

p. Typical clearing and grading cross sections for construction of roads and installation of utilities (may be referenced to Figure 1 of these regulations).

The size of the sheets shall be not less than 8 1/2" X 11" nor more than 34" X 44". When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

3. A summary table listing the number of lots, lot size range, typical lot size, linear feet of road acreage in parks, etc.

4. Design of all proposed onside sanitation and water supply facilities meeting the minimum specifications of the State DOH and the town sanitary code.

5. Offers of cession and deeds for any recreation or open space areas to be dedicated to the town, and for such areas title to which is to be retained by the subdivider, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore. Such offers, deeds, agreements or other documents shall bear the approval of the town attorney as their legal sufficiency. Approvals for subdivision may be phased. The Planning board shall consider the layout of roads, water lines, drainage facilities and other pertinent facts in determining the exact phasing sequence and number of dwelling units in each phase. Subsequent phases of a project shall not be submitted for final approval until sixty percent (60%) of the dwelling units in the previous phase have received Certificates of Occupancy.

Section 5.060 REQUIRED IMPROVEMENTS

Before the Planning Board grants final approval of a Minor or a Subdivision Plat,

A. The subdivider shall either:

1. File a certified check or performance bond or a letter of credit with the Town clerk to cover the full cost of improvements (streets, utilities, etc.). Any such bond shall comply with the requirements of Section 277 of the Town Law, and shall not be released until written approval is received from the Town Representative and a map is submitted to the Planning board as outline in item B below. Improvements must be completed within one year.

2. Complete the required improvements to the satisfaction of the Town Representative, who shall acknowledge such completion in writing. All uncompleted improvements shall be covered by a certified check or performance bond or a letter of credit.

B. The subdivider must pay the required inspection fee and notify the Planning Board in writing at least 5 (five) days before the start of construction to allow for proper inspection by the Town Representative.

C. If improvements are to be modified during construction, they may be approved by the Town Representative, if the modifications are within the spirit and intent of the Board approval and do not represent a waiver of requirements of substantial alteration.

F. The Town board shall, in writing, notify the subdivider (and the bonding company, if necessary) and take necessary steps to enforce the Town's rights under the bond.

G. No plat shall be approved by the Planning Board while the subdivider is in default of another plat.

H. The payment of all fees, including consulting reviewers fees, is required prior to the signing and filing of the final plat.

SECTION 5.070 FILING OF APPROVED SUBDIVISION PLAT

A. Approval of a subdivision plat by the planning Board shall not mean acceptance of public improvements (such as streets, easements or recreation areas) by the Town.

B. The planning Board may require a written agreement between the Town Board and the subdivider covering deed, title, dedication and the design, equipment and maintenance of recreation areas. The planning board may require a public hearing for the purposes of reviewing this written agreement.

5.090 GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for subdivision of land, the following minimum standards shall be used by the Planning Board. in its discretion, the Planning Board may impose additional requirements in cases when the board deems such additional requirements to be reasonable and necessary.

A. General

Only land which is suitable for safe human occupancy shall be used for development. proposed development located in areas with moderate or severe limitations, based on town planning natural resource maps or their technical information, may require special design features or measures to overcome potential health, fire, flooding and similar hazards.

Future development should avoid the need for costly land alterations or elaborate engineering to overcome adverse site conditions.

All new on-site and replacement septic systems shall conform to the New York State DOH sanitary standards.

All required improvements (streets, etc.) shall be installed in accordance with approved plans and town specifications, which may be obtained from the Planning Board.

B. Street Layout and Design

All streets are to be logically related to natural features. Utilities are to be planned at the same time. Steep slopes (25%+) and soils which are shallow, erodible or with a high water table are to be avoided. Building sites should be at or above the grade of adjacent roads.

The number of stream crossings should be minimized.

Blind intersections and closely-spaced street jogs should be avoided.

Minor streets should not be designed to encourage

Principal streets on adjacent land shall be accommodated and extended as required to provide for the extension of utilities, fire equipment access.

Gravel or paved surface drives at least 20 feet wide will be provided for commercial uses.

All roads shall have 50-foot minimum rights-of-way for a street corridor. The road base and surface shall be designed as follows:

*10" crowned compacted gravel base, 12' in poorly drained soils, (rolled in 4" lifts) on crowned (3/8"/foot) compacted subgrade for driving surface and shoulder

*18'-wide driving surface - minimum

*4'-wide shoulders

*20' radius at street intersections

*10 percent maximum grade

*3 percent maximum grade within 100 feet of any intersection

*20 m.p.h. minimum and 50 m.p.h. maximum design speeds for alignments and curves

*Finished grade of road ditches at 1 1/2 feet below shoulder elevation. Ditches to accommodate five-year storm runoff.

*Culverts located and designed to maintain pre-construction surface drainage patterns, if patterns are acceptable. Culvert size and location shall be at the discretion of the Town Highway Superintendent.

*For design specifications, see attached Figure 1, "Road Cross Section".

Bridge crossings, at right angles, with the following capacities:

*50,000 lb load capacity, to accommodate public maintenance vehicles.

*10-year storm runoff if drainage area is one square mile or less

*25-year storm runoff if drainage area is one to four square miles

*100-year storm runoff if drainage is more than four square miles.

Maximum cut and fill slopes:

*2:1 fill and for cuts in coarse sand and gravel

*2 1/2:1 for cuts in fill or silty sand

*3:1 in sandy silt

*4:1 in silt, sandy clay or clay

Clearing and grubbing required before fill. Fill to be deposited in 12 inch layers.

Turnarounds at the end of dead-end roads with a right-of-way of 60 feet radius and a pavement radius of 50 feet.

Access to private lots across watercourses, whether via culvert or other means, shall be approved by the Planning Board.

Clearing and grubbing for all services shall be shown on the final grading plans.

Construction of roads and utilities should be phased to

follow road alignment, but should establish routes which suit the plan of the hamlet area.

C. Revegetation of Disturbed Soil Areas

All disturbed areas, with the exception of roads, drives, shoulders, building sites and parking areas shall be planted or otherwise stabilized to minimize erosion. Planting efforts are to be inspected six months or more after planting. If corrective measures are to be made, they must begin within 15 days after inspection.

Revegetation shall be done in 1/2 acre increments or phases.

Revegetation shall be completed within a 5 to 10 day period after final grading.

Determination of compliance with this standard shall be made one year from the date of planting.

D. Street Names

New street names should be substantially different in sound and spelling for existing streets so as to avoid confusion.

E. Lots

Lot boundaries and shaped should be suitable to the topography.

Lot lines should be at approximately right angles to street lines unless a different alignment will result in a better plan.

Driveways should not exceed 12 percent grade over any 150 foot length, or over 5 percent within 50 feet of a connecting street.

Private rights-of-way to five lots or more shall be constructed according to the public road standards described in Section 5.090, B.

Permanent monuments shall be located at block corners, angle points, points of curves and other prominent points.

F. Drainage

Spring or surface water drainage shall be carried by ditch or culvert, within the street right-of-way or in another permanent easement.

Drainage easements shall be provided for water courses, at a minimum of 150 feet wide.

Culverts shall be designed to accommodate the peak runoff from all upstream areas, whether inside or outside the subdivision, under conditions of total potential development in the upstream area.

*Ten-year peak runoff is drainage area is 1 square mile or less.

*Twenty-five-year peak runoff if drainage area is between 1 and 4 square miles.

*One hundred year peak runoff is drainage area is

not approve the subdivision until provision has been made for the alleviation of said condition.

G. Parks, Open Space and Natural Features

The Planning Board may require the plat to show land suitable for park or recreation facilities. Before the Planning Board exercises this requirement, it shall make a finding that the land is necessary to meet the needs of the Town, including the park or recreation needs created by the subdivision.

The area to be reserved for recreation purposes shall be suitable by the Planning Board may be platted as open space. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, the board may require as a condition to approval of any such plat a payment to the town of a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the town exclusively for neighborhood park, playground or recreation purposes including the acquisition of property.

An ink drawing of the proposed public area(s), at a minimum scale of 1" = 30' shall be provided. the drawing shall indicate boundaries, natural features, existing and proposed contours, and any proposed equipment.

The subdivider shall provide for the protection of natural features, including:

- *Large trees (with a diameter of 24 inches or more measured 4 1/2 feet above the base of the trunk) or unusual groves of trees.
- *water courses and falls
- *Beaches
- *Historic sites as identified using new York State Historic Preservation Criteria.

Section 5.1000 WAIVERS

A. Where the planning Board finds, due to the special circumstances of a particular plat, that meeting a certain requirement of these regulations is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirement subject to appropriate conditions.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. ..2..... of 19 91.....
~~XXXXXX~~
of the ~~XXXXXX~~ of Moriah was duly passed by the Town Board
~~XXXXXX~~ Town (Name of Legislative Body)
~~XXXXXX~~
on December 31, 19 91 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the (Name of Legislative Body)
Village
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City
of the Town of was duly passed by the (Name of Legislative Body)
Village
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
general
thereon at the special election held on 19, in accordance with the applicable
annual
provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City
of the Town of was duly passed by the (Name of Legislative Body)
Village
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer*
on 19 Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of 19,
in accordance with the applicable provisions of law.

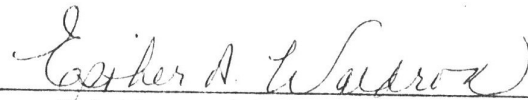
5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of ^{§36}§37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special}general election held on 19..... became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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



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

ESTHER A. WALDRON, TOWN CLERK
TOWN OF MORIAH

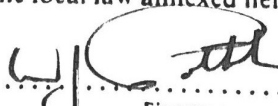
Date: Feb. 6-1992

(Seal)

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

STATE OF NEW YORK
COUNTY OF ESSEX.....

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



Signature

WILLIAM J. POTSKOWSKI, TOWN ATTORNEY OF

Title