a preliminary Plat approved under Section 2 of this article, and modified in accordance with requirements of such approval if such preliminary Plat was approved with modification, the Planning Board may waive the requirements for such public hearing.

**F. Action on Subdivision Plat**

Within sixty-two (62) days of the date of official submission of a Subdivision Plat, the Planning Board shall by resolution conditionally approve, disapprove, or grant final approval and authorize the signing of such Plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure to take action on a Final Plat within such sixty-two (62) days or otherwise agreed upon period shall be deemed final approval of the Plan and a certificate of the Town Clerk as to the date of submission and the failure to take action shall be issued on demand. In making its decision the Board shall apply the standards and

requirements set forth in Article IV hereof. Final approval shall not be granted until the requirements of Section 4 of this article have been met.

Upon granting conditional approval of the Final Plat, the Planning Board shall empower a duly designated officer to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of such resolution the Plat shall be certified by the Chair of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally Approved Plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the Plat shall be deemed to have received final approval, and such officer will sign the Plat accordingly. Conditional approval of a Final Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. 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 in the circumstances, for one or two additional periods of ninety (90) days each.

## **SECTION 4. REQUIRED IMPROVEMENTS**

### **A. Improvements and Performance Bond.**

Before the Planning Board grants final approval of a Subdivision Plat, the subdivider shall follow the procedures set forth in either subparagraph (1) or subparagraph (2) below:

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

- (2) The subdivider shall complete all required improvements to the satisfaction of the Enforcement Officer who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a certified check or performance bond covering the costs of satisfactorily completing such improvements. Any such bond shall be satisfactory to the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.
- (3) The required improvements shall not be considered to be completed until the improvements and their installation have been approved by the Enforcement Officer and a map has been submitted to the Planning Board indicating the location of monuments marking all underground utilities as exactly installed. If the subdivider completes all required improvements according to subparagraph (2), then this map shall be submitted prior to final approval and the signing of the Plat by the duly designated officer of the Planning Board. If the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph (1), or part of the improvements as specified in subparagraph (2), then this map shall be submitted prior to final approval and the signing of the Plat by the duly designated officer of the Planning Board. If the subdivider elects to provide a bond or certified check for all required improvements as specified in subparagraph (1), or part of the required improvements as specified in subparagraph (2), such bond shall not be released unless such a map is submitted.

## B. Modification of Design Improvements.

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Enforcement Officer that unforeseen conditions make it necessary or desirable to modify the location or design of such required improvements, the Enforcement Officer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and any conditions attached thereto, and do not amount to a waiver or substantial alteration of any improvements required by the Board; the Enforcement

Officer shall issue any authorizations under this paragraph in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

**C. Inspection of Improvements.**

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

**D. Proper Installation of Improvements.**

If the Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with approved plans and specifications filed by the subdivider or any conditions of Planning Board approval, he shall so report to the Town Board and Planning Board. The Town Board shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

**SECTION 5. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)**

- A.** The State Environmental Quality Review Act requires that local governments examine the environmental impact of all actions they permit, fund, or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by reference.
- B.** All "Type I" actions ( 8 NYCR Part 617) shall require the submission and review of an Environmental Assessment Form.

C. For zoning actions reviewed by the Town, the following bodies shall be SEQR lead agency, unless otherwise delegated by the Town Board.

1985 Text and Map Amendments.....Town Board  
Auto Junkyards .....Town Board  
Special Permits .....Planning Board  
Variances .....Board of Appeals

D. If in the opinion of the SEQR local lead agency, after review of the Environmental Assessment Form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement. Review, notice and action on the EIS shall be conducted according to Part 617.

## **SECTION 6. REFERRAL TO THE COUNTY PLANNING BOARD**

Section 239-m of General Municipal Law requires that certain zoning actions be referred to the County Planning Board prior to final action by the Town Planning Board, Zoning Board of Appeals, or Town Board. Section 239-n requires the same referral before taking action on certain subdivisions.

A. The referral requirement applies to:

1. Any zoning amendment that would change the district classification of or the regulations applying to real property lying within a distance of 500 feet to:
  - the boundary of any village or town;
  - the boundary of any existing or proposed county or state park or other recreation area;
  - the right-of-way of any existing or proposed county or state road or highway;
  - the existing or proposed right-of-way of any stream or drainage channel for which the county has established channel lines;
  - the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

2. Any special permit, site plan or variance, or any subdivision affecting real property within such distance of 500 feet; or
3. Any special permit, site plan, use variance or subdivision applying to real property lying within a distance of 500 feet from the boundary of a farming operation within a St. Lawrence County Agricultural District.

B. The county Planning Board has 30 days after receiving a full statement within which to make a recommendation to the local board having jurisdiction. Upon receipt of the County Planning Board recommendation, or upon expiration of the 30 day period, the local board may take final action. If the County Planning Board disapproves the referral or recommends modification, the local board shall not act contrary except by a majority plus one vote of the full membership.

C. The local board of jurisdiction must report the results of its action within seven days to the County Planning Board.

## **SECTION 7. FILING OF APPROVED SUBDIVISION PLAT.**

### **A. Final Approval and Filing.**

Upon receiving final approval pursuant to Section 3 of this article and being properly signed by the duly designated officer of the Planning Board or upon receiving a certificate from the Town Clerk as to the Planning Board's failure to act within the prescribed time period, Subdivision Plan may be filed or recorded in the Office of The Clerk of St. Lawrence County. However, the signature of the duly designated officer of the Planning Board, or the certificate from the Town Clerk, shall expire thirty (30) days from the date of such signature or the issuance of such certificate unless within such thirty (30) day period the Plat has been duly filed or recorded in the office of the County Clerk.

### **B. Plat Void if Revised After Approval.**

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and a duly designated officer thereof has signed the Plat, unless such Plat is

first resubmitted to the Planning Board and such Board approves, in writing, any modifications. In the event that any such modified or revised Subdivision Plat is recorded without complying with this requirement, such recording shall be null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

## **SECTION 8. PUBLIC STREETS, PARKS AND RECREATIONAL AREAS**

### **A. Public Acceptance of Streets**

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of, any acceptance by the Town of any street or road, easement or other open space shown on such Subdivision Plan.

### **B. Ownership and Maintenance of Park, Recreation or Open Space Areas.**

When a park, playground, or other recreation area or open space shall have been shown on a Plan, Planning Board approval of the Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and where such requirement is considered necessary or desirable by the Planning Board, to realize best use of the site, provision for the cost of grading, development, equipment, and maintenance of any such recreational area.

## **ARTICLE II. GENERAL REQUIREMENTS AND DESIGN STANDARDS**

In considering applications for subdivision of land, the Planning Board shall adhere to and be guided by the requirements and standards herein after set forth. Such standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article IV herein.

## **SECTION 9. GENERAL**

### **A. Character of Land.**

Land to be subdivided shall be of such character that it can be used safely for building purposes or other uses without danger to health or peril from fire, flood or other menace, while minimizing impacts on existing natural or public resource.

### **B. Conformity to Official Map and Land Use Regulation**

Subdivisions shall conform to the Official Map of the Town, if any, and should be in harmony with the Land Use Regulations.

### **C. Specifications and Required Improvements.**

All required improvements shall be constructed or installed in accordance with accepted construction standards and shall be subject to the approval of The Enforcement Officer.

## **SECTION 10. LAYOUT OF STREETS AND ROADS**

### **A. Relationship to Existing Natural Features and Highway Network**

All streets and roads shall be logically related to the existing topography, soils, vegetation, and other natural features so as to minimize environmental impact, and shall be coordinated into a logical and efficient system that is integrated with the existing and future highway network.

### **B. Road Intersections.**

In general, all streets and roads shall intersect so that for a distance of at least 100 feet each street is approximately at right angles to the street it joins. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs, if any, shall be adjusted accordingly. Local street or road intersections with collector or arterial highways shall be separated by at least 400 feet.

**C. Special Treatment along Collector and Major Arterial Highways.**

When a subdivision abuts or contains an existing or proposed collector or arterial highway, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate access to abutting land and to afford separation of through and local traffic.

**D. Local Streets.**

Local streets shall be laid out so that their use by through traffic will be discouraged.

**E. Dead-End Streets.**

Dead-End or loop residential streets will be permitted wherever the Board finds that such types of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street, when the Board in its discretion feels such easement is necessary or desirable. Where possible, subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed. Dead-end roads shall have turn-arounds at intervals of not more than one-half mile. Dead-end roads shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and driving surface of 50 feet.

**F. Future Street Access.**

The Planning Board may require the provision of one or more rights-of-way, fifty (50) feet in width, to ensure future access to lands that would otherwise be sealed-off from access by the subdivision of lots.

## **SECTION 11. DESIGN AND CONSTRUCTION OF STREETS, ROADS, BRIDGES**

### **A. Rights-of-way, Surface Widths, and Basic Surfacing.**

All subdivision roads shall have as a minimum a 50 foot right-of-way, a 12 inch thick crowned compacted gravel base, a driving width of 18 feet, and 5 foot wide shoulders, constructed in accordance with accepted highway construction standards and subject to the approval of the Enforcement Officer.

### **B. Grades.**

Roads grades shall conform in general to the and shall not exceed 10% over any length, and in no case shall exceed more than 3% within 50 feet of intersection.

### **C. All-Weather Surfacing of Certain Road Sections.**

Any Subdivision road section with grades exceeding 10% over any length permitted by waiver of the preceding paragraph shall be treated with oil or bituminous compounds to provide a durable, all-weather driving surface. Any such surface shall be constructed in accordance with accepted highway construction standards and shall be subject to the approval of the Town Representative.

### **D. Horizontal and Vertical Alignment of Roads.**

Horizontal and vertical alignment of roads, that is, curve radii and changes in grade respectively, shall be based upon design speeds of not less than 25 m.p.h.

### **E. Road Ditches and Drainage Culverts.**

Finished grades of all road ditches shall be a minimum of one and one-half ( $1 \frac{1}{2}$ ) feet below the center of the road surfaces. Road ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a 5-year, 24-hour rainfall. Drainage culverts shall be adequately-sized and located so as to maintain pre-construction surface drainage patterns.

**F. Hydraulic Capacities of Bridges and Culverts.**

Stream crossings shall be roughly at right angles, and bridges or culverts shall be designed to carry the peak runoff rate from a 10-year, 24 hour rainfall.

**G. Cut and Fill Slopes.**

Fill slopes shall not be steeper than 2 horizontal on one vertical (2:1). Cut slopes shall not be steeper than 2:1 on coarse sand and gravel soils, 2:1 in fine sand and silty sand, 3:1 in sandy silt, 4:1 in silt, sandy clay, or clay. If internal drainage measures and/or lateral structural support is provided by the subdivider for wet soil conditions or fine grained soils, the slope may be steeper in accordance with design analysis.

**H. Use of Road Fill.**

All areas to be filled for road construction shall be cleared and grubbed prior to placement of fill. Clearing and grubbing shall consist of removal of all woody vegetation consisting of trees, fallen trees, logs, stumps, or brush. All fills shall be spread and compacted to provide stability of material and to prevent undue settlement in accordance with specifications adopted by the Planning Board.

**I. Clearing and Grading of Roads and Utilities: Construction of Roads and Installation of Utilities.**

- a. Clearing and grading for road and utility installations shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills and provide for utility installation.
- b. The underground installation of all utilities shall be required in all subdivisions except where, in the opinion of the Planning Board, site conditions or lot density will make such installation impractical or undesirable.
- c. The construction of roads and the installation of utilities should be planned sequentially so that construction operations do not conflict

and so that subsequent construction operations do not interfere with or destroy completed work. For this purpose, when electric, telephone, natural gas or cable television distribution lines are to be located underground, sewer and water stubs for individual or group service shall extend at least two (2) feet beyond underground utility easements into private property.

J. Revegetation.

All exposed borrow areas, all cut and fill slopes including ditch banks, and all cleared areas associated with the construction of roads and the installation of utilities, excluding those areas comprising road surfaces or shoulders, shall be successfully vegetated to grasses or legumes that are suited to site conditions. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of design flow, by means of revegetation, sodding, mulching, netting, stone paving, riprap, and other materials or combinations of these, depending on hydraulics and soil properties.

## **SECTION 12. STREET NAMES**

A. Type of name

All street or road names shown on the Subdivision Plat shall be subject to approval by the Planning Board, and shall not conflict or cause confusion with any existing or proposed street.

## **SECTION 13. LOTS**

A. Lots to be buildable.

The lot size, shape and arrangement shall be such that in constructing a building in compliance with the Town Land Use Regulations and/or other applications of local regulations there will be no foreseeable difficulties for reasons of topography, access or other existing physical or biological conditions.

**B. Driveway Access.**

Each lot shall be accessible via a driveway which shall not exceed a 12% grade over any 150 foot length, shall not exceed 15% over any lengths, and shall not exceed 3% within fifty feet of the street pavement or driving surface, as measured along the center line of the driveway.

**C. Access by Means of Private Rights-of-way.**

Access to more than two lots by means of a private right-of-way shall be deemed acceptable only if such right-of-way is designed and improved in accordance with Sections 43 and 44 of this article.

**D. Monuments and corner markers.**

Permanent monuments meeting Town specifications as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Planning Board may require, and their location shall be shown on the Subdivision Plat.

## **SECTION 14. DRAINAGE IMPROVEMENTS**

**A. Removal of Spring and Surface Water.**

Except for identified and mapped wetlands which shall remain undisturbed to the fullest extent practicable, the Planning Board may require the subdivider to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the Subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

**B. Storm Water Easements or Drainage Rights-of-Way.**

Where a subdivision is traversed by watercourse, drainageway, channel or stream, a storm water easement or drainage right-of-way shall be provided of sufficient width to accommodate flood waters as they are locally known to exist or can be estimated by field observation and study of geologic information.

**C. Drainage Structure to Accommodate Potential Development Upstream.**

Any culvert or other drainage facility shall be large enough to accommodate the peak runoff rate from its entire upstream drainage area, whether inside or outside the subdivision, under conditions of total potential development in accordance with any Town Comprehensive Land Use Plan in such contributing drainage area, of a 10-year, 24-hour rainfall.

**D. Responsibility For Drainage Downstream.**

The subdivider shall also furnish information on the effect of the Subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility within the town during a ten year, 24-hour rainfall, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the Subdivision until provision has been made for the alleviation with other parties of responsibility, if any.

**SECTION 15. PARKS, OPEN SPACES, AND NATURAL FEATURES**

**A. Parks, Recreation Areas and Open Space.**

In addition to drainage rights-of-way and areas that are not suitable for building purposes, the Planning Board may require the subdivider to provide a site(s) suitable for a park or playground which shall be protected from any development not directly related to use for park, recreation or open space purposes. Not more than one (1) acre for each ten (10) building lots may be required under this paragraph for such purposes. The Planning Board at its discretion may require that the subdivider satisfactorily grade, landscape or improve any such recreation or open space areas shown on the Plat. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication. If not dedicated, provision shall be made for the necessary future maintenance of such areas subject to approval of the Town Board.

## **ARTICLE III APPLICATION REQUIREMENTS**

### **SECTION 16. SKETCH PLAN**

A. The Sketch Plan shall consist of a drawing, which may be a free-hand drawing, that is drawn to scale (preferably not less than 200 feet to the inch) and shows the character of the land to be subdivided including all significant environmental features (i.e., streams, wooded areas, steep slope areas, wetlands, and existing roads, utilities, buildings, structures, etc.) and also shows the scope and nature of the proposed subdivision including any information related thereto that will facilitate Sketch Plan review and comment by the Planning Board.

### **SECTION 17. SUBDIVISION PRELIMINARY PLAT**

A. The Preliminary Plan shall consist of an engineering drawing (and supporting information if necessary), drawn to a scale of not more than 100 or less than 30 feet to the inch, which shows the following:

- (1) land owner and other parties of interest (i.e. adjacent owners, engineer, surveyor, landscape architect, architect, contractor, financier, etc.)
- (2) basic survey data (i.e., boundary lines, corner monuments, necessary bearings, distances and area computations scale, north point, etc.)
- (3) detailed plans and necessary related information for lot layout, traffic circulation, storm drainage, water distribution, sanitary sewerage, recreation and open space
- (4) detailed information on existing site and adjacent area conditions including topography, geologic features, soil conditions and vegetation
- (5) such other information or detail as may be necessary for the Planning Board to review and act upon the Preliminary Plat

## **SECTION 18. SUBDIVISION FINAL PLAT**

A. The Final Plat shall consist of an engineering drawing, drawn in ink on a stable base material and suitable for filing with the County Clerk, that is in substantial agreement with the approved Preliminary Plat and contains final survey and engineering design data for the subdivision, and such other information that may be necessary for the Planning Board to review and act upon the Final Plat.

## **SECTION 19. APPLICATION FOR AREA VARIANCES**

A. Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning ordinance regulations, application may be made to the zoning board of appeals for an area variance. In reviewing such application the zoning board of appeals shall request the planning board to provide a written recommendation concerning the proposed variance.

## **ARTICLE IV WAIVERS**

### **SECTION 20. WAIVERS**

Where the Planning Board finds, due to the special circumstances of a particular Plat, that meeting a certain requirement of these regulations is not requisite in the interest of the public health, safety and general welfare it may waive such requirement subject to appropriate conditions.

In granting waivers, the Planning Board shall impose such conditions as will substantially assure that the objectives of the standards or requirements so waived are met.

## **ARTICLE V ENACTMENT**

### **SECTION 21. SEPARABILITY.**

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

### **SECTION 22. EFFECTIVE DATE.**

"The TOWN OF GOVERNEUR LAND USE AND SUBDIVISION REGULATIONS" shall become effective immediately upon filing with the New York State Secretary of State.

*(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)*

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2003 of the Town of Gouverneur was duly passed by the Town Board on September 9, 2003, 2003, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_\_  
Of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by  
the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_\_, and was (approved)(not  
(Name of Legislative Body)  
disapproved)(repassed after disapproval) by the \_\_\_\_\_ and  
\_\_\_\_\_ (Elective Chief Executive Officer\*)  
was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_\_, in accordance with the applicable  
law.

### 3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by  
the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_\_, and was (approved)(not  
(Name of Legislative Body))

disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_  
(Elective Chief Executive Officer\*)

\_\_\_\_\_, 20\_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_  
of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by  
the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_\_, and was (approved)(not)

disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_

(Elective Chief Executive Officer\*)  
\_\_\_\_\_, 20\_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_\_\_\_, in accordance with the applicable provisions of law.

**Elective Chief Executive Officer** means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_, of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_, of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*(Seal)*

*Joan M. Hall*  
Clerk of the County legislative body, City, Town or Village  
Clerk or officer designated by local legislative body.

Joan M. Hall

Date: 9/11/03

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)**

STATE OF NEW YORK )  
 )  
 )ss  
COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Henry J. Leader*  
Henry J. Leader, Esq.

Town Attorney

Town of Gouverneur

Date: 9/11/03