

# TOWN OF ORLEANS SUBDIVISION LAW

## TOWN OF ORLEANS SUBDIVISION LAW

### ARTICLE 1 INTRODUCTORY PROVISIONS

#### Section 110 Enactment and Authorization

Pursuant to the provisions of Section 276 of New York State Town Law, and Section 10 of Municipal Home Rule Law, the Town Board authorizes the Town Planning Board to review and approve, conditionally approve, with or without modification, or disapprove subdivision plats showing lots, blocks or sites, with or without roads, within the Town. The Planning Board is additionally authorized to approve the development of plats, entirely or partially undeveloped, which were filed in the Office of the County Clerk prior to the Planning Board being granted the power to approve such plats.

#### Section 120 Title

These provisions shall be known as the Town of Orleans Subdivision Law.

#### Section 130 Purpose

Subdivisions are considered part of a plan for the orderly, efficient and economical development of the Town. Land to be subdivided shall be such that it can be used safely for building or development purposes without danger to health or peril from fire, flood or other menace and without resulting in significant damage to the ecology of the area in which it is located. Proper provision shall be made for drainage, water, sewerage, electric, telephone, gas and other needed improvements. The proposed roads shall compose a convenient system and shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air and to facilitate fire and police protection.

#### Section 140 Applicability

No subdivision or portion thereof shall be sold, offered for sale, leased, or otherwise disposed of until a plan or plat is submitted to the Planning Board for approval and the plat is either approved or deemed approved by failure of the Board to render a decision within the time specified in Article 3.

#### Section 150 Re-subdivision

A re-subdivision is subject to the same procedure, rules and regulations applicable to a subdivision.

#### Section 160 Building Permits

No permit shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the office of the County Clerk.

#### Section 170 Administration

This Subdivision Law shall be administered by the Planning Board, Town Board, and the Town Enforcement Officer.

1 Section 180 Application Fees and Review Costs  
2

- 3 A. All applicants are required to pay an application fee to cover the administration expenses of the  
4 Town. The application fees are set by resolution of the Town Board. Failure to pay the application  
5 fee shall constitute an incomplete application.  
6
- 7 B. The Planning Board may seek the assistance of consultants, including but not limited to,  
8 engineers, or attorneys. When this is necessary, the Planning Board shall require an escrow  
9 account be established to cover these review expenses. The Board shall, if necessary, obtain an  
10 estimate of expenses for the consultants prior to setting the amount of the escrow account.  
11
- 12 C. The Planning Board may require additional security for the Town's review expenses, in accordance  
13 with the provisions of this section, in the event that the Town's potential liability for such expenses  
14 exceeds the initial amount deposited.  
15
- 16 D. All unused funds or proceeds from the escrow account shall be refunded to the applicant upon  
17 completion of the following:  
18
- 19 1. Final approval, or rejection, of any application, or
  - 20 2. Final approval for all completed improvements and submission of all final bills to the Town for  
21 its review of expenses incurred as a result of the applicant's proposed plan.  
22  
23

24 Section 190 Area Variance  
25

26 Where a plat contains one or more lots which do not comply with the Town of Orleans Zoning Law,  
27 application may be made to the Zoning Board of Appeals for an area variance without the necessity of a  
28 decision or determination of the Enforcement Officer. In reviewing such application the Zoning Board of  
29 Appeals shall request the Planning Board to provide a written recommendation concerning the proposed  
30 variance.  
31

1 **ARTICLE 2 DEFINITIONS**

2  
3 For the purpose of this Law words and terms used herein are defined as follows:

4  
5 **ADMINISTRATIVE EXPENSES:** All actual expenses incurred by the Town in the processing of an  
6 application. Such expenses may include cost of copying and publication of legal notices.

7  
8 **AGRICULTURAL DATA STATEMENT:** An identification of farm operations, within a Jefferson County  
9 Agricultural District, located within 500 feet of the boundary of property upon which an application for  
10 subdivision is being reviewed by the Planning Board.

11  
12 **ASSEMBLAGE:** The combining of adjacent parcels to create a larger parcel.

13  
14 **BUILDING INSPECTOR:** The official that enforces the NYS Uniform Fire Prevention and Building Code.

15  
16 **BUILDING LOT:** Any lot upon which a principal residential or commercial building can be constructed in  
17 conformance with the requirements of Chapter 185, Zoning.

18  
19 **COMPREHENSIVE PLAN:** The materials, written and/or graphic, including but not limited to maps,  
20 charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives,  
21 principles, guidelines, policies, standards, devices and instruments for the immediate and long-range  
22 protection, enhancement, growth and development of the Town.

23  
24 **CONSOLIDATION:** The merger of separate lots into a single lot.

25  
26 **LOT:** A parcel of land as described on a survey or deed and filed with the County Clerk.

27  
28 **LOT LINE ADJUSTMENT:** The shifting of a lot line between contiguous lots of land. Lot line adjustments  
29 shall not create non-conforming lots.

30  
31 **OFFICIAL SUBMISSION DATE:** The date when a subdivision plat, accompanied by all other information  
32 and fees required with the application for subdivision review, is deemed complete and accepted, by  
33 motion, by the Planning Board at an official Planning Board meeting.

34  
35 **PERFORMANCE BOND:** A bond, as required by § 277 of the Town Law, to assure the full and  
36 satisfactory completion of all required subdivision improvements as specified in the approval of the Town  
37 Planning Board; such bond to run for a term fixed by the Town Board and with surety, form, sufficiency  
38 and manner of execution approved by the Town Board.

39  
40 **PLANNING BOARD:** The Town of Orleans Planning Board.

41  
42 **PLAT, PRELIMINARY:** A drawing or drawings clearly marked "preliminary plat" showing the layout of a  
43 proposed subdivision and of sufficient detail to apprise the Planning Board of the layout of the proposed  
44 subdivision.

45  
46 **PLAT, FINAL:** A drawing, in final form, showing a proposed subdivision containing all information or  
47 detail required by law and by this Law to be presented to the Planning Board for approval, and which if  
48 approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

49  
50 **RE-SUBDIVISION:** Any change of existing property lines or of property lines shown on a plat approved  
51 by the Town Planning Board and filed in the office of the County Clerk.  
52  
53

1 **REVIEW EXPENSES:** All actual expenses incurred by the Town in the review of an application. Such  
2 costs may include consultant fees covering planning, engineering, environmental analysis, legal review  
3 and other technical services required for a proper and thorough professional review of the application.  
4

5 **ROAD:** An existing State, County, Town Highway, or a road shown upon a plat approved by the Town  
6 Planning Board or a road shown on a plat duly filed and recorded in the office of the County Clerk prior to  
7 adoption date of this Law.  
8

9 **ROAD, DEAD-END:** A road or a portion of a road with only one vehicular traffic outlet.  
10

11 **ROAD, MAJOR:** A road intended to serve heavy flows of traffic from minor roads or a road serving  
12 business properties.  
13

14 **ROAD, MINOR:** A road which serves or is designed to serve primarily as access to abutting residential  
15 properties.  
16

17 **ROAD RIGHT-OF-WAY WIDTH:** The distance between property lines measured at right angles to the  
18 center line of the road.  
19

20 **SKETCH PLAN:** A sketch of a proposed subdivision to enable the subdivider to save time and expense  
21 in reaching general agreement with the Planning Board as to the form of the layout and objectives of this  
22 Law.  
23

24 **SUBDIVISION:** The division of any parcel of land, regardless of use, into two or more lots, plots, blocks,  
25 sites or parcels, with or without the creation of new roads, for the purpose, whether immediate or future, of  
26 transfer of ownership or building development and shall include re-subdivision as defined herein. Lot line  
27 adjustments and assemblages shall not constitute a subdivision for the purposes of this Law.  
28

29 **SUBDIVISION, MAJOR:** A subdivision containing five (5) or more lots, or any subdivision requiring a new  
30 road.  
31

32 **SUBDIVISION, MINOR:** A subdivision containing less than five (5) lots, fronting on an existing public  
33 road.  
34

35 **UNDEVELOPED PLAT:** Those plats where twenty percent (20%) or more of the lots within the plat are  
36 unimproved unless existing conditions, such as poor drainage, have prevented their development.  
37

38 **TOWN ROAD CONSTRUCTION STANDARDS AND SPECIFICATIONS:** The standards and  
39 specifications adopted by the Town Board for the construction of roads and related subdivision  
40 improvements and all amendments thereto.  
41

42 **ZONING ORDINANCE:** Zoning Ordinance of the Town of Orleans.

1 **ARTICLE 3 REVIEW AND APPROVAL PROCEDURE**

2  
3 Section 310 General

4  
5 A. Minor Subdivisions shall be processed in the following stages:

- 6  
7 1. Sketch Plan Conference (Optional)  
8 2. Final Plat Submission  
9 3. Public Hearing  
10 4. Final Plat Decision

11  
12 B. Major subdivisions shall be processed in the following stages:

- 13  
14 1. Sketch Plan Conference  
15 2. Preliminary Plat Submission  
16 3. Public Hearing  
17 4. Preliminary Plat Decision  
18 5. Final Plat Submission  
19 6. Optional Public Hearing  
20 7. Final Plat Decision

21  
22 Section 320 Pre-Application Procedure

23  
24 Prior to the preparation of a plat for approval, the subdivider should gather the necessary information and  
25 data on the existing conditions at the site. The subdivider should study the site suitability and  
26 opportunities for development. A preliminary layout in sketch form may be submitted to the Planning  
27 Board for advice and assistance and should include a Short Environmental Assessment Form (EAF).  
28

29 Section 330 Sketch Plan Conference

30  
31 The subdivider should request an appointment with the Planning Board for the purpose of reviewing the  
32 sketch plan. The Planning Board will notify the subdivider of the time, date, and place that the Board will  
33 meet to consider and review such sketch plan. This meeting is intended to assist the subdivider in the  
34 preparation of the preliminary or final plat to save both time and money in preparing maps and plans. The  
35 subdivision will be classified as a minor or major subdivision by the Planning Board as defined by this law.  
36 Subdivision classified as minor may proceed directly to preparation of a final plat without submission and  
37 approval of a preliminary plat which shall be required for a major subdivision.  
38

39 After the initial conference, the Planning Board may schedule a field trip to the proposed subdivision site.  
40 The applicant or his or her representative should attend the site inspection and, prior to it, should have the  
41 center line of all proposed roads located by temporary stakes. This step does not require formal  
42 application, fee or filing with the Planning Board.  
43

44 Section 340 Preliminary Plat Procedure

- 45  
46 A. APPLICATION SUBMISSION: All major subdivisions shall be subject to the Preliminary Plat  
47 requirements. The subdivider shall file an application for approval of the Preliminary Plat on forms  
48 available at the Town Office accompanied by all documents specified in Article 4.  
49  
50 B. SEQR: The Planning Board shall comply with the provisions of the State Environmental Quality  
51 Review Act under Article Eight of the Environmental Conservation Law and its implementing  
52 regulations.  
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C. PUBLIC HEARING: Following the review of the Preliminary Plat the Planning Board shall hold a public hearing. This hearing shall be held within sixty-two (62) days of the official submission date of the plat. The subdivider or the Subdivider's agent shall attend the hearing. The hearing shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

D. NOTICE OF PUBLIC HEARING: The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing. Notice of the hearing shall be mailed to farm operations identified in the Agricultural Data Statement at least five (5) days before the hearing. All mailings are at the expense of the subdivider.

E. DECISION: Within sixty-two (62) days from the closing of the public hearing, the Planning Board shall by resolution, approve, approve with modifications or disapprove of the preliminary plat. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plant in final form. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board.

F. CERTIFICATION AND FILING OF PRELIMINARY PLAT: Within five business days of the adoption of the resolution granting approval of such preliminary plat, two copies of such plat shall be certified by the Chairperson of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in the office of the Town Clerk. A copy of the resolution and plat shall be mailed to the owner.

G. EFFECT OF APPROVAL: Approval of preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with these regulations and all requirements set forth by the Planning Board in their review of the preliminary plat, and any NYS Department of Health requirements.

Section 350 Final Plat Procedure

- A. APPLICATION SUBMISSION: All subdivisions shall require Final Plat approval by the Planning Board. The subdivider shall file an application for Final Plat approval on forms provided by the Town, and accompanied by documentation as specified in Article 4 to the Planning Board. Such application shall be submitted no later than six (6) months after the date of the preliminary plat approval. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.
- B. PUBLIC HEARING: Following review of the Final Plat, a public hearing shall be held for a minor subdivision. Final Plats for major subdivisions which are in substantial agreement with the preliminary plat do not require a second public hearing. Final Plats for major subdivisions which are not in substantial agreement with the preliminary plat shall have a second public hearing. This hearing shall be held within sixty-two (62) days of the official submission date of the Final Plat. The subdivider or the subdivider's agent shall attend the hearing.
- C. NOTICE OF PUBLIC HEARING: The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing. Notice of the hearing shall be mailed to all farm operations identified in the Agricultural Data Statement at least five (5) days before the hearing. All mailings are at the expense of the subdivider.

- 1 D. DECISION: The Planning Board shall, by resolution, approve, approve with modification, or  
2 disapprove the Final Plat within sixty-two (62) days of the closing of the public hearing or the  
3 official submission date if no public hearing is held. The grounds for modification, if any, or the  
4 grounds for disapproval shall be stated upon the records of the Planning Board. The Planning  
5 Board shall not approve or approve with modifications any plat unless the SEQR process has been  
6 completed.
- 7
- 8 E. CERTIFICATION OF FINAL PLAT: Within five business days of the adoption of the resolution  
9 granting conditional or final approval of the final plat, such plat shall be certified by the chairperson  
10 of the Planning Board as having been granted conditional or final approval. A copy of the  
11 resolution shall be mailed to the owner and a copy shall be filed in the office of the Town Clerk. In  
12 the case of a conditionally approved plat, such resolution shall include a statement of the  
13 requirements which when completed will authorize the signing thereof. Upon completion of such  
14 requirements the plat shall be signed by said duly authorized officer of the Planning Board and a  
15 copy of such signed plat shall be filed in the office of the Town Clerk. Conditional approval of the  
16 final plat shall expire within one hundred eighty (180) days after the resolution granting such  
17 approval unless all requirements stated in such resolution have been certified as completed. The  
18 Planning Board may extend by not more than two additional periods of ninety (90) days each the  
19 time in which a conditionally approved plat must be submitted for signature if, in the Planning  
20 Board's opinion, such extension is warranted by the particular circumstances.
- 21
- 22 F. APPROVAL OF PLAT IN SECTIONS: In granting conditional or final approval of a plat in final  
23 form, the Planning Board may permit the plat to be subdivided and developed in two or more  
24 sections and may in its resolution granting conditional or final approval state that such  
25 requirements as it deems necessary to insure the orderly development of the plat be completed  
26 before said sections may be signed by the duly authorized officer of the Planning Board.  
27 Conditional or final approval of the sections of a final plat, may be granted concurrently with  
28 conditional or final approval of the entire plat, subject to any requirements imposed by the Planning  
29 Board.
- 30
- 31 G. DEFAULT APPROVAL OF FINAL PLAT: The time periods prescribed herein within which a  
32 Planning Board must take action on a final plat are specifically intended to provide the Planning  
33 Board and the public adequate time for review and to minimize delays in the processing of  
34 subdivision applications. Such periods may be extended only by mutual consent of the owner and  
35 the Planning Board. In the event a Planning Board fails to take action on a final plat within the time  
36 prescribed therefor, or within such extended period as may have been established by the mutual  
37 consent of the owner and Planning Board, such final plat shall be deemed granted approval.
- 38
- 39 H. EXPIRATION OF APPROVAL: Filing plat with County Clerk. The signature of the Chairman or  
40 other duly authorized member of the Planning Board constituting final approval by the Planning  
41 Board of a subdivision plat shall expire within 62 days from the date of such approval, unless within  
42 such sixty-two-day period such plat or section thereof shall have been duly filed or recorded in the  
43 office of the County Clerk.
- 44

45 Section 370 New York State Department of Health

46

47 New York State Department of Health approval may be required for any subdivision containing five (5) or  
48 more lots. Early contact by the subdivider is advised.

1 **ARTICLE 4 DOCUMENTS TO BE SUBMITTED**

2  
3 Section 410 Required Information, All Plat Submissions

- 4  
5 A. Names and addresses of the owners, subdividers and professional advisers, including license  
6 numbers and seals.  
7  
8 B. Map of property, drawn to scale, at a scale of 1 inch to 20 feet or 1 inch to 50 feet. Other scales  
9 may be used with Planning Board approval.  
10  
11 1. Subdivision name, scale, north arrow and date.  
12  
13 2. Subdivision boundaries.  
14  
15 3. Contiguous properties and names of owners.  
16  
17 4. Existing and proposed roads, utilities, and structures.  
18  
19 5. Water courses, marshes, wooded areas, public facilities and other significant physical features  
20 on or near the site.  
21  
22 6. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage,  
23 sewerage, and water supply.  
24  
25 7. Land contours at five (5) foot intervals, or other suitable indicators of slope.  
26  
27 C. Copy of tax map(s).  
28  
29 D. Existing restrictions on the use of land including easements, covenants and zoning.  
30  
31 E. Total acreage of subdivision and number of lots proposed.  
32  
33 F. Building types, approximate size and cost.  
34  
35 G. A completed short Environmental Assessment Form (EAF).  
36  
37 H. An Agricultural Data Statement, if necessary.  
38

39 Section 420 Required Information, Minor Subdivisions

40  
41 The following shall be submitted with all applications for approval of a Final Plat for a minor subdivision:

- 42  
43 A. Five (5) copies of the Final Plat as specified in Section 410.  
44  
45 B. Information specified under Section 410, updated and accurate.  
46  
47 C. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and  
48 length of every road line, lot line and boundary line, and to reproduce such lines on the ground.  
49  
50 D. Copy of covenants or deed restrictions that are intended to cover all or part of the tract.  
51  
52 E. Additional information as deemed necessary by the Planning Board.  
53



1 F. Any fees as required.  
2

3 Section 430 Required Information, Preliminary Plat, Major Subdivision  
4

5 The following shall be submitted with all applications for approval of a Preliminary Plat for a major  
6 subdivision:  
7

- 8 A. Five (5) copies of the plat map, drawn to scale. The map scale shall be 1 inch to 20 feet or 1 inch  
9 to 50 feet unless otherwise specified by the Planning Board.  
10  
11 B. All information specified under Section 410, updated and accurate.  
12  
13 C. Identification of all parcels of land proposed to be dedicated to public use and the conditions of  
14 such use.  
15  
16 D. Grading, landscaping and erosion plans.  
17  
18 E. The width and location of any roads or public ways and the width, location, grades, and road  
19 profiles of all roads or public ways proposed by the developer.  
20  
21 F. The appropriate location and size of all proposed water lines, hydrants and sewer lines, showing  
22 connection to existing lines.  
23  
24 G. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining  
25 properties with the direction of flow.  
26  
27 H. Plans and cross-sections showing sidewalks, road lighting, road trees, curbs, water mains, sanitary  
28 sewers and storm drains, the character, width and depth of pavements and sub-base, the location  
29 of any underground cables.  
30  
31 I. Preliminary designs for any bridges or culverts.  
32  
33 J. The proposed lot lines with approximate dimensions and area of each lot.  
34  
35 K. An actual field survey of the boundary lines of the tract, giving complete description by bearings  
36 and distances, made and certified by a licensed surveyor. The corners of the tract shall also be  
37 marked by monuments of such size and type as approved by the Planning Board, shown on the  
38 plat.  
39  
40 L. A copy of all covenants or deed restrictions intended to cover all or part of the tract.  
41  
42 M. A Full Environmental Assessment Form (EAF) or draft Environmental Impact Statement, if  
43 required.  
44  
45 N. Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a  
46 sketch of the prospective future road and drainage system of the unsubdivided part shall be  
47 submitted for study to the Planning Board.  
48  
49 O. Additional information as deemed necessary by the Planning Board.  
50  
51 P. Any required Fees.  
52  
53

1 Section 440 Final Plat, Major Subdivision

2  
3 The following shall be submitted with all applications for approval of a Final Plat for a major subdivision:

- 4  
5 A. Five (5) copies of the Final Plat.
- 6  
7 B. All information specified under Sections 410 and 430.
- 8  
9 C. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
- 10  
11 D. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and  
12 length of every road line, lot line, boundary line and to reproduce such lines on the ground.
- 13  
14 E. The length and bearing of all straight lines, radii, length of curves and central angles of all curves;  
15 tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be  
16 given. The plat shall show the boundaries of the property, locations, graphic scale, and true north  
17 point.
- 18  
19 F. All offers of cession and any covenants governing the maintenance of unceded open space shall  
20 bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- 21  
22 G. Permanent reference monuments shall be shown and constructed in accordance with Planning  
23 Board specifications.
- 24  
25 H. Approval of the State Health Department of water supply systems proposed or installed.
- 26  
27 I. A Full Environmental Assessment Form or draft Environmental Impact Statement, if required.
- 28  
29 J. Construction drawings including plans, profiles, and typical cross sections, as required, showing  
30 the proposed location, size and type of road, sidewalks, road lighting standards, road trees, curbs,  
31 water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and sub-base  
32 and other facilities.
- 33  
34 K. Evidence of legal ownership of property.
- 35  
36 L. Deed restrictions, existing and proposed in form for recording.
- 37  
38 M. A certificate by the Town Enforcement Officer certifying that the subdivider has complied with one  
39 of the following alternatives:
- 40  
41 1. All improvements have been installed in accord with requirements of these regulations and with  
42 the action of the Planning Board giving approval of the preliminary layout.
- 43  
44 2. A performance bond or certified check has been posted in sufficient amount to assure such  
45 completion of all required improvement.
- 46  
47 N. Any other data such as certificates, affidavits, endorsements or other agreements as may be  
48 required by the Planning Board in enforcement of these regulations.
- 49

50 Section 450 Waiver of Submission Requirements

51  
52 When an application concerns a subdivision of uncomplicated nature the Planning Board may waive  
53 certain submission requirements.

1 **ARTICLE 5. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

2  
3 Section 505 Road Design Standards

4  
5 The Planning Board reviews the arrangement, width, location and extent of all proposed roads, after  
6 consulting the Town Highway Superintendent and the road design standards. All road improvements shall  
7 be installed at the expense of the subdivider.

8  
9 A. **GENERAL** Public roads shall be of sufficient width, suitably located, and adequately constructed to  
10 conform to the comprehensive plan, and to accommodate the prospective traffic and afford access  
11 for fire fighting, snow removal, school buses, and road maintenance equipment. The arrangement  
12 of roads shall be in harmony with surrounding areas and adjoining properties, and shall be  
13 coordinated so as to compose a convenient system. Public roads shall be graded and improved in  
14 accordance with the Town road specifications. Storm drainage facilities, water mains, sewers,  
15 lights, signs, trees and fire hydrants shall be provided as required.

16  
17 B. **ROAD GRADES** The road plan of a proposed subdivision shall bear a logical relationship to the  
18 topography of the property, and all roads shall be arranged so as to obtain as many of the building  
19 sites as possible at or above the grade of the roads. Road grades shall conform as closely as  
20 possible to the original topography, and shall not be greater than ten percent (10%). No grade shall  
21 be more than three percent within 50 feet of any intersection. All changes in grade shall be connected  
22 by vertical curves of length and radius such that clear visibility shall be provided for a safe distance. A  
23 combination of steep grades and curves shall be avoided.

24  
25 C. **ROAD CONNECTIONS TO ADJACENT PROPERTIES** The arrangement of roads shall provide for  
26 the continuation of principal roads of adjoining subdivisions, and for the proper projection of principal  
27 roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire  
28 protection, movement of traffic, and the construction or extension, presently or when later required, of  
29 needed utilities and public services such as sewers, water and drainage facilities. Stub roads  
30 providing access to parcels adjacent to the subdivision may be required. Turnarounds may not be  
31 required for stub roads which do not provide access to dwellings within the subdivision.

32  
33 D. **DEAD END ROADS**

- 34  
35 1. The creation of dead-end roads may be allowed whenever such type of development will not  
36 interfere with normal traffic circulation in the area.
- 37  
38 2. A 20 foot wide easement may be required to provide for the continuation of pedestrian traffic and  
39 utilities to the next road or public property.
- 40  
41 3. Roads designed to be permanently dead-ended shall not generally exceed 800 feet in length or  
42 20 dwelling units. Such roads shall be terminated in a circular turn-around having a minimum  
43 right-of-way radius of 75 feet and a pavement radius of 50 feet.
- 44  
45 4. Roads designed to be dead-ended shall have a "No Outlet" or "Dead End" sign at the entrance.

46  
47 E. **INTERSECTIONS**

- 48  
49 1. In general, all roads shall join each other so that for a distance of at least 100 feet the road is  
50 approximately at right angles to the road it joins. Roads shall not intersect at angles of less than  
51 60 degrees.
- 52

- 1 2. Intersections of minor roads with collector or major roads shall, in general, be at least 500 feet  
2 apart.
- 3
- 4 3. Road jogs with centerline offsets of less than 125 feet shall be avoided.
- 5
- 6 4. All road rights-of-ways at intersections shall be rounded by curves of at least 20 feet radius and  
7 curbs shall be adjusted accordingly.
- 8
- 9 5. All corner lots shall be cleared of all growth and other obstructions, except for isolated trees, a  
10 level of three feet or higher above the centerline of the road, so as to achieve safe visibility for  
11 traffic entering the intersection.
- 12
- 13 6. No intersection of more than two roads is allowed.
- 14
- 15 F. CURVE RADII In general, road lines shall be connected with a curve, the radius of which for the  
16 centerline of road shall not be less than 200 feet on collector roads, and 100 feet on minor roads.
- 17
- 18 G. PARTIAL ROADS Partial roads of less than full width are prohibited
- 19
- 20 H. ROAD NAMES All roads shall be named and the names placed on the plat. Road names shall not  
21 be numbers or letters. Road names shall be selected so as not to be confused in sound or spelling  
22 with existing or platted road names. Roads that join or align with roads of an abutting or neighboring  
23 property shall bear the same name. Signs bearing road names shall be erected by the subdivider at  
24 all intersections.
- 25

#### 26 Section 510 Public Utilities

27 Public utilities shall be installed at the expense of the subdivider in accordance to the following standards.

- 28
- 29
- 30 A. FIRE PROTECTION: The size, type and location of hydrants shall be approved by the Town  
31 Engineer.
- 32
- 33 B. ROAD LIGHTING: Poles, brackets and lights to be of size, type and location approved by the local  
34 power company.
- 35
- 36 C. ELECTRICITY: Power lines shall be placed underground unless deemed not feasible by the local  
37 power company, in agreement with the planning board, and shall be approved by the local power  
38 company.
- 39
- 40 D. UTILITY SERVICES: Shall be located from six (6) to eight (8) feet from the front property line to  
41 the center line of the utility service between the sidewalk and curb line.
- 42
- 43 E. WATER SUPPLY: The proposed lots shall be required to be connected to the public water system,  
44 if available, at the expense of the Subdivider.
- 45
- 46 F. SEWAGE DISPOSAL: The proposed lots shall be required to be connected to the public sewage  
47 disposal system, if available, at the expense of the Subdivider. All sewage disposal systems shall  
48 meet the requirements of the NYS Department of Health and Department of Environmental  
49 Conservation. Dry sewers may be required in those parts of the Town deemed to have sufficient  
50 population density to merit community sanitary sewer systems in the future. Such requirements  
51 shall be in harmony with the Comprehensive Plan for the Town.
- 52
- 53

1 G. UNDERGROUND UTILITIES: Underground utilities shall be placed, wherever possible, in the road  
2 right-of-way between the paved road way and the road line to simplify location and repair of  
3 utilities. Underground service connections shall be installed to the lot line of each lot for all  
4 required utilities prior to road pavement. Where topography is such as to make impractical the  
5 inclusion of underground utilities within the road right-of-way, perpetual unobstructed easements at  
6 least 15 feet wide shall be provided with satisfactory access to the road. Such easements shall be  
7 cleared and graded where required.  
8

9 Section 525 Lots

- 10  
11 A. LOCATION: All lots shall abut by their full frontage on public roads to ensure suitable access.  
12  
13 B. DIMENSIONS: The lot size, width, depth, shape and area shall comply with the Town Zoning Law.  
14  
15 C. DOUBLE FRONTAGE LOTS: Fronting on two roads other than corner lots, shall be discouraged.  
16  
17 D. PEDESTRIAN EASEMENTS: In order to facilitate pedestrian access from roads to schools, parks,  
18 play areas or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may  
19 be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.  
20  
21 E. LOT LINES: Side lot lines shall be approximately at right angles of the road or radial to curved  
22 roads. On large size lots and except when indicated by topography, lots lines shall be straight.  
23  
24 F. CORNER LOTS: Lots for residential use shall have extra width to permit appropriate building  
25 setback from and orientation to both roads.  
26  
27 G. UNDERSIZED LOTS: Notwithstanding any provision of law to the contrary, where a plat contains  
28 one or more lots which do not comply with the zoning law, application may be made to the zoning  
29 board of appeals for an area variance pursuant to Section 267b of Town Law, without the  
30 necessity of a decision or determination of the Zoning Law. In reviewing such application, the  
31 Zoning Board of Appeals shall request the Planning Board to provide a written recommendation  
32 concerning the proposed variance.  
33

34 Section 530 Unique and Natural Features

35  
36 Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable  
37 natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and  
38 wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored  
39 within six (6) months of completion of subdivision so no unnatural mounds or depressions are left.  
40 Original topsoil moved during construction shall be returned and stabilized by approved methods.  
41 Damage to existing trees should be avoided.  
42

43 Section 535 Unsuitable Land for Subdivision

44  
45 As a safety measure for the protection of the health and welfare of the people of the Town, land which is  
46 found to be unsuitable for subdivision due to harmful features (e.g., drainage problems), shall not be  
47 subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board.  
48 Before final approval, the subdivider shall in lieu of the improvements, furnish a surety bond or certified  
49 check covering the cost of the required improvements.  
50  
51

1 **ARTICLE 6 INSTALLATION OF IMPROVEMENTS**

2  
3 Section 610 General

4  
5 In order that the Town has the assurance that the construction and installation of such improvements as  
6 storm sewer, public water supply, road signs, sidewalks and road surfacing will be constructed, the  
7 subdivider shall enter into one of the following agreements with the Town.

- 8  
9 A. Construct all improvements directly affecting the subdivision as required by this Law and by the  
10 Planning Board prior to final approval of the Plat.  
11  
12 B. In lieu of the completion of the improvements, furnish bond executed by a surety company equal to  
13 the cost of construction of such improvements as shown on the plans and based on an estimate  
14 furnished by the applicant and approved by the Planning Board. Costs should be considered as  
15 future costs.  
16  
17 C. In lieu of the completion of improvements, deposit a certified check in sufficient amount equal to  
18 the cost of construction of such improvements as shown on the plans and based on the above  
19 estimate. Interest income from the deposit is to be applied as necessary to offset any shortfall.

20  
21 Section 620 Conditions

22  
23 Before the final plat is approved, the developer shall have executed a subdivider contract with the Town,  
24 and a performance bond or certified check, or letter of credit shall have been provided covering the  
25 estimated cost of the required improvements that have been designated by the Planning Board.

26  
27 The performance bond or certified check shall be to the Town and shall provide that the subdivider, his  
28 heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions,  
29 provisions, and requirements of this law; will faithfully perform and complete the work of constructing and  
30 installing such facilities or improvements in accordance with such laws and regulations.

31  
32 Any such bond shall require the approval of the Orleans Town Board and the Town Attorney as to form  
33 sufficiency, manner of execution, and surety.

34  
35 Whenever a certified check is made, the same shall be made payable to the Town.

36  
37 Section 630 Extension of Time

38  
39 The construction or installation of any improvements or facilities, other than roads, for which guarantee  
40 has been made by the subdivider in the form of a bond or certified check deposit, or letter of credit shall be  
41 completed within one year from the date of approval of the final plat. Road improvements shall be  
42 completed within two years from the date of approval of the final plat. The subdivider may request an  
43 extension of time, provided he can show reasonable cause for inability to perform said improvements  
44 within the required time. The extension shall not exceed six (6) months, at the end of which time the Town  
45 may use as much of the bond or check deposit or letter of credit to construct the improvements as  
46 necessary. The same shall apply whenever construction of improvements is not performed in accordance  
47 with applicable standards and specifications.  
48

1 Section 640 Agreement - Schedule of Improvements

2  
3 When a certified check, or performance bond or letter of credit are made pursuant to the preceding  
4 sections, the Town and subdivider shall enter into a written agreement itemizing the schedule of  
5 improvements in sequence with the cost opposite each phase of construction or installation, provided that  
6 each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such  
7 improvement or installation. However, ten percent (10%) of the check deposit, performance bond or letter  
8 of credit shall not be repaid to the subdivider until one (1) year following the completion, inspection, and  
9 acceptance by the Town of all construction and installation covered by the said instrument as outlined in  
10 the subdivider's contract.

11  
12 Section 650 Inspections

13  
14 Periodic inspections during the installation of improvements shall be made by the Town Enforcement  
15 Officer to insure conformity with the approved plans and specifications as contained in the subdivider's  
16 contract and this law. The subdivider shall notify the Town Enforcement Officer and/or the Town Highway  
17 Superintendent when each phase of improvements is ready for inspection. At least five (5) days prior to  
18 commencing construction of required improvements, the subdivider shall pay to the Town Clerk the  
19 inspection fee required by the Town Board. Upon acceptable completion of installation and improvement,  
20 the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be  
21 sufficient evidence for the release by the Town of the portion of the performance bond, certified deposit, or  
22 letter of credit as designated in the subdivider's contract to cover cost of such completed work.

23  
24 Section 660 Acceptance of Roads and Facilities

25  
26 When the Town Enforcement Officer and the Town Highway Superintendent, following final inspection of  
27 the subdivision, certifies to the Planning Board and the Town Board that all installation and improvements  
28 have been completed in accordance with the subdivider's contract, the Town Board may, by resolution,  
29 proceed to accept the facilities for which bond has been posted or check deposited, or letter of credit  
30 issued.

31  
32 Section 670 Maintenance Guarantee

33  
34 In order that the Town has the assurance that the improvements mentioned above function properly for a  
35 reasonable period, the applicant shall enter into an agreement with the Town upon completion of the work  
36 required under the installation guarantee so that:

- 37  
38 A. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected.  
39 B. Such work is guaranteed for a minimum of ten (10) percent of the total improvement costs or  
40 \$5,000, whichever is greater.

41  
42 The method of providing the maintenance guarantee shall meet the approval of the Town Board and the  
43 Town Attorney.  
44

1 **ARTICLE 7 MISCELLANEOUS PROVISIONS**

2  
3 Section 710 Penalty Provisions

- 4  
5 A. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to  
6 comply with or resist the enforcement of any of the provisions of the Town of Orleans Subdivision  
7 Law shall, upon conviction, be deemed guilty of a violation. Each week an offense is continued  
8 shall be deemed a separate violation of this law.  
9
- 10 B. In addition to the penalties provided by statute, the Town Board may also maintain an action or  
11 proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with  
12 or to restrain by injunction the violation of this law.  
13

14 Section 720 Amendments

15  
16 The Town Board may amend, supplement or change these regulations by local law, as provided for in  
17 Section 10 of Municipal Home Rule Law.  
18

19 Section 730 Severability

20  
21 If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of  
22 competent jurisdiction to be invalid, such judgement shall not effect, impair or invalidate any other clause,  
23 sentence, paragraph, section or part of this local law.  
24

25 Section 740 Effective Date

26  
27 This local law shall take effect immediately upon filing with the Secretary of State.