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Town of Pitcairn
Local Law No. 5 of 2005
Land Subdivision Regulations Law

DEPARTMENT OF NEW YORK
FILED
JAN 17 2006
MISCELLANEOUS
& STATE RECORDS

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

Town of PITCAIRN _____ as follows:

ARTICLE 1
DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of Pitcairn adopted on December 21, 2005, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Pitcairn is authorized and empowered to review and approve, conditionally approve or disapprove Plats showing lots, blocks or sites, with or without streets, roads or highways within the Town of Pitcairn.

It is declared to be the policy of these regulations to consider land Subdivision Plats as part of the plan for the orderly, efficient and economical development of the town. This means, among other things, that land is to be subdivided in such a manner 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 the proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets or roads shall compose a convenient and logical system conforming to the Official Map, if such exists, and shall be properly related to the proposals set forth in the Comprehensive Land Use Plan, and shall be of such width, grade, alignment and construction, meet accepted highway design specifications in order to accommodate prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for parks, playgrounds and other recreational or open space areas. In order that land subdivision may be made in accordance with these policies, these regulations shall be known as, and which may be cited as, the "Town of Pitcairn Land Subdivision Regulations" and have been adopted by the Planning Board and approved by the Town Board on December 21, 2005.

ARTICLE II **DEFINITIONS**

1. **CLASS A REGIONAL SUBDIVISION** means a subdivision located inside that part of the town in the Adirondack Park which is classified as a Class A regional project in Section 810 of the Adirondack Park Agency Act, and set out in Appendix A hereof.
2. **CLASS B REGIONAL SUBDIVISION** means a subdivision located inside that part of the town in the Adirondack Park which is classified as a Class B regional project in Section 810 of the Adirondack Park Agency Act and set out in Appendix A hereof.
3. **CLERK OF THE PLANNING BOARD** means, that person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.
4. **COLLECTOR HIGHWAY** means a street or road, which serves or is designed to serve as a traffic way for an area of concentrated settlement or as a feeder to a major arterial highway. For the purpose of these regulations, County Road 23 Ext., County Road 23, and County Road 26 is classified as a collector highway.
5. **COMPREHENSIVE LAND USE PLAN** means the Town of Pitcairn Comprehensive Land Use Plan, prepared by the Planning Board pursuant to Section 272-a of the Town Law, including amendments (if any) to such plan.
6. **DEAD-END STREET** means a street or portion of a street with only one vehicular traffic outlet.
7. **LOCAL STREET OR ROAD** means a street or road intended to serve primarily as an access to abutting properties.
8. **LOT, PARCEL or SITE** means a portion of land legally separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale, lease or separate use.
9. **MAJOR ARTERIAL HIGHWAY** means a street or road which serves or is designed to serve relatively heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas. For the purpose of these regulations, State Routes #3 and 812 are classified as major arterial highways.
10. **MOBILE HOME** shall mean a movable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing.

11. **OFFICIAL MAP** means the map (if any) established by the Town Board pursuant to Section 270 of the Town Law.

12. **PLANNING BOARD** means the Planning Board of the Town.

13. **PRELIMINARY PLAT** means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article V Section 3 of these regulations, submitted to the Planning Board for approval prior to the installation of required improvements and/or the posting of a performance bond and the subsequent submission of a final subdivision plat.

14. **REQUIRED IMPROVEMENTS** means any activities or improvements required by Article IV of these regulations, except as such may be waived by the Planning Board, including but not limited to, streets and roads, utility installations, road ditches, drainage facilities and culverts, monuments, park and recreation areas, and re-vegetation operations.

15. **SKETCH PLAN** means a sketch of a proposed subdivision showing the information specified in Article V, Section 1 of these regulations, to enable the subdivider to save time and expense in reaching general understanding with the Planning Board as to the form of the layout and the site of the proposed subdivision in relation to the provisions of these regulations.

16. **STREET or ROAD** means and includes highways, streets, roads, avenues, lanes, or other traffic ways including both public and private rights-of-way.

17. **SUBDIVIDER** means any person, firm, corporation, partnership or association, or an authorized representative of any of the above, who shall effect any subdivision or part thereof as defined herein.

18. **SUBDIVISION** means any division of land requiring a new street or road, or any division of land into five or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for agricultural, forest management, open space or outdoor recreation purposes.

19. **SUBDIVISION PLAT or FINAL PLAT** means a drawing, in final form, showing a proposed subdivision containing all information or detail required by Section 2 or 4 of Article V of these regulations, to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

20. **TOWN REPRESENTATIVE** means the person duly designed by the Town Board to inspect and approve the construction and installation of required improvements under Article III, Section 4 hereof, in relation to a given subdivision.

21. **ZONING ORDINANCE** means the duly enacted zoning Ordinance of the Town of Pitcairn (if any).

Any word used in these regulations which is not defined in this Article, nor a defined work or term in the zoning ordinance, nor defined in its context, shall carry its customary meaning, unless otherwise stipulated.

ARTICLE III **PROCEDURES FOR FILING AND REVIEW OF SUBDIVISION APPLICATIONS**

Whenever any subdivision of land 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 any subdivision of land, the subdivider shall submit to the Clerk of the Planning Board at least ten 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 V, Section 1, 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. For this purpose, a field trip to the site may be appropriate, and the individual and/or composite Natural Resource Inventory and Analysis Maps on file in the town offices should be consulted. The Board shall also determine at this time whether the subdivision shown by the Sketch Plan is a Class A or Class B regional subdivision and thereby subject to, the special requirements of the Adirondack Park Agency (See Appendix A).

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 Sections 2, 3, 4, and 5 of this article, and special requirements of the Adirondack Park Agency, if applicable.

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 Clerk of the Planning Board and shall include the elements described in Article V, Section 2 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. However, no application for Preliminary Plat approval shall be accepted for a Class A or Class B Regional Subdivision unless said subdivision has received conceptual approval from the Adirondack Park Agency. All applications for Subdivision Plat approval shall be accompanied by an application fee of fifty dollars (\$50.00).

B. Number of Copies.

Three (3) copies of the completed application form and Preliminary Plat shall be presented to the Clerk 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 Clerk 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.

F. Public Hearing.

Within forty-five (45) days of the date of official submission of the Subdivision Preliminary Plat, 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 forty-five (45) 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 plat in final form. Within five (5) days of the approval of such Preliminary Plat it shall be certified by the Clerk of the Planning Board to act within such forty-five (45) days or otherwise agreed-upon period shall be deemed approval of the Preliminary Plat.

When granting approval to a Preliminary Plat, 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 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 Plat.

SECTION 3.

REVIEW OF MAJOR 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 Major Subdivision Plat approval within one (1) year after Preliminary Plat approval. Failure to do so within such time period may require resubmission of the Preliminary Plat to the Planning Board. The application shall be on a form provided by the Clerk of the Planning Board, and shall include the elements described in Article V, Section 3 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 Major Subdivision Plat approval shall be accompanied by an application fee of fifty dollars (\$50.00), and an inspection fee of ten dollars (\$10.00) per lot.

B. Number of Copies.

Five copies of the Plat shall be presented to the Clerk of the Planning Board at the time of submission of the Subdivision Plat.

C. Date of Official Submission

The date of submission of the Subdivision 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, and the required application and inspection fees have been filed with the Clerk 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(s) and the Plat shall be properly endorsed to that effect, and any Class A or Class B Regional Subdivision shall have received final approval from the Adirondack Park Agency and the Plat shall be properly endorsed to that effect.

E. Public Hearing (optional)

Within forty-five (45) days of the date of official submission of the Subdivision Plat for approval 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 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 requirement for such public hearing.

F. Action on Subdivision Plat.

Within forty-five (45) days of the date of official submission of a Subdivision Plat if no hearing is held, or in the event a hearing is held, not more than forty-five (45) days after the completion of such hearing, 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 forty-five (45) days or otherwise agreed-upon period shall be deemed final approval of the plat 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 Clerk 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 town Representative, 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 town Representative 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 town Representative that unforeseen conditions make it necessary or desirable to modify the location or design of such required improvements, the town Representative 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 town Representative shall issue any authorizations under this paragraph in writing and shall transmit a copy of such authorization to the Planning Board at their 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 town Representative 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 town Representative 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. 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, a Subdivision Plat 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 6. 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 Plat.

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 Plat, 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 IV **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 hereinafter 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 VI herein.

SECTION 1. 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 resources, as outlined in the Town of Pitcairn Land Use Plan.

B. Conformity to Official Map and Comprehensive Land Use Plan.

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

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 town Representative.

SECTION 2. 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 turnarounds 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 3. DESIGN AND CONSTRUCTION OF STREETS, ROADS, BRIDGES, CULVERTS AND UTILITIES (see Appendix B).

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 town Representative.

B. Grades

Road grades shall conform in general to the terrain and shall not exceed 10% over any length, and in no case shall exceed more than 3% within 50 feet of any 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 com- pounds 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 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 1a-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 1/2:1 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 4. 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 5. 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 Zoning Ordinance and/or other applicable 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 2 and 3 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 6. 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 a watercourse, drain-age-way, 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 the 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 7. 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 sub-divide 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 sub divider 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 V **APPLICATION REQUIREMENTS**

SECTION 1. 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 pro- posed subdivision including any information related thereto that will facilitate Sketch Plan review and comment by the Planning Board in accordance with Article III, Section 1.

SECTION 2. SUBDIVISION PRELIMINARY PLAT

A. The Preliminary Plat shall consist of an engineering drawing (and supporting information if necessary), drawn to a scale of not more than 100 or less than 50 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, soils 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 in accordance with Article III,Section 2

SECTION 3. 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 in accordance with Article III, Section 2.

ARTICLE VI **WAIVERS**

SECTION 1.

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.

SECTION 2.

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

ARTICLE VII **SEPARABILITY**

SECTION 1.

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.

APPENDIX A
CLASS A and B REGIONAL SUBDIVISIONS
(applicable within that portion of the town inside the Adirondack Park)

I. CLASS A REGIONAL SUBDIVISIONS

A. Moderate Intensity Use Areas

1. All subdivisions of land located in the following critical environmental areas:
 - (a) Involving wetlands.
 - (b) Within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
2. All subdivisions of land involving 75 or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

B. Rural Use Areas

1. All subdivisions of land located in the following critical environmental areas:
 - (a) Involving wetlands.
 - (b) Within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
2. All subdivisions of land involving 20 or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

C. Resource Management Areas

1. All subdivisions of land located in the following critical environmental areas:
 - (a) Involving wetlands

- (b) Within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
- 2. All subdivisions of land involving two or more lots, parcels or sites

II. CLASS B REGIONAL SUBDIVISIONS

A. Moderate Intensity Use Areas

- 1. Subdivisions of land involving 15 or more but less than 75 lots, parcels or sites, other than subdivisions of land involving mobile homes.
- 2. Subdivisions of land involving less than 15 lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria:
 - (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 25,000 square feet in size and complies with all of the provisions of the shoreline restrictions.
 - (b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 40,000 square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds 14.

- 3. Subdivisions of land involving mobile homes and involving two or more lots, parcels or sites.
- 4. Subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

B. Rural Use Areas

- 1. Subdivisions of land involving five or more but less than 20 lots, parcels or sites, other than subdivisions of land involving mobile homes.

2. Subdivisions of land involving less than five lots, parcels or sites which do not meet the following criteria:
 - (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 80,000 square feet in size and complies with all of the provisions of the shoreline restrictions of the Plan.
 - (b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 320,000 square feet in size.

Any subdivision of subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.

3. Mobile home subdivisions involving two or more lots, parcels or sites.
4. Land use or development or Subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

C. Resource Management Areas

1. Subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.

This local law shall become effective upon its filing with the Secretary of the State of New York or five (5) days after its enactment, whichever occurs later.

(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. 5 of
2005 of the Town of Pitcairn was duly passed by the Town Board on
December 21, 2005, 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
provisions of 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
(Name of Legislative Body)
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)

Rebecca J. Moore

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

Rebecca J. Moore, Town Clerk

Date: December 21, 2005

(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.

Robert J. Leader

Robert J. Leader, Esq.

Town Attorney

Town of Pitcairn

Date: December 27, 2005