

LAND USE

AND

DEVELOPMENT CODE

- 1973

TOWN OF

MADRID, NEW YORK

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15. Supplementary Notes				
<p>16. Abstracts</p> <p>This Land Use and Development Code is a compilation of five Local Laws adopted to provide land use guidelines consistent with the needs and objectives of the Town of Madrid. Included within this Code are four parts, each dealing with a separate but interrelated tool to effectively guide the use of land in accord with the Town Development Plan. The four parts are as follows:</p> <p>Part I - Construction and Maintenance - includes Local Law No. I which consists of building and sanitary regulations aimed at the elimination and future prevention of building, housing and associated environmental problems.</p> <p>Part II - Miscellaneous - includes Local Laws No. II-A and II-B which deal with outdoor performance and refuse disposal standards.</p> <p>Part III - Subdivision - includes Local Law No. III which sets forth the process and standards for the subdivision of land into plats for sale or building purposes.</p> <p>Part IV - Zoning - includes Local Law No. IV which sets forth those standards and districts designed to regulate the type, density and location of land uses.</p> <p>Each Local Law has been adopted under the New York State Municipal Home Rule Law and is incorporated within this Code to form a coordinated system of land use controls in the Town of Madrid.</p>				
<p>17. Key Words and Document Analysis. 17a. Descriptors</p> <p>17b. Identifiers/Open-Ended Terms</p> <p>Land Use and Development Construction and Maintenance Outdoor Performance Refuse Disposal Subdivision Zoning</p>				
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LOCAL LAW NO. III

TOWN OF MADRID, ST. LAWRENCE COUNTY, NEW YORK

A LOCAL LAW PROVIDING FOR THE REVIEW AND APPROVAL BY THE TOWN PLANNING BOARD OF PLATS SHOWING THE DIVISION OF ANY PARCEL OF LAND INTO FIVE OR MORE LOTS, PLOTS, OR SITES, INCLUDING THE RE-SUBDIVISION OF ALL OR IN PART OF ANY PLOT - FILED OR UNFILED - WHICH IS ENTIRELY OR PARTIALLY UNDEVELOPED; AND ANY SUBDIVISION OF LAND CREATING A NEW STREET; AND FOR THE UNIFORM ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES FOR THE VIOLATION THEREOF.

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ARTICLE I - TITLE

Section 1 - Title

A. These Regulations shall be known and may be cited as SUBDIVISION REGULATIONS FOR THE TOWN OF MADRID.

ARTICLE II - PURPOSE, SCOPE AND DEFINITIONS

Section 2 - Purpose

A. It is the purpose and intent of these Regulations to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be in accord with the Town Plan; that the land 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, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern or open-space characteristics of adjacent properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if any, and Town Plan, and shall be of such width, grade and location as to accommodate the prospective traffic and to facilitate fire protection and other services that would need to be provided; and to insure that proper provision shall be made for recreation, open space and conservation considerations.

Section 3 - Scope

A. These Regulations shall apply to the division of any parcel of land as herein defined. Pursuant to Town Law, Sections 265A, 276, as rewritten by Chapter 964 of the Laws of 1972, 277, 278, 281 and 282 and acts amendatory thereto, these Regulations authorize and empower the Planning Board of the Town of Madrid to approve or disapprove Preliminary and Final Plats as defined herein, and the development of entirely or partially undeveloped plats, including those already filed with the Clerk of St. Lawrence County.

Section 4 - Definitions

A. The words and terms used in these Regulations shall be as defined in Appendix 'C' of this Code which is hereby made a part of this Local Law.

ARTICLE III - PROCEDURE

Section 5 - Pre-Application Conference and Sketch Plan

A. Prior to the filing of an application for approval of a Preliminary Plat, the subdivider or his agent, shall appear and submit a Sketch Plan and accompanying information as provided in Appendix 'B' with a request for informal consideration by the Board and for an expression of its views. No formal application is thereby required. The purpose of such appearance and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Board with a view toward conserving the time and expense of the subdivider and creating mutual opportunities for an exchange of information that will aid in assuring a desirable subdivision in the public interest.

Section 6 - Application

A. Whenever any subdivision of land as herein defined is proposed to be made and following the Pre-Application Conference and review of the Sketch Plan, the owner or his agent shall apply in writing to the Board for approval of such subdivision. There shall first be filed with the Board a Preliminary Plat of the entire property for approval and subsequently thereto a Final Plat for conditional approval and signing as hereinafter specified.

B. Required information to be included in the application for a Preliminary and Final Plat is as stipulated in Appendix 'B' of this Code which is hereby made a part of this Local Law.

Section 7 - Preliminary Plat - Submission and Consideration

A. Submission - Three (3) copies of the Preliminary Plat and supplementary material required shall be submitted to the Board with written application for Preliminary Plat approval not less than seven (7) days prior to a regularly-scheduled Board meeting, which meeting date shall be the date of submission.

B. Content - On reaching conclusions regarding the general program and objectives following the Pre-Application Conference, the subdivider shall cause to be prepared a Preliminary Plat which shall consist of, as a minimum, those items of information called for in Appendix 'B'.

C. Public Hearing - The Board shall, within forty-five (45) days after submission of the application, hold a public hearing on the Preliminary Plat, as submitted. Said hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days prior to the date of hearing.

ARTICLE III, Section 7 (con't)

D. Referral - Whenever any proposed subdivision is located within five hundred (500) feet from any boundary of an adjoining municipality or the boundary of any state or county property or easement, a copy of the application for Preliminary Plat approval will be referred to the St. Lawrence County Planning Board as may be required under Section 239-n. of the General Municipal Law. The County Planning Board shall have thirty (30) days in which to report its recommendations to the Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval by the Board. If the County Planning Board recommends disapproval or modification, the Board shall not approve such subdivision, except by a vote of a majority plus one of all members of the Board after adoption of a resolution setting forth the reasons therefore. Whatever the final action of the Board, the County Planning Board will be notified of the same within seven (7) days following such action.

E. Action - Within forty-five (45) days after the date of such hearing, the Board shall approve, with or without modification, or disapprove the Preliminary Plat. Failure of the Board to act within such forty-five (45) day period shall constitute approval of the Preliminary Plat. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual consent of the applicant and the Board.

F. Notification of Action Taken - Any approval, required modification and the reasons therefore, or disapproval and the reasons therefore, shall be stated in the records of the Board and the applicant so notified with a certified copy within five (5) days from the date of action taken.

Section 8 - Final Plat - Submission and Consideration

A. Submission - The Subdivider shall, within six (6) months after approval of the Preliminary Plat, file with the Board an application for approval of the Final Plat; otherwise such approval of the Preliminary Plat shall become null and void unless an extension of time is applied for and granted by the Board. Any approved Preliminary Plat, of which only a portion or section is submitted as a Final Plat, shall not be null and void after six (6) months so long as each subsequent section or phase is submitted for Final Plat approval in accord with a previously-established timetable.

B. Content - The Final Plat shall conform substantially to the Preliminary Plat as approved. If desired by the subdivider, the Final Plat may constitute only that portion or section of the approved Preliminary Plat which he proposes to record.

ARTICLE III, Section 8-B (con't)

and develop at the time, provided however, that such portion conforms to all requirements of these Regulations. Application for approval of the Final Plat shall be accompanied by three (3) copies of the Final Plat and other material required for approval as called for in Appendix 'B'. Such items shall be submitted to the Board at least seven (7) days prior to a regularly-scheduled Board meeting, which meeting date shall be the date of submission.

C. Public Hearing - Within forty-five (45) days of submission of the Final Plat in proper form, the Board shall hold a public hearing; except that where the Board determines the Final Plat to be in substantial agreement with a previously approved Preliminary Plat, the Board may waive the requirement for a public hearing on the Final Plat. If a public hearing is to be held, it shall be properly advertised in a newspaper of general circulation in the Town at least five (5) days prior to the date of hearing.

D. Action - The Board shall, by resolution, conditionally approve, with or without modification, or disapprove the Final Plat within forty-five (45) days of the date of submission if no public hearing is held; or within forty-five (45) days of the hearing, if such hearing is held. Upon failure of the Board to act within the prescribed period of time, the Final Plat shall be deemed approved and the Town Clerk shall issue a certificate indicating the date of submission and the failure of the Board to take action within the prescribed time, such certificate to be sufficient in lieu of written endorsement or other evidence of approval. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual consent of the applicant and the Board. Upon resolution of the Board to conditionally approve the Final Plat, with or without modification, the Chairman of the Planning Board shall be authorized to sign the Plat subject to such requirements as may be stated in the resolution. The Final Plat shall not be signed by the Chairman until either paragraph F, 1. or 2. is complied with as required hereunder.

E. Notification of Action Taken - Any conditional approval, required modification and the reasons therefore, or disapproval and the reasons therefore, shall be stated in the records of the Board, and the applicant so notified with a certified copy within five (5) days from the date of action taken.

F. Required Improvements - Within six (6) months of the resolution granting conditional approval, the applicant shall either:

1. In an amount set by the Planning Board file with the Town Clerk either a certified check or a performance bond to cover the full

ARTICLE III, Section 8-F, 1 (con't)

cost of the required improvements. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year or such other period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond within which time required improvements must be completed; or

2. Complete all required improvements to the satisfaction of the Enforcement Officer and Planning Board and file with the Board a letter signifying the satisfactory completion of all such required improvements. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

If the subdivider elects to provide a bond or certified check for all required improvements as specified in sub-paragraph F-1., such bond or check shall not be released until satisfactory As-Built Drawings are received and approved. If, however, the subdivider completes all required improvements according to sub-paragraph F-2., the approved As-Built Drawings shall be submitted and approved prior to signature of the Final Plat by the Planning Board Chairman.

G. Signature and Filing - Upon satisfactory completion of the above requirements, the Chairman of the Planning Board shall affix his signature to the Final Plat, which signature shall constitute final approval of the Plat. Within thirty (30) days from the date of such signature denoting final approval, or from the date of issuance of a certificate issued by the Town Clerk noting failure of the Board to act within the prescribed time, the Final Plat or approved sections thereof shall be duly filed by the applicant in the office of the St. Lawrence County Clerk.

ARTICLE IV - MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS

Section 9 - General

- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and shall be in keeping with the objectives of the Town Plan. All standards set forth herein are required minimum standards and where conditions warrant, the Planning Board may call for such additional measures as are reasonable and appropriate under the circumstances.

Section 10 - Natural Features

- A. The utmost consideration shall be given to existing natural features of both the subdivision and adjoining lands and every effort shall be made to preserve and design around existing land forms, tree cover, waterways and any other exceptional physical characteristics.

Section 11 - Monuments

- A. The tract boundary lines, and the lines of all streets or roads shall be monumented with concrete, stone or iron monuments with monument caps. Individual properties shall be monumented with iron pins or pipe.

Section 12 - Streets

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map, if any, and to the Town Plan, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets. Street grades shall conform as closely as possible to the natural topography.
- B. The arrangement of streets in a subdivision shall provide for the continuation, if appropriate, of residential streets in the surrounding area and be such as to compose a convenient system both for the subdivision and connections to the existing highway system.
- C. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Where a subdivision abuts, contains or has access to an existing or proposed major traffic artery, the Board may require a frontage street or reverse frontage with screen planting contained in a non-access reservation along the property line or such other treatment as may be necessary for adequate protection of both the subdivided properties and the appearance of the Town and to afford separation of through and local traffic.

ARTICLE IV, Section 12 (con't)

- E. Reserve strips controlling access to streets, water or sewage mains, lines or treatment plants, or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed with the Town under conditions approved by the Board.
- F. Street jogs with center line offsets of less than one hundred and fifty (150) feet shall not be permitted.
- G. A tangent between reverse curves on major and collector streets shall be one hundred and fifty (150) feet minimum; on minor streets, one hundred (100) feet minimum, in length.
- H. In general, all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins, and no street shall intersect any other street at less than seventy-five (75) degrees.
- I. Street grades shall be not less than one-half of one (0.5) percent, nor more than ten (10) percent.
- J. Cul-de-sac streets shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a street right-of-way line diameter of at least one hundred and fifty (150) feet. At the end of temporary dead-end streets a temporary turn-around with an outside improved surface diameter of one hundred (100) feet shall be provided unless the Planning Board shall approve an alternate arrangement. Dead-end streets shall not be permitted, except as provided herein.
- K. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Town. Street names shall be subject to the approval of the Board.
- L. Street rights-of-way and pavement or improved surface area shall have the following widths. The classification of streets shall be as determined by the Planning Board.

ARTICLE IV, Section 12-L (con't)

Classification	Minimum Right-of-Way	Minimum Improved Surface
Major streets	66 feet	40 feet (two 12' traffic lanes) (two 8' parking lanes)
Collector streets	60 feet	30-32 feet (two 11-12' traffic lanes) (one 8' parking lane)
Minor streets	50 feet	urban 28-30 feet (two 10-11' traffic lanes) (one 8' parking lane) rural 18-22 feet (two 9-11' traffic lanes) (plus two 6' shoulders)

M. Roadway and related construction shall be the responsibility of the subdivider, except that the Town may undertake subgrade and base course improvements in five hundred (500) foot increments in an approved subdivision upon adequate assurance of development.

1. Subgrade - All topsoil shall be removed from an area on each side of the center line sufficient to accommodate the required pavement and shoulder width, unless a fill of three (3) feet or more is required. Fills must be made with material approved by the Board and shall be placed in layers not over six (6) inches thick and each layer shall be properly rolled. All muck, quicksand, spongy and any other objectionable material shall be graded as follows: A distance sufficient to accommodate the required pavement and shoulder width on each side of the center line shall be twelve (12) inches below the finished grade, as shown on the street profile. After it has been properly shaped, it shall be thoroughly rolled and compacted. Drainage ditches, where provided, shall be on each side of the road at a suitable distance from the center line of the road, shall be adequate to carry all storm water drainage and shall be otherwise satisfactory to, and be approved by, the Planning Board. Where in the opinion of the Board such open drainage ditches cannot be appropriately provided without creating a hazard or nuisance, storm sewers shall be provided. The grade of the outside area or sidewalk and planting strip section shall in no case be lower than the crown of the pavement nor more than eight (8) inches above the crown. No gravel or stone is to be placed on the subgrade until the subgrade is approved by the Enforcement Officer.
2. Base Course - The thickness and method of constructing the base course may vary, when conditions warrant, depending upon the amount of traffic anticipated, the type of material used, and the condition of the subgrade. All materials and construction procedure shall be subject to the approval of the Planning Board.

ARTICLE IV, Section 12-M, 2 (con't)

A base course at least thirty (30) feet wide and corresponding to the required surface and shoulder width, consisting of not less than twelve (12) inches of compacted stone or gravel approved by the Board shall be installed. Street and road culverts shall be installed by the subdivider, where necessary. Driveway culverts shall be corrugated metal or reinforced concrete; installation to be approved by the Enforcement Officer. Where there is no natural stream or water course for the drainage of surface water from the proposed street or road, the subdivider shall secure rights-of-way and construct ditches or install storm water sewers to a natural waterway or as the Planning Board directs.

3. Surface Course - A surface course of gravel, oil and stone, or asphaltic concrete pavement of a grade and quality as specified by the Planning Board shall be placed on the roadway. The exact specifications for the surface course shall depend upon:
 - number and type of units
 - street classification, volume and type of traffic
 - schedule for completion
 Responsibility for the surface course may include a payment to the Town Highway Fund based on a lineal foot cost of applying the surface course.
4. Curbs and Gutters - Where curbs exist on abutting properties, their extension by the developer shall be required throughout the proposed subdivision. All curbs shall be approved by the Planning Board. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing by the developer.
5. Sidewalks - The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four (4) feet wide and four (4) inches thick shall be installed where required as specified by the Planning Board.

Section 13 - Blocks

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 1. The type of development proposed;
 2. Zoning requirements as to lot sizes and dimensions, and to the requirements of these Regulations;

ARTICLE IV, Section 13-A (con't)

3. Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress and egress; and
4. Limitations and opportunities of topography.

B. Block lengths shall not exceed fifteen hundred (1,500) feet, nor be less than seven hundred fifty (750) feet. Block width shall generally be two lots deep.

C. A pedestrian right of way, not less than twelve (12) feet wide, in addition to any street, shall be provided where deemed essential by the Board to provide safe circulation, or access to schools, playgrounds and other community facilities.

Section 14 - Lots

- A. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated.
- B. In addition, all lots shall have area and width equal to minimum requirements of the Zoning Regulations applying to the district in which they are located and to the minimum requirements of the State or County Health Department.
- C. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- D. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street.
- E. Every street shown on the Plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the Town and formally accepted as a public street by resolution of the Town Board; or alternatively until it has been condemned by the Town for use as a public street.
- F. Double frontage lots shall not be approved.
- G. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

ARTICLE IV, Section 14 (con't)

- H. Off-street parking space shall be required for all uses. In the case of dwellings, at least one hundred and eighty (180) square feet of off-street parking space per dwelling unit shall be provided back of the building setback line, plus access drive and maneuvering space.

Section 15 - Grading and Drainage

- A. Storm and surface water drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision, based on a fifty (50) year storm.
- B. The cost of a facility in excess of that for the particular subdivision shall be as determined by the Board and may be pro-rated among upstream property owners and the Town. No subdivision shall be approved where anticipated runoff incident to the subdivision development will overload existing downstream facilities during a fifty (50) year storm. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided, where necessary. The subdivider shall allow no holes, depressions or other undrained areas to remain, except such wet areas as may be natural features which shall be protected as such at the direction of the Board.

Section 16 - Easements

- A. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of twenty (20) feet is required.
- B. Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose and as determined by the Planning Board.
- C. Where topography is such as to make impractical the inclusion of utilities within the street right-of-way, perpetual unobstructed easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

ARTICLE IV (con't)

Section 17 - Utilities

- A. Electric, telephone and other available utilities shall be arranged for by the subdivider.
- B. Utilities shall be placed underground in accord with Public Service Commission guidelines and as approved by the Planning Board. The Board shall require that the underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is surfaced.

Section 18 - Sewage Disposal System

- A. If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a community system, the developer shall provide sanitary sewers and laterals for each lot for such service. Community disposal systems must conform to standards and inspection by the County or State Health Department as may be applicable. Where public or community sanitary sewers are not feasible, the developer shall provide specifications including location for installation of individual systems for each lot in accordance with State, County and local requirements upon specific approval by the Planning Board.

Section 19 - Water Supply

- A. If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public or community water supply system, the subdivider shall connect each lot at the property line with the public or community supply system. Community water supply systems, where provided, must conform to standards and inspection by the County or State Health Department as may be applicable. Where public or community water supply is not feasible, the developer shall provide specifications including location for installation of individual systems for each lot in accordance with State, County and local requirements upon specific approval by the Planning Board.

ARTICLE IV (con't)

Section 20 - Street Lights; Trees; Signs; Screening

- A. Street lights shall be arranged for by the subdivider, where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the Board.
- B. Street trees are to be the responsibility of the subdivider. Preservation of existing trees, including notation to that effect on the Final Plat and location and type of new trees shall be approved by the Board.
- C. The area between the gutter and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.
- D. Street name signs shall be provided by the Town.
- E. When so required by the Board, a screen-planted easement not less than twelve (12) feet wide, across which there shall be no right of access, may be required along the line of lots between the subdivision and any adjoining industrial, commercial, major street, railroad or other similar use.

Section 21 - Public Sites and Open Spaces

- A. Where a proposed park, playground, school or other public use shown in the Town Plan, or not anticipated in such Town Plan, is located in whole or in part in a subdivision, such area shall either be dedicated to the Town; or it shall be reserved for acquisition by the Town within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the Town regarding the time and method of acquisition, and the cost thereof. A maximum of ten (10) percent of the area of the subdivision may be required for dedication for park, playground or other recreation uses. If the Planning Board determines that a suitable park or parks of adequate size cannot be located in any such plat or it is otherwise not practical, the Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law, including payment to the Town of an acceptable sum per gross acre of land that would otherwise have been acceptable for recreation purposes - which shall constitute a fund to be used exclusively for park, playground or other recreational purposes designed to serve such subdivision, including the improvement of existing facilities.

ARTICLE V - ADMINISTRATION AND ENFORCEMENT

Section 22 - Plat Approval

- A. No subdivision as herein defined shall be developed or offered for sale nor shall any lot included in such subdivision be recorded with the County until a Final Plat has been approved, signed and filed in accord with these Regulations.
- B. Following conditional approval of a Final Plat and before the Planning Board Chairman shall affix his signature to the Plat, the Town Attorney shall certify that:
 1. Offers of cession for dedicating streets, easements, rights-of-way and any sites for public use; agreements covering the improvement and maintenance of unceded public open spaces and the conditions and limitations, if any, are satisfactory.
 2. Any protective covenants are in proper form for recording.
 3. The required improvements have been completed or a certified check or performance bond satisfactory in form and sufficiency to the Town has been posted in lieu thereof in accordance with the provisions of Town Law, and that the applicant or subdivider is the land owner.
 4. Any other data, such other certificates, affidavits or other agreements as may be required by the Board in the enforcement of these Regulations are satisfactory.
- C. Approval of the Final Plat shall not constitute acceptance by the Town Board of the dedication of such facilities without formal acceptance by the Town Board.

Section 23 - Fees

- A. A fee to be determined by the Town Board shall be paid to the Town Clerk for credit to the account of the Planning Board in the General Fund when the Final Plat is submitted to the Board for action thereon.

ARTICLE V (con't)

Section 24 - Enforcement

- A. This Local Law shall be administered and enforced by the Code Enforcement Officer appointed by, and acting as the duly authorized agent of, the Town Board. The Enforcement Officer shall make such inspections of the premises and of required improvements as are necessary to carry out his duties. No Building and Zoning Permit or Certificate of Compliance shall be issued by him or continue in force and effect, except when all provisions of this Law and other applicable portions of the Town Land Use and Development Code have been complied with.

Section 25 - Violations; Penalties

- A. Any person or persons who commit or permit any acts contrary to the provisions of this Law shall be guilty of a violation thereof and, upon conviction, shall be subject to a fine not exceeding \$250 or imprisonment for a period not to exceed thirty (30) days, or both. Each week the violation continues shall constitute a separate and additional offense.
- B. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of this Local Law.

Section 26 - Appeal; Judicial Review

- A. All appeals for relief from the application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals in writing within thirty (30) days from receipt of any decision by the Enforcement Officer or Planning Board. The Board of Appeals shall make a determination in accordance with their established procedures as set forth in Appendix 'A' of this Code which is hereby made a part of this Local Law. Where the Board finds that extraordinary and unnecessary hardship may result from strict compliance with these Regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of these Regulations or the Town Plan. In granting such variances, the Board of Appeals shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.

ARTICLE V, Section 26 (con't)

B. Any person or persons, jointly or severally aggrieved by any final order under this Law may seek to have such order reviewed in the manner provided by Article 78 of the New York Civil Practice Law and Rules.

Section 27 - Amendment; Required Referral

A. The Town Board may on its own motion, amend, supplement, repeal or change the regulations and applicable standards of this Local Law.

B. The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions or applicable standards of these Regulations. Within a reasonable time from the time such resolution is filed with the Town Clerk, it shall be the duty of the Town Board to hold the requisite public hearing and a vote on such proposed amendment.

C. Before any amendment, supplement or change in this Local Law, there shall be a public notice and hearing as required by law. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request of the Town Board. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend this Local Law.

D. All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

Section 28 - Interpretation; Separability

A. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general well-being. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.

ARTICLE V, Section 28 (con't)

B. The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.

Section 29 - Repealer

A. All ordinances, resolutions and local laws of the Town of Madrid or parts thereof inconsistent with the terms and provisions of this Local Law are hereby repealed.

Section 30 - Effective Date

A. This Local Law shall take effect at the time and in the manner provided by law.