

Town of Florida

Montgomery County, New York

Subdivision Regulations

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Separability: Should any section or provision of this Subdivision Regulation or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Subdivision Regulations as a whole or any part thereof other than the part so declared to be invalid.

SECTION I: AUTHORITY FOR PLAT APPROVAL

By authority of the Resolution duly adopted by the Florida Town Board on September 7, 1964, pursuant to the provisions of ARTICLE 16 of the Town Law, and acts amendatory thereto, the Town Board authorized and empowered the Planning Board of the Town of Florida to approve or disapprove:

- A. Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the County Clerk's Office.
- B. The laying out of street, highways or public areas under and subject to the provisions of the Town and Highway laws.
- C. All plats showing lots, blocks or sites with or without streets or highways; and to pass and approve the development of plats already filed in the County Clerk's Office if such plats are entirely or partially undeveloped; and to control subdivisions.

SECTION II: PURPOSE

These regulations are enacted for the following purposes and for such other or further purposes as may be authorized by law:

- A. To provide for the future growth and development of the Town in accordance with the comprehensive planning objectives of the Town and in support of the Town Zoning Ordinance.
- B. To afford adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and public welfare.
- C. To show in proper cases a park or parks suitably located for playground or other recreational purposes.
- D. To require that the streets and highways shall be of sufficient width and suitable grade and shall be suitably located and designed to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of fire fighting equipment to buildings.

- E. To assure that the subdivision streets and highways shall be coordinated so as to compose a convenient system conforming to the official map and properly related to the Comprehensive Plan and Zoning Ordinance.
- F. To find that the land shown on such plats shall be of such character that it can be used safely for building purposes without danger to health, or peril from flood, fire or other menace.

SECTION III: DEFINITIONS

For the purpose these regulations, which shall be known as and may be cited as "Town of Florida Subdivision Regulations", certain words used herein are defined as follows:

Agricultural Data Statement: An identification of farm operations within an Agricultural District located five hundred feet of the boundary of property upon which a subdivision is proposed, as provided in Section 305-a of the Agricultural and Markets Law.

Board: Shall mean the duly appointed Planning Board of the Town of Florida.

Comprehensive Plan: The comprehensive plan adopted by the Town Board for future preservation and development of the Town of Florida pursuant to Section 272-a of the Town Law.

Consulting Town Engineer: A duly designated engineer of the Town whose duties are to review specific elements of subdivision submissions requiring special expertise as deemed necessary by the Planning Board.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development and/or subdivision. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Environmental Assessment Form: A form used by the Planning Board in the State Environmental Quality Review process to assist in determining the environmental significance or non significance of an action or project.

Final Plat: Shall mean the final map or drawing on which the plan or subdivision is presented to the board for approval, and which, if approved, will be submitted by the developer to the County Clerk for filing.

Lot: A designated parcel, tract, or area of land established by a plat and, or that having its own tax map number, or described in a deed, or otherwise permitted by law.

Major Subdivision: Shall be any subdivision not classified as a minor subdivision including, but not limited to, subdivisions of five or more lots, or any subdivision requiring any new street or extension of municipal facilities.

Major Subdivision Pre-Application Sketch: An optional sketch of the proposed subdivision indicating the basic design intent of the subdivision in relation to existing site conditions and adjacent land uses. The sketch is intended to afford the developer an opportunity to consult with board informally, without formal application, with the view toward conserving the time and expense of the developer and creating mutual opportunities of the parties for the achievement of a desirable subdivision in the public interest.

Minor Subdivision: Shall be any subdivision containing not more than four lots fronting on any existing street or private lane, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Town of Florida, comprehensive plan, official map or zoning ordinance or these regulations with the exception of:

- (a) A two lot division of land with one lot retained by the seller
- (b) A two lot division of land with one lot containing an existing dwelling
- (c) A two lot division of land in which each of the two lots contain five acres or more

These exceptions cannot be repeated more often than one in any consecutive three year period and must adhere to all restrictions otherwise outlined in the zoning ordinance for the Town of Florida with particular attention paid to Article VI-area height regulations, lots yards and buildings.

Official Map: The map established by the Town of Florida pursuant to Section 270 of the Town Law showing the streets, highways, and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town of Florida or additions thereto resulting from the approval of subdivision plats by the Town of Florida as public streets may be shown thereon but shall be marked as private streets.

Preliminary Plat: Is a preliminary drawing or drawings indicating, as appropriate, the proposed manner or layout of the subdivision including width of roads, proposed lot size and dimensions and all other requirements listed in Section V, C. of this regulation.

Sketch Plan: A sketch of the proposed subdivision intended for use by the planning board for classification of subdivision type. The sketch shall conform to all requirements listed in Section V., A. of this regulation.

State Environmental Quality Review (SEQR): Review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of the state, county and local government agencies.

Street: Any public way for vehicular traffic as follows:

- A. Arterial streets and highways are those which are used primarily for traffic with limited access.
- B. Major streets are those which carry traffic from minor streets to the business and industrial districts.
- C. Minor Streets are those which are used primarily for access to abutting residential properties. A "cul-de-sac" is a type of minor street with only one outlet and having a turning loop at the closed end.
- D. Frontage roads are public roads generally parallel with the and adjacent to arterial streets and highways. Said roads provide access to abutting properties and reduce through-traffic impacts.
- E. Alleys are minor ways which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Subdivision: The division of any parcel of land into two or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale.

Town Designated Engineer: A duly designated engineer of the Town whose duties, among others, are to review subdivision submissions at the request of the Planning Board, for compliance with the requirements of this regulation.

SECTION IV: PROCEDURE FOR FILING SUBDIVISION APPLICATIONS

Whenever any subdivision of land is proposed to be made, 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 developer or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

A. SKETCH PLAN- SUBDIVISION CLASSIFICATION

- 1. Submission of sketch plan. The developer shall, prior to subdividing or resubdividing land, submit to the Town Clerk at least ten (10) days prior to the regular meeting of the Board, five (5) copies of a sketch plan of the proposed subdivision, which shall comply with requirements of Section V, A. for the purposes of classification and preliminary discussion.
- 2. Discussion of requirements and classification:
 - b. The developer, or his duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.
 - c. A determination is to be made at this time by the Planning Board as to whether the proposed subdivision is a minor or major subdivision as defined in these

regulations. The Board may require, however, when it deems necessary for protection of the public health, safety and welfare, that a minor subdivision comply with some or all of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the developer shall then comply with the procedure outlined in Section V, B of these regulations. If it is classified as a major subdivision, the developer shall then comply with the procedures in Section V, C and D.

3. Study of sketch plan. The planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the developer in the next submission to the Planning Board.

B. MINOR SUBDIVISION APPROVAL

1. Application and Fee

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the developer shall submit an application for approval of the subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for re-classification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said applications shall conform to the requirements listed in Section V, B.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee as required by the Town of Florida Fee Schedule.

2. Number of copies

Five (5) copies of the minor subdivision plat shall be presented to the Town Clerk at least ten (10) days prior to a scheduled monthly meeting of the Planning Board.

3. Developer to Attend Planning Board Meeting

The developer, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the minor subdivision plat.

4. When Officially Submitted

The time of submission of the minor subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least ten (10) days prior to which the application for plat approval, complete and accompanied by the required fee and all data required by Section V, B of these regulations, has been filed with the Town Clerk.

5. A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of the minor subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.

C. MAJOR SUBDIVISION APPROVAL

1. Pre-Application Procedure

Prior to the filing of an application for conditional approval of a Sketch Plan or Preliminary Plat, the developer, his agent or engineer, may appear and submit general site information and data regarding existing conditions, a location map and a sketch with a request for informal consideration by the Board and for an expression of its views. No formal application is thereby required. The purpose of such appearance and submission of information and data is primarily to afford the developer an opportunity to consult informally and at an early stage with the Board with the view toward conserving the time and expense of the developer and creating mutual opportunities of the parties for the achievement of a desirable subdivision in the public interest.

2. Waiver of Sketch Plan Filing

Should the developer of a project choose to forego the Sketch Plan classification process, he/she may opt to have said subdivision filed as a Major Subdivision after meeting requirements listed in Section IV, C.1. Pre-Application Procedure. Upon classification as a major subdivision all other requirements outlined in this ordinance, beginning with submission of a Preliminary Plat, must be adhered to prior to obtaining subdivision approval.

3. Procedure for Approval of Preliminary Plat

- a. On reaching conclusions regarding the general program and objective following the Pre-Application appearances, if any, the developer shall cause to be prepared a Preliminary Plat, together with the following supplementary or supporting material as specified in Section V, C.
- b. Five (5) copies of the Preliminary Plat, supplementary materials (completed Environmental Assessment Form, and Project Face Sheet) so required shall be submitted to the Board with written application for Conditional Approval not less than ten (10) days prior to a regularly scheduled meeting.
- c. The Board shall, at its discretion, within sixty-two (62) days after filing of the application, hold a public hearing. Within sixty-two (62) days after the public hearing the Board shall conditionally approve or disapprove the Preliminary Plat and other material as submitted or modified; and the Board shall notify the developer, in writing, of its action. If conditionally approved, the Board shall state the conditions of such approval, or if disapproved, shall notify the developer of the reasons thereof.
- d. The Planning Board may designate a "Consulting Town Designated Engineer" to review the Preliminary Plat and supporting materials. The Board shall determine an amount sufficient to defray the cost of the review and this amount shall be paid by the applicant prior to officially submitting the Preliminary Plat to the Board for approval.

4. Procedure for Approval of Final Plat
 - a. The Final Plat shall conform substantially to the Preliminary Plat as conditionally approved and shall contain all items specified in Section V, D. If desired by the developer, the Final Plat may constitute only that portion of the approved Preliminary Plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
 - b. Application for approval of the Final Plat and other material required for approval shall be submitted to the Board by filing the Plat and such other material with the Town Clerk at least ten (10) days prior to the regular monthly meeting, at which time it is to be considered.
 - c. Five (5) copies of the Final Plat and other material required for approval shall be submitted to the Board within six (6) months after Conditional Approval of the Preliminary Plat; otherwise such Conditional Approval shall become null and void unless an extension of time is applied for and granted by the Board.
 - d. The Board shall within sixty-two (62) days from and after the time of filing hold a public hearing as described in Section VIII, Subdivision C of these Subdivision Regulations for the approval, modification and approval, or disapproval of the Final Plat. The Board shall approve or disapprove the Final Plat as submitted or modified within sixty-two (62) days from and after the hearing and the Board shall notify the developer, in writing, of its action. Approval, however, shall not be deemed final until the developer has complied with certifications that required improvements have been completed or bond or other security satisfactory to the Board has been posted in lieu thereof in accordance with the provisions of Section 277 of the Town Law and shall have filed the Final Plat with the County Clerk within ninety (90) days after approval; otherwise such approval shall expire as provided by Section 276 of the Town Law, and shall become null and void unless an extension of time is applied for and granted by the Board, pursuant to law.
 - e. The developer will be required to tender offers of cession in form approved as satisfactory by the Attorney of all sewers, drains, surface drains, water lines and all land included in streets, parks or other public areas, not specifically reserved as shown on the Final Plat, but approval of the Final Plat shall not constitute acceptance by the Town Board of the dedication of such facilities without formal acceptance by the Town Board. This subsection shall not apply to corporations operating under the Transportation Act.

5. A fee as set by the Town of Florida Fee Schedule shall be paid to the Town Clerk when the Final Plat is filed with the Board for final approval.

SECTION V: DOCUMENTS TO BE SUBMITTED

A. SKETCH PLANS

1. The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than

200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:

- a. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest exiting street.
- b. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet, otherwise existing contours shall be indicated at intervals of not more than ten (10) feet.
- c. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- d. The tax map sheet, block and lot numbers, if available.
- e. All the utilities available, and all streets which are either proposed, mapped or built.
- f. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, and systems (see Section VI) within the subdivided area.
- g. All existing restrictions on the use of land including easements, covenants, or zoning lines.
- h. Title Block: Shall be placed in the lower right corner of the sketch plan.
 - 1) name of subdivision or development
 - 2) name and address of developer
 - 3) name and address of the owner or owners of record;
 - 4) date of original preparation
- i. Graphic Scale and north arrow.
- j. Marshes, ponds, and land subject to flooding in the subdivision and within 100 feet thereof.
- k. Any additional information deemed necessary by the Planning Board.

B. MINOR SUBDIVISION PLAT

1. In the case of Minor Subdivisions only, the Subdivision Plat application shall include the following information:
 - a. A copy of each covenant or deed restriction as are intended to cover all or part of the tract.
 - b. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by permanent monuments approved by the Town Engineer, and shall be referenced and shown on the plat.
 - c. All on-site and water supply facilities shall be designed to meet the minimum specification of the State Department of Health, and a note to this effect shall be stated on the Plat and signed by a licensed engineer.
 - d. Proposed subdivision name, name of the Town and County in which it is located.
 - e. The date, north arrow, map scale, name and address of record owner and developer.
 - f. The Plat to be filed with the County Clerk shall be printed on mylar and must be a minimum of eight and one half inches by eleven inches, and a maximum of thirty-four inches by forty-four inches.

- g. An Agricultural Data Statement. The name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the subdivision is proposed.
- h. Environmental Assessment Form

C. MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

1. Five copies of the preliminary plat prepared at a scale of not more than one hundred (100) feet to the inch, but preferably not less than fifty (50) feet to the inch showing:
 - a. Proposed subdivision name, name of the Town and County, name and address of record owner, developer, engineer, landscape architect, or surveyor including license number and seal.
 - b. Date of submission, north point arrow and graphic and written scale.
 - c. A field survey showing the exact location of existing property lines and easements indicating bearings, distances, dimensions and purpose for easements, as necessary, made and certified, by a New York State Licensed Land Surveyor. The corners of the tract are to be located on the ground and marked by substantial monuments of such size and type approved by the Town Engineer and shall be referenced on the plat.
 - d. The names and addresses of all owners of record of adjacent properties within 200 feet of the proposed subdivision and the names of any adjacent subdivisions within five hundred (500) feet of the proposed subdivision.
 - e. The Zoning district, or districts, including exact boundary lines of the district (s). Proposed subdivisions must conform to zoning regulations (as-of-right) or indicate intentions to apply for a special permit, variance and/or zone change.
 - f. Acreage of the existing tract to the nearest tenth of an acre.
 - g. All parcels of land to be dedicated to public use and the conditions of said dedication.
 - h. Location of existing natural features, including but not limited to: water bodies, water courses, marshes, wetlands, floodplains, flood fringes, rock outcrops, wooded areas, single trees with a trunk diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk, and any other significant existing features of the proposed subdivision and adjacent property.
 - i. Location of existing buildings and/or structures to remain or be removed.
 - j. Location of existing sewer lines, septic systems, water mains, culverts, bridges, storm and sanitary structures including pipe sizes, grades and direction of flow.
 - k. The approximate size and location of all proposed water and sewage lines, valves, hydrants and fire alarm boxes; connections to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sanitary sewer lines.
 - l. Storm water management plan including size and location of all storm water sewers and structures, profiles of lines, connection to existing lines, storm water detention system(s) (designed to control increased runoff of all proposed development within the proposed subdivision based on a 10-year storm intensity and using either the Rational Method or Soil Conservation Service, TR55 Method), and/or proposed alternate means of disposal including a Storm Water Management Report.
 - m. Existing and proposed contours with intervals of five (5) feet or less as required by the Board, including elevations on existing roads. Approximate grading plan and proposed first floor elevations of structures.

- n. The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, if such exist within the area to be subdivided.
 - o. The width, location, grades and street profiles of all streets or public ways proposed by the developer.
 - p. Plans and cross-sections showing the proposed location and type of sidewalks, streets, and utilities indicating the type thereof, the character, width and depth of pavements and subbase, the location of manholes, basins, underground conduits, and any other utilities.
 - q. Preliminary designs of any bridges or culverts.
 - r. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than thirty (30) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
 - s. A soil survey and analysis.
 - t. Agricultural Data Statement. The name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the subdivision is proposed.
 - u. Environmental Assessment Form
2. If the application covers only a part of the developer's entire holding a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street systems with its grades and drainage in the remaining portions of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the developer's entire holding submitted shall be considered in the light of the entire holding.
 3. A copy of such covenants or deed restrictions as are intended to cover all or part of the street.

D. MAJOR SUBDIVISION FINAL PLAT AND ACCOMPANYING DATA

1. The Plat to be filed with the County Clerk shall be printed on mylar and must be a minimum of eight and one half inches by eleven inches, and a maximum of thirty-four inches by forty-inches in size. The Plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with north point at the top of the map. When more than one sheet of the same size shall be filed, show to scale the entire subdivision with lot and block numbers clearly legible.

The Final Plat shall show:

- a. All applicable information included on the preliminary plat.
- b. Proposed subdivision name or identifying title and the name of the County in which the subdivision is located, the name and address of record owner and developer; name, license number and seal of the Licensed Land Surveyor.

- c. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - d. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of every street line, proposed lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plan coordinates, and in any event shall be tied to reference points previously established by a public authority. All dimensions shall be shown in feet and decimals of a foot.
 - e. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent of bearings shall be given for each street. All dimensions shall be shown in feet and decimals of a foot.
 - f. The Plat shall show by proper designation thereon all public open spaces for which deeds are included and those spaces whose title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plate copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
 - g. All offers of cession and covenants governing the maintenance of unseeded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 - h. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
 - i. Permanent reference monuments shall be shown referred to upon the plat and constructed in accordance with the Town Designated Engineer. All lot corners shall be permanently located as well as all angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines. Points of curve and such intermediate points as shall be required.
 - j. Zoning building setback requirements shall be graphically indicated, for each lot, on the final plat.
2. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers, storm drains, pavements and sub-bases, manholes, catch basins and other facilities.
 3. Protective covenants in form for recording.
 4. Written statements by the Town Attorney certifying that:
 - a. The required improvements have been completed or found satisfactory in form and sufficiency to the Town Board has been poised in lieu thereof in accordance with the Provisions of Section 277 of the Town Law, and that the developer is the land owner, and
 - b. Offers of Cession for dedicating streets, easements, right-of-way and any sites for public uses; agreements covering the improvements and maintenance of unseeded public open spaces and the conditions and limitations, if any, shall be subject to the prior approval of the Town Attorney.

5. Letter of compliance and approval by the Town Designated Engineer.
6. Such other certificates, affidavits or other agreements as may be required by the Board in the enforcement of these regulations.
7. Waiver of Required Information:
Upon findings by the Planning Board that, due to special conditions peculiar to a subdivision, certain information normally required as part of the subdivision plat is inappropriate or unnecessary, or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the Board may vary or waive the provision of such information, provided that such variance or waiver will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of the official Town Map, comprehensive planning objectives of the Town, or the spirit and intent of this subdivision regulation.

E. FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

1. Purpose

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility, and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

2. Required Public Improvements

If required by the Planning Board applicants for subdivision plat approvals shall provide the Town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public improvements.

3. Time Limit on Installation of Improvements

The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this Section shall be completed within one year from the date of the approval of the subdivision plat or special use. Road improvements shall be completed within two years from the date of approval of the plat. At the end of such time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required by this Section to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

4. Extension of Time Limit

The applicant may request an extension of time to perform required public improvements provided reasonable cause can be shown for the inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months.

5. Phasing of Improvements

The applicant may request a phasing of required improvements provided reasonable cause can be shown that is directly a part of the documenting phasing schedule for a subdivision reviewed by the Planning Board.

6. Inspections of Improvements

At least five days prior to commencing construction of the required public improvements, the applicant shall pay to the Town Clerk the inspection fee required by the municipality and shall notify the Town Board or an official designated by the Town Board in writing of the time when the construction of such improvements will be commenced so that the Town Board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the Planning Board.

7. Financial Security Options

Acceptable financial security shall be provided to the Town in one of the following ways.

1. A performance bond issued by a bonding or surety company;
2. The deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in New York State;
3. An irrevocable letter of credit from a bank located and authorized to do business in New York State;
4. Obligations of the United State of America; or
5. Any obligation fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Town, such security shall be held in a town account at a bank or trust company.

8. Review of Proposed Financial Security

All required public improvements shall be shown on the Subdivision plat, and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the Town Board for financial adequacy as a guarantee of construction and of reasonable performance during a warranty period. The Town Board and the Town Attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

9. Schedule of Improvements

When a guarantee agreement has been approved by the Town Board and the required surety bond, certified check, or letter of credit has been received by the Town Clerk, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

10. Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the Town, by the appropriate Municipal inspectors, and by the Town fiscal officer. If the statement is approved by the Town fiscal officer, the statement shall be forwarded promptly to the Town Clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the Town Clerk will then direct in writing to the surety company or financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

11. Acceptance of Required Public Improvements

When the project inspector, following final inspection of the project, certifies to the Planning Board and the Town Board that all required public improvements have been completed in accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

SECTION VI: MINIMUM DESIGN STANDARDS

A. STREETS

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and to the Official Map, if any, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.
2. The arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation, if appropriate, of major streets in the surrounding area; or

- b. Conform to a plan for the neighborhood approved by the Board to meet a particular situation where topographical or other conditions make continuance of conformance to existing streets impracticable.
3. Minor street shall be so laid out that their use by through traffic will be discouraged.
4. Where a subdivision abuts or contains an existing or proposed arterial street or railroad, the Board may require a frontage street, 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 protection of residential properties and to afford separation of through and local traffic.
5. Street jogs with center line offsets of less than one hundred and fifty (150) shall be avoided.
6. A tangent between reverse curves on arterial and major streets shall be 100 feet minimum, on minor streets, 50 feet minimum, in length.
7. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees.
8. Street right-of-way width shall not be less than 60 feet.
9. Cul-de-sac streets shall generally not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred fourteen (114) feet, and a street property line diameter of at least one hundred fifty (150) feet, dead end streets shall not be permitted except as provided herein.
10. All streets shall have an inside roadway diameter of at least two hundred (200) feet.
11. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Town. Street names shall be subject to the approval of the Board. House numbers shall follow the standard practice of house numbering in the community.
12. Street grades shall be not less than 0.5 percent, nor more than 10 percent.

B. UTILITY EASEMENTS

1. Adequate easements centered on rear or side lot lines shall be provided for utilities where necessary. An easement width of thirty (30) feet is required.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water utility easement, 30 feet minimum conforming

substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose and as determined by the Planning Board.

C. BLOCKS

1. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. The type of development proposed;
 - b. Zoning requirements as to lot sizes and dimensions;
 - c. Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress or egress;
 - d. Limitations and opportunities of topography.
2. Block lengths generally shall not exceed fifteen hundred (1,500) feet, nor be less than seven hundred fifty (750) feet.
3. A pedestrian right-of-way, not less than twelve (12) feet wide, in addition to any street, shall be provided and deeded to the Town where deemed essential by the Board to provide safe circulation, or access to schools, playgrounds, parks, shopping centers, transportation, and other community facilities.

D. LOTS

1. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated. Minimum lot frontage shall conform to the dimensional requirements of the zoning ordinance.
2. All lots shall have area and width equal to minimum requirements of the zoning regulations applying to the district in which they are located.
3. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets, and will be considered to have two front setbacks and at least one side and one rear setback.
4. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street.
5. Every street shown on the plat that is hereafter filed or recorded in the Office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the public and formally accepted as a public street by resolution of the Town Board; or alternatively until it has been condemned by the municipality for use as a public street.

6. Double frontage lots should be avoided.
7. Side lots lines shall be substantially at right angle or radial to street lines.
8. Off-street parking space shall be required for all uses. In the case of dwellings, at least one hundred and eighty (180) square feet of off street parking space per dwelling unit shall be provided back of the building setback line, plus access drive and maneuvering space.

E. GRADING AND DRAINAGE

Street layout, block grading, and lot grading data shall be shown on a separate grading plan. The objective is to establish the street grades, floor elevations, and lot grades in proper relation to each other and to existing topography, considering property protection, appeal, use and drainage. The developer shall allow no holes, depressions, or other undrained areas to remain. Erosion and sediment control plans may be shown on the grading plan.

Storm and surface water drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided where necessary.

A Storm Water Management report shall be prepared detailing the impacts to existing and proposed facilities from a 10-year storm or as specified by the Board, if required stormwater retention shall be based on this report.

F. PUBLIC SITES AND OPEN SPACES

Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency; or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the developer and the public agency regarding the time and method of acquisition, and the cost thereof. If the Planning Board determines that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical, the Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law.

SECTION VII: MINIMUM REQUIRED IMPROVEMENTS

A. GENERAL

Prior to the granting of final approval, the developer shall have installed or shall have established a cash escrow account for the installation within a specified time of the required improvements listed and described in this section. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work, as required by the municipality, or the State and County Health authorities, according to the nature of the improvements.

The Planning Board may employ a construction observer to act as its agent to assure satisfactory completion of all improvements required by the Board and it may determine an amount necessary to defray the cost of such observation. This amount is necessary to defray the cost of such observation. This amount shall be placed in a cash escrow account and will be used to pay for the services of the observer. Any unused portion will be returned to the developer.

B. MONUMENTS

The tract boundary lines, and the lines of all streets or roads shall be monumented with pinned concrete monuments. Individual properties shall be monumented with iron pins or pipe as specified by the Town Designated Engineer.

C. STREET IMPROVEMENTS

1. General

Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, gutters, street trees, water mains, sanitary sewers, storm drains and fire hydrants, except where waivers may be requested, and the planning board may waive, subject to appropriate considerations, such improvements as it considers are not required in the interest of the public health, safety and general welfare. If placed in the street right-of-way, underground utilities required by the planning board shall be placed as shown on the Town's Highway Cross Section or as otherwise approved by the Board. The developer shall install underground service connections to the property line of each lot before the street is paved. Such grading and improvements shall conform to the Town minimum road specifications and shall be approved as to design and specification by the Town Designated Engineer and the Highway Superintendent.

- a. Prior to the issuance of a building permit for any lot within a subdivision or approved phase thereof, the developer shall complete all street improvements to the satisfaction of the Town Designated Engineer, the Superintendent of Highways, and the Planning

Board and those improvements which are to be dedicated to the Town shall be so dedicated and accepted.

- b. Prior to the issuance of a building permit for any lot within a subdivision or approved phase thereof, the developer shall provide the Town Building Inspector with three (3) copies of drawings of proposed structure(s), certified to the Town of Florida, which clearly depict the location of all utilities, streets, monumentation, and other street improvements.
- c. Upon the written consent and approval of the Superintendent of Highways, the developer shall deposit a cash escrow with the Office of the Supervisor to provide for the costs of completing the final course; in such an instance, all street improvements must be installed and all improvements dedicated to, and accepted by, the Town before the developer may post said cash deposit in escrow.
- d. Except as provided in Section c above, no building permit shall be issued prior to formal acceptance by the Town of all street improvements and the receipt of as-built drawings except that the Planning Board may, in its sole discretion, and at the time of final approval of the subdivision plot, permit the issuance of up to two (2) building permits to provide for the construction of model homes only, which model homes shall not be occupied nor conveyed nor Certificates of Occupancy issued until the provisions of these subdivision regulations are otherwise fully satisfied.
- e. Prior to the issuance of a Certificate of Occupancy, the Building Inspector shall certify to the Town Board that all service laterals and other improvements have been completed in compliance with all applicable laws, rules and regulations.

2. Subgrade- by Developer

All top soil shall be removed from the area 16 feet on each side of the centerline. Fills must be made with material approved by the Engineer or Highway Superintendent and shall be placed in layers not over six (6) inches thick and each layer shall be properly compacted as specified by the Town Designated Engineer. All muck, organic quicksand, spongy material and any other objectionable material shall be removed.

The subgrade of all streets and roads shall be graded as follows: The center portion, 16 feet on each side of the centerline shall be 15 ½ inches below the finished grade, as shown on the street profile. Sub-base and pavement shall be placed according to the Highway Superintendent and the Town's typical highway cross-section. The grade of the outside area or sidewalk and planting strip section shall in no case be lower than the crown of the pavement nor more than eight inches above the crown. No gravel or stone is to be placed on the subgrade until the subgrade is approved by the Town Designated Engineer or Highway Superintendent.

3. Curbs and Gutters

- a. Where curbs exist on abutting on properties, their extension by the developer will ordinarily be required throughout the proposed subdivision.
- b. Where curbs are not required, adequate gutters shall be constructed as shown on the Town's highway cross-section.

c. Concrete curbs shall be wall type, 6"x8"x18" and shall comply with current construction and material specifications of the New York State Department of Public Works, Item 97.

4. Sidewalks

The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least 4 feet wide and 4 inches thick shall comply with the current construction material specifications of the New York State Department of Public Works, Item 105.

D. WATER SUPPLY- BY DEVELOPER

The developer shall connect each lot at the property line with the public water supply, if available. If no public water supply is available, the developer shall provide for each individual dwelling, a well or wells having a supply of not less than six gallons of potable water per minute, as approved by the New York State Department of Health. If water storage facilities are erected, they must conform to the Town Building Code.

E. SEWAGE DISPOSAL SYSTEM- BY DEVELOPER

If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a neighborhood system, the developer shall provide sanitary sewers and laterals for each lot for such service. Where public or neighborhood sanitary sewers are not feasible, the developer shall provide and install an individual system for each lot or a sewage treatment facility adequate for all proposed development within the subdivision, in accordance with State and Local requirements, upon specific approval of the Town Board. In case the developer sells lots, rather than lots improved with houses, it shall be the responsibility of the developer to secure approval of the method and arrangement of sewage disposal, from the proper authorities. The installation of an approved individual sewage disposal facility shall be the responsibility of the purchaser.

F. UTILITIES

Electrical service, gas mains and other available utilities shall be arranged by the developer within each subdivision.

G. STREET TREES AND MISCELLANEOUS

1. Street Trees: To be planted by developer. Number, location and type of trees to be approved by the Board.
2. Planting Strips: The area between the gutter and the property line to be seeded by developer, maintained by owner.

3. Street Name Signs: by Municipality
4. When so required by the Board, a planting screen shall be provided in an easement not less than 10 feet wide, across which there shall be no right-of-access, said easement to be along the line of lots between the subdivision, and industrial, commercial, major street, railroad and other similar uses.

SECTION VIII: VARIANCES, APPEALS AND HEARINGS

A. HARDSHIP

Where the Board finds that practical difficulty or extraordinary hardship, because of exceptional narrowness, shallowness, or shape of the specific parcel, or because of unusual topographic conditions or other unusual physical condition of the specific parcel may result from strict compliance with these regulations, it may grant a variance from the regulations in the specific case, so that substantial justice may be done and the public interest is secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these regulations. In granting a variance, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the subdivision regulations.

B. LARGE SCALE DEVELOPMENT

The standards and requirements of these regulations may be modified by the Board in the case a plan and program for a complete new community, planned neighborhood, or cluster development, which in the judgment of the Board provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

C. PUBLIC HEARING

A public hearing shall be held by the Board within sixty-two (62) days after the time of submission of such plat for approval, which hearing shall be advertised in the official newspaper at least ten (10) days before such hearing.