

Subdivision Regulations TOWN OF STILLWATER

Date of First Adoption: May 7, 1974

Date of Amendments:

January 7, 1982

December 18, 1995

March 3, 2003

Prepared by:

Prepared for:



The Town of Stillwater
P. O. Box 700
Stillwater Town Hall
Stillwater, New York 12170

Date of Last Adoption: March 3, 2003

TABLE OF CONTENTS

	PAGE NUMBER
ARTICLE I Authority for Subdivision Control	1
ARTICLE II Declaration of Policy	2
ARTICLE III Terminology	3
3.1 Rules of Construction of Language	3
3.2 Definitions	3
ARTICLE IV PROCEDURE FOR LAND SUBDIVISION	10
4.1 Pre-application Review	10
4.2 Preliminary Submission and Layout Review	11
4.2.4 Role of the Planning Board	11
4.3 Final Submission and Plat Review	14
4.4 Review and Approval Procedure for Lot Line Adjustment	17
4.5 Building Permits and Certificates of Occupancy	17
ARTICLE V REQUIRED PLATS, DOCUMENT, BONDS, IMPROVEMENTS AND UTILITIES	20
5.1 General Requirements	20
5.2 Pre-Application Documents	20
5.3 Plats and Documents for Preliminary Review	21
5.4 Plats and Documents for Final Review	23
5.4.2 Documents	25
5.5 Performance Bonds	26
5.6 Public Improvements	28
5.7 Public Utilities	29

ARTICLE VI SUBDIVISION DESIGN STANDARDS30

- 6.1 General Requirements30**
- 6.2 Additional Requirements.....30**
- 6.3 Parks, Playgrounds and Open Spaces.....32**
- 6.4 Streets34**
- 6.5 Pedestrian Ways37**
- 6.6 Lots and Blocks.....38**
- 6.7 Public Improvements and Utilities.....39**

ARTICLE VII SPECIAL CONDITIONS41

- 7.1 Variations41**
- 7.2 Modifications.....41**
- 7.3 Waivers.....42**
- 7.4 Time Extensions.....42**
- 7.5 Revocation.....43**
- 7.6 Expiration43**
- 7.7 Default.....44**

ARTICLE VIII CLUSTERING.....45

- 8.1 Authorization.....45**
- 8.2 Application.....45**
- 8.3 Restrictions: Minimum Tract Size and Density.....45**
- 8.4 Determination of Developable Land.....45**
- 8.5 Open Space.....46**
- 8.6 Unit Types.....46**
- 8.7 Review of Plans.....46**

8.8 Filing of Plat: Notations.....47

ARTICLE IX AUTHORITY TO SIGN SUBDIVISION PLATS.....48

ARTICLE X AMENDMENTS.....49

ARTICLE XI SEPARABILITY.....50

ARTICLE XII REPEALER.....51

ARTICLE XIII EFFECTIVE DATE.....52

APPENDIX: STANDARD CONSTRUCTION DETAILS

GENERAL

- G1 Local Street 1 Cross Section**
- G2 Local Street 2 Cross Section**
- G3 Rural Street Cross Section**
- G4 Underdrain (Below Pavement)**
- G5 Street Sign Installation**
- G6 Luminaire and Pole Foundation**
- G7 Roadway and Sidewalk Sections**
- G8 Concrete Specifications**
- G9 Typical Lot Utility Layout**
- G10 Driveway with Curb Drop**
- G11 Concrete Right-of-Way Monument**
- G12 Road Utility Layout**
- G13 Typical Cul de Sac Layout**
- G14 Typical Hammer Head Layout**

SANITARY SEWER

- S1 Precast Sanitary Sewer Manhole**
- S2 Standard Cast Iron Manhole Cover**
- S3 Watertight/Locking Cast Iron Manhole Cover**
- S4 Manhole Cover Details**
- S5 Cast Iron Manhole Cover Installation**
- S6 Copolymer Polypropylene**
- S7 Invert, Channel and Benchwalls**
- S8 Drop Manhole**
- S9 Restraining Strap**

- S10 Standard Sewer Service Connection**
- S11 Standard Sewer Service Connection**
- S12 End Cap Detail & Typical Risers for Deep Trenches**
- S13 Grinder Pump Service Line Connection Detail**
- S14 SDR 35 PVC Pipe Bedding**
- S15 Force Main Bedding**

STORM SEWER

- D1 Concrete Catch Basin**
- D2 Concrete Manhole**
- D3 HDPE Bedding**
- D4 Typical End Section**
- D5 Typical End Section**
- D6 End Section with Stone Lined Apron**
- D7 Driveway Culvert Installation**

WATER

- W1 Typical Hydrant Installation**
- W2 Typical Hydrant Installation**
- W3 Blowoff Hydrant Installation**
- W4 Types of Hydrant Installation**
- W5 Typical Joint Detail**
- W6 Typical Junction Layout**
- W7 Thrust Restraint Options**
- W8 Typical Copper service Pipe Connection**
- W9 Copper Service Pipe**
- W10 Ductile Iron Service Pipe**
- W11 Tapping Sleeve**
- W12 Typical Concrete Thrust Restraint Block**
- W13 Typical Bearing Block**
- W14 Thrust Block Notes**
- W15 Laying Conditions Type 2, Type 4**
- W16 Water Main at Sewer Crossing**

ARTICLE I AUTHORITY FOR SUBDIVISION CONTROL

By authority of the Resolution adopted by the Town Board on the 7th day of May, 1974, and amended by Resolution of the Town Board on the 7th day of January, 1982, and further amended the 18th day of December, 1995, and further amended on the 20th day of February 2003, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Stillwater is empowered and authorized to approve, approve with modifications, and disapprove plats for land subdivision within the Town, outside the limits of the incorporated Village of Stillwater. All subdivision plats hereinafter submitted to the Planning Board for approval shall be governed by and subject to the provisions of these regulations.

For the same purposes and under the same conditions, the Planning Board of the Town of Stillwater may approve the development of plats, entirely or partially undeveloped, which were filed in the office of the clerk of the county in which such plat is located prior to the appointment of such Planning Board. The term "undeveloped" shall mean those plats where twenty percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

ARTICLE II DECLARATION OF POLICY

It is declared to be the policy of the Planning Board to consider land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Town. These regulations are adopted for the following purposes:

- 2.1 Promoting the orderly growth and development of the Town.
- 2.2 Affording adequate facilities for the housing, transportation, distribution, comfort, convenience, health and safety of the Town residents.
- 2.3 Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with development of land.
- 2.4 Conserving the Town's natural resources, significant historical features, and environmental qualities and otherwise provide for the general welfare of residents of the Town of Stillwater.
- 2.5 Preventing overcrowding of land consistent with the rural character of the Town; and
- 2.6 Protecting existing property values.
- 2.7 Comply with the Town's Master Plan.

This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that existing property values are protected; that the proposed streets shall compose a convenient system and shall be properly related to the proposals shown on the Town of Stillwater Comprehensive Plan and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as the "Town of Stillwater Land Subdivision Regulations" have been adopted by the Planning Board on December 28, 1981 and approved by the Town Board on January 7, 1982, and as subsequently amended and adopted by the Planning Board on March 3, 2003.

ARTICLE III TERMINOLOGY

3.1 RULES OF CONSTRUCTION OF LANGUAGE

- 3.1.1 Words used in the present tense include future.
- 3.1.2 Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 3.1.3 The word “shall” is always mandatory. The word “may” is permissive.
- 3.1.4 A “building” or “structure” includes any part thereof. “Building or other structure” includes all other structures of every description regardless of similarity to conventional building forms.
- 3.1.5 The phrase “used for” includes “arranged for” “designed for”, “intended for”, “maintained for”, and “occupied for”.
- 3.1.6 The word “person” includes a corporation as well as an individual.
- 3.1.7 The word “lot” includes the word “plot” or “parcel”.
- 3.1.8 The words “he”, “his”, “him” or other masculine forms shall also include “she” “hers”, “her” or other feminine forms.

3.2 DEFINITIONS

APPLICANT –means a landowner, developer or subdivider, or a duly authorized agent acting on behalf of a landowner, developer or subdivider, as hereinafter defined, who has filed an application for subdivision plat approval, including heirs, successors and assigns.

CLUSTER DEVELOPMENT shall mean a planned development, or a subdivision plat or plats, approved pursuant to this article, in which the applicable zoning ordinance is modified to provide an alternative permitted method for the layout, configuration, size and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

COMPREHENSIVE PLAN OR MASTER PLAN – the comprehensive plan prepared by the Planning Board pursuant to Town Law which indicates the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the town of Stillwater and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof. A copy of the Town’s

Comprehensive Plan dated November 19, 1998 is kept on file with the Clerk of the Planning Board.

DRAINAGEWAY is an open linear depression, whether manmade or natural, for the collection and drainage of surface water. It may be permanently or temporarily inundated.

EASEMENT – A grant of the right to use a strip of land for specific purposes.

ENGINEER – means a person licensed as a Professional Engineer by the State of New York.

HIGHWAY SUPERINTENDENT – means the individual elected to the position of Superintendent of Highways for the Town of Stillwater.

LETTER OF CREDIT – a letter taken out by the owner from a bank which guarantees the Town that a specific amount of money will be kept available for the completion of the subdivision construction to be drawn on only by the Town.

LOTS – lots shall be those parcels of land intended for development as indicated on the subdivision plan.

- A. FRONTAGE** - frontage for lots shall mean the length of the boundary of the lot as it runs along a public street. The term frontage shall refer only to that portion of the line having complete access to the street.
- B. DOUBLE FRONTAGE LOTS** - are lots with the rear and front lot lines each abutting existing or proposed streets.
- C. REVERSE FRONTAGE LOTS** – are lots with the rear lot line abutting an existing or proposed street.
- D. INTERIOR LOT** – a lot enclosed on all sides by other lots and not abutting a public street.
- E. FLAG LOT** is a building site, which is located behind the frontage lot, and connected by a strip of land to the street for an access drive. A flag lot may result from the division of a lot on a parcel which is more than twice as large as the minimum allowed in the underlying zoning, but without sufficient frontage to allow two dwellings to front along a street. There are two

distinct parts to a flag lot – the “flag” which is the actual building site located on the rear portion of the original lot, and the “pole” which provides access from a street.

MASTER PLAN – means the same as *Comprehensive Plan*.

MAP – the map established or to be established by the Town Board under Section 270 of the Town Law showing streets, highways, and parks theretofore laid out, adopted, and established by law and these regulations – and any subdivision plots by the Planning Board and the subsequent filing of such approved plots.

MOTHER PARCEL – means a parcel in existence at the time of first adoption of these regulations.

OFFICIAL DATE OF APPLICATION – the official date of application shall be considered to be the date of the first regular Planning Board Meeting following which such surveys, plans, documents and applications are first filed with the Code Enforcement Officer and are deemed complete.

OWNER – means the owner of the title to real property or land proposed to be subdivided.

PERFORMANCE BOAND – an obligation in writing, under seal, issued by a Surety Company satisfactory to the Town Board binding the obligor to pay a sum of money to the Town if the obligor fails to satisfactorily install and/or maintain improvements as required under Section 277 (1) of the Town Law as amended. The performance bond amount will be determined by the Planning Board. It will be based upon recommendations of the Town Highway Superintendent and Town Engineer. The performance bond must be acceptable to and approved by the Town Board.

PLAT A drawing upon which a subdivider indicates the subdivision. There are both preliminary plats and final plats.

A. Preliminary plat means a drawing prepared in a manner prescribed by this regulation showing the layout of a proposed subdivision including but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

- B. Final plat** means a drawing prepared in a manner prescribed by this regulation, that shows a proposed subdivision, containing in such additional detail as shall be provided by this regulation all information required to be shown on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary plat has been so approved.

PLAT APPROVAL

- A. Preliminary plat approval** means the approval by the Planning Board of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of these regulations.
- B. Conditional approval of a final plat** means approval by the Planning Board of a final plat is contingent upon provisions set forth by the Planning Board in a resolution being fulfilled before final approval is given for the plat. Such conditional approval does not qualify a final plat for recording of the plat in the office of the county clerk or register as herein provided.
- C. Final plat approval** means the approval of a plat in final form by a duly authorized officer of the Planning Board pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Saratoga County Clerk's office.

PLANNING BOARD OR BOARD – means the Planning Board of the Town of Stillwater.

PUBLIC AND UTILITY CONSTRUCTION – refers to the paving, utility and miscellaneous construction and public rights-of-way for easements as shown on subdivision development map, and not privately owned construction covered by building permits.

REVIEW – the process by whereby a plat is analyzed by the Planning Board.

- A. PRELIMINARY REVIEW** – refers to the complete process of reviewing a preliminary submission and issuing a conditional

approval, conditional approval with modifications, or disapproval.

- B. FINAL REVIEW** – refers to complete process of reviewing a final submission and issuing a final approval or disapproval.

RIGHT OF WAY – refers to an area that allows for the passage of people or goods. Rights-of-way include passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned.

SECRETARY OF THE PLANNING BOARD – means the person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.

SKETCH PLAN - means a sketch of a proposed subdivision showing a general layout of the proposed development including its relationship to physical features, adjacent streets, highway and development areas as described in Article V. paragraph 5.21 of these regulations.

STREETS - means public or private rights-of-way that are primarily intended for motor vehicle travel or for motor vehicle access to abutting property. Streets are also intended for pedestrian or bicycle travel, or access to abutting property. A “street” includes all the area within the right-of-way, such as roadways, parking strips, and sidewalks. For the purposes of these regulations, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate highways or Thruways, including their ramps. The term street includes the term road.

STREET CLASSIFICATIONS

- A. ARTERIAL** – means a regional trafficway, transitway, or through street that is intended to serve as the principal route for traffic, transit and emergency vehicle movement.
- B. COLLECTOR STREETS** – means a street, which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.
- C. CUL-DE-SAC STREET** – a street with only one means of vehicular ingress and egress and with a turnaround at its terminus, i.e. – a dead-end street with a turnaround.

- D. DEAD END STREET** – means a street or a portion of a street with only one vehicular traffic outlet.
- E. ROADWAY** – refers to the portion of a street, which is designated for vehicle use.
- F. MINOR OR LOCAL STREET** – a street intended to serve primarily as access to abutting properties.
- G. MAJOR STREET** – a street, which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- H. MARGINAL ACCESS** – minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through-traffic.
- I. PAVEMENT** – that portion of the roadway used by vehicular traffic and covered with a wearing surface.
- J. STREET WIDTH** – means the right-of-way measured at right angles to the centerline of the street.

SUBDIVIDER – means any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION – means the division of any tract of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. Such division shall also include resubdivision of plats already approved by the Planning Board and/or filed in the Office of the County Clerk. That portion, if any, not intended for transfer of ownership, nor for building development, shall be regarded as an adjacent or contiguous holding.

- A. MAJOR SUBDIVISION** – means any subdivision not classified as a minor subdivision including, but not limited to subdivisions of five or more building lots or any size subdivision requiring any new street or extension of municipal facilities (i.e. – water, sewers, lighting, etc.), within a five year time period.

- B. MINOR SUBDIVISION** – means any subdivision containing not more than four building lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities, and not adversely affecting the practical and legal development of the remainder of the parcel or adjoining properties.

- C. LOT LINE ADJUSTMENT** – means a transfer of property between two or more adjoining landowners where the property to be transferred does not result in the creation of a new lot.

SUBMISSION – refers to the presentation and filing with the Planning Board of a subdivision plat and/or other documents.

- A. PRELIMINARY SUBMISSION** – refers to the preliminary plat and all other documents required for preliminary review of a submission by the Planning Board.

- B. FINAL SUBMISSION** – refers to the final plat and all other pertinent documents the subdivider is required to submit for final review of a subdivision by the Board.

SURVEYOR – means a person licensed as a Professional Land Surveyor by the State of New York or possessing a valid exemption issued by the New York State Department of Education.

TOWN – means the Town of Stillwater, Highway Superintendent of Stillwater or other officials responsible by law for the function referred to in these regulations. It may also refer to the person authorized to act as the representative of the responsible official or officials or Boards.

TOWN BOARD – shall mean the duly elected Town Board of the Town of Stillwater consisting of a Town Supervisor and elected Councilman.

TOWN CLERK – shall mean the duly elected Clerk of the Town of Stillwater.

TOWN ENGINEER – means the duly designated Engineer of the Town of Stillwater.

ZONING BOARD OF APPEALS– shall mean the duly appointed Zoning Board of Appeals of the Town of Stillwater.

ARTICLE IV PROCEDURE FOR LAND SUBDIVISION

Any subdivider who proposed to develop a subdivision in the Town of Stillwater shall follow the procedures specified in this Article.

4.1 PREAPPLICATION REVIEW

- 4.1.1 Prior to filing application or before preparing a preliminary layout, the subdivider shall submit to the Planning Board a sketch plan of the proposed subdivision layout together with data concerning the area, including the information specified in Section 6.1 and 6.2 (Subdivision Design Standards: General Requirements and Additional Requirements) in order to discuss the appropriateness of the proposed layout, the suitability of the land for development, the general requirements for improvements, and to determine the classification (minor or major) of subdivision.
- 4.1.2 The Planning Board shall inform the subdivider within 30 days after submission as to whether his sketch plans and data, as submitted or as modified, do or do not meet the objectives of these regulations. If said plans and data do not meet the objectives, the Board shall express its reasons therefore.
- 4.1.3 Pre-application review does not require formal application to the Planning Board, payment of fee or filing of plat with the Town or County Clerk.
- 4.1.4 If the subdivision is classified and approved by the Planning Board as a minor subdivision, a notation to that effect will be made on the sketch plan. The Planning Board may require the submission of any or all of the documents described in Section 5.3.1 (Plats and Documents for Preliminary Review: Preliminary Layout) or it may approve the minor subdivision in accordance with the sketch plan. The Planning Board may require the submission of any or all of the documents described in Section 5.3.1. or it may approve the minor subdivision in accordance with the sketch plan and not require further submissions of documents or posting of bonds, except that the subdivision must be approved by the Department of Health before it is to be recorded with the County Clerk, as provided in these regulations.

- 4.1.5 If the subdivision is classified as a major subdivision by the Planning Board, a notation to that effect shall be made on the sketch plan, which will be returned to the subdivider for compliance with all the applicable sections of these regulations.

4.2 PRELIMINARY SUBMISSION AND LAYOUT REVIEW

- 4.2.1 Upon receiving agreement by the Planning Board regarding the applicant's general program and objectives, in accordance with Section 4.1, (Procedure for Land Subdivision: Pre-application Review) the subdivider shall prepare to scale a preliminary layout together with improvement plans and other supplementary documents, as specified in Section 5.3 (Plats and Documents for Preliminary Review) and Article VI (Subdivision Design Standards) of these regulations, except minor subdivisions if these provisions have been waived by the Planning Board.

- 4.2.2 The preliminary layout and other supplementary documents shall be filed with the Code Enforcement Officer or Building Enforcement Clerk for submission to the Planning Board, together with a written application for conditional approval and appropriate fees as established by the Town Board. The official date of application shall be considered to be the date of the first regular Planning Board Meeting following which such surveys, plans, documents and applications are first filed with the Code Enforcement Officer or Building Enforcement Clerk and determined to be complete.

- 4.2.3 A processing fee per lot shall accompany all applications for conditional approval. The fee shall be in accordance with the printed schedule established by the Town Board.

4.2.4 ROLE OF THE PLANNING BOARD:

A. Within 30 days following official date of application the Planning Board shall:

- 1. Review the preliminary layout and other supplementary documents to determine the following:
 - a. Conformity with the Official Map, the Comprehensive Plan and these regulations.
 - b. Best use of the land being subdivided.

- c. Attention to the arrangement, location and width of streets, and their relation to the topography of the land.
 - d. Preservation of existing trees.
 - e. Ability and capacity of existing and proposed systems to accommodate sewage.
 - f. Ability and capacity of existing and proposed systems to provide water.
 - g. Drainage, lot sizes and arrangement.
 - h. Future development or preservation of adjoining lands as yet undivided.
- B. Negotiate with the subdivider on any changes deemed advisable and the kind and extent of public improvements to be constructed or installed by him or the amount of performance bond required to be posted in lieu of improvements.
- C. Notify the subdivider of any required public improvements, which may be waived.
- D. Within 45 days after the official date of application, either grant conditional approval of the preliminary layout and state in writing the conditions of such approval, or disapprove the preliminary layout, and express in writing the reasons for such disapproval. Such conditional approval shall automatically expire after six months unless extended by formal action of the Planning Board.
- 4.2.5 The Planning Board, in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultants or other professionals, hereinafter referred to as "consultant or consultants," as it deems reasonably necessary to enable it to review such application as required by law and these regulations, provided that the required expertise is not available from Town staff.
- A. The cost of such review should not exceed \$1,000 without prior notice to the applicant. The applicant shall pay the consultant's fee upon receipt of the consultant's detailed statement for the services provided. Payment of the consultant's fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.

- B. The action of the Planning Board, taken by Resolution, shall be noted by attaching a copy of the pertinent Resolution to all copies of the preliminary plat, to which shall also be attached any conditions imposed by the Code Enforcement Officer.
- 4.2.6 Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval only to guide the subdivider in the preparation of the final plat, which shall be submitted for the approval of the Planning Board, and for eventual recording after compliance with the requirements of these regulations and with any conditions specified in the conditional approval.
- 4.2.7 Public hearings on preliminary plats shall occur and be coordinated with any hearings the Planning Board may schedule pursuant to the state environmental quality review act. The hearing on the preliminary plat shall be advertised at least once in an official newspaper of general circulation in the town at least five days before such hearing if no hearing is held on a draft environmental impact statement, or fourteen days before a hearing held jointly therewith. Written notice of the proposed hearing shall be sent to all property owners within 500 feet of the proposed subdivision, at least 10 days before such hearing. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.
- A. If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the clerk of the Planning Board.
 - B. If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing

on the preliminary plat shall be held within sixty-two days of filing the notice of completion.

4.3 FINAL SUBMISSION AND PLAT REVIEW

- 4.3.1 Following conditional approval of the preliminary layout, the subdivider shall prepare a final plat, together with other supplementary documents in accordance with Section 5.4 (Plats and Documents for Final Review) and Article VI (Subdivision Design Standards) of these regulations.
- 4.3.2 The final plat and other supplementary documents shall be filed with the Code Enforcement Officer or Building Enforcement Clerk for submission to the Planning Board in accordance with Section 7.4, Time Extensions. The official date of application shall be considered to be the date of the first regular Planning Board meeting following which such application for final approval is first filed with the Code Enforcement Officer or Building Enforcement Clerk.
- 4.3.3 If desired by the subdivider, the final plat may consist only of that portion of the approved preliminary layout which the subdivider proposed to record and develop at one time, provided that such portion conforms to all applicable requirements of these regulations, and that the subdivision is being submitted for approval progressively in contiguous sections satisfactory to the Planning Board.
- 4.3.4 The Planning Board shall approve, modify and approve or disapprove the final plat within 45 days next following the official date of application.
 - A. However, approval of the final plat shall be granted only after the subdivider has complied with Subsections 4.3.6 through 4.3.8.
 - B. If a final hearing is not required by the Planning Board, then the Planning Board shall approve, modify and approve, or disapprove the final plat within 45 days next following the official date of application.
 - C. If a final hearing is held on the final plat the Planning Board shall coordinate with any hearings the Planning Board may

schedule pursuant to the state environmental quality review act as follows:

1. If the Planning Board determines that the preparation of an environmental impact statement is not required, a public hearing on a final plat not in substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within sixty-two days after the receipt of a complete final plat by the clerk of the Planning Board; or
 2. If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held in conjunction with a hearing on the final plat, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within sixty-two days following filing of the notice of completion.
 3. If the Planning Board disapproves the final plat, reasons for such disapproval shall be so stated in a resolution of the Planning Board and the pertinent Resolution shall be attached to the final plat.
- 4.3.5 The subdivider shall complete all streets, sanitary, safety and public improvements and requirements specified by the New York State Town Law and Section 5.6 (Public Improvements) of these regulations and not specifically waived by the Planning Board as specified in Article VII (Special Conditions). If any of the required improvements are not constructed or not approved by the appropriate public official or body prior to the approval of the final plat, the subdivider shall post with the Code Enforcement Officer a performance bond in compliance with the Town Law and Section 5.5 (Performance Bonds) of these regulations to guaranty the completion of such improvements.

- 4.3.6 The subdivider shall tender offers of cession, on a form approved by the Town Attorney, of all land included in streets, highways, school sites, parks or public open spaces, and shall obtain a certificate from the Town Attorney approving the legal sufficiency of the offers of cession of all areas for public use, such as parks, streets, playgrounds and school sites. However, approval of the final plat by the Planning Board does not constitute acceptance by the Town of the dedication of any street, highway, park or other public open space.
- 4.3.7 The subdivider shall obtain approval of water supply and sewage disposal systems on all plats upon which dwellings for five (5) or more lots on five (5) acres or less, or for subdivisions of 49 lots or more on any size acreage are proposed to be constructed, and shall submit copies of such plats to the Health Department District Office for examination in accordance with the requirements of Public Health Law.
- 4.3.8 Failure of the Planning Board to approve, modify and approve or disapprove the final plat within 45 days next following the official date of acceptance of a complete application shall result in the automatic approval of such final plat. The certificate of the Code Enforcement Officer or Building Enforcement Clerk as to the official date of application and the failure of the Planning Board to take action thereon within such 45-day period shall be issued to the subdivider upon demand, and shall be sufficient in lieu of any written notation or endorsement or other evidence of final approval herein required.
- 4.3.9 After compliance with Section 4.3.4 and notation to that effect upon the final plat, and after approval of the final plat by official action of the Planning Board, or after issuance of such certificate by the Code Enforcement Officer or Building Enforcement Clerk in accordance with Section 4.3.9, the final plat shall be deemed finally approved. Within 62 days following the date of such official action of the Planning Board, or the date of issuance by the Code Enforcement Officer or Building Enforcement Clerk of such certificate of non-action, the subdivider shall file the plat with the County Clerk, otherwise such final approval shall expire as provided by Town Law.
- 4.3.10 No plat which is an extension, section or portion of any previously submitted plat shall be approved until and unless all

conditions necessary for approval of such previously submitted plat have been satisfied and final approval shall have been granted in accordance with these regulations.

4.4 REVIEW AND APPROVAL PROCEDURE FOR LOT LINE ADJUSTMENT

The review and approval procedure for a lot line adjustment will be the same as the review and approval procedure for a minor subdivision, unless the following conditions are met, in which case the Planning Board may waive the requirements for sketch plan approval and the public hearing on such proposal, and approve such lot line adjustment.

- A. The area of the proposed land exchange or transfer does not exceed the minimum requirements of the area of the zoning district in which the affected lands are located,
- B. No additional lots will be created,
- C. Such exchange or transfer of lands does not preclude the proper future development, subdivision, or re-subdivision of the affected properties, and will not impede the maintenance of existing or development of future access or utility service to either lot,
- D. Such exchange or transfer of lands shall not create any non-conformity with the terms and regulations of the Town of Stillwater Zoning Law or Subdivision Regulations,
- E. The subdividers(s) has prepared and submitted for approval by the Planning Board a final plat prepared to the specifications set forth in these regulations, except for plat details that are specifically waived by the Planning Board,
- F. The subdivider has paid the final plat fee as set forth in these regulations.

4.5 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

4.5.1 Approval and certification of final plats

- A. Certification of Plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plan shall be filed in the clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such

resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the office of the clerk of the Planning Board or filed with the town clerk as determined by the town board.

- B. Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
1. Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within one hundred eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.
 - 4.2. Upon approval of final plat and posting of a bond in accordance with Sections 4.3.6 and 5.5 (Performance Bonds) of these regulations, or upon certification of completion or installation of all required improvements to the satisfaction of the Town Board, the subdivider may be issued building permits for the construction of buildings in accordance with the approved subdivision and the Zoning Ordinance.
 - 4.3. Upon completion of all required public improvements to Town standards and upon certification of completion by the Town Highway Superintendent, the subdivider may be issued certificates of occupancy for any buildings constructed in the subdivision.

- 4.4. No certificate of occupancy shall be issued until the grading and respreading of topsoil has been completed in accordance with Section 7(Additional Requirements) unless a bond in an amount sufficient to guarantee the proper grading of the property and the respreading of the topsoil have been posted.
- 4.5. Unless building permits have been issued within one calendar year following the date of filing of an approved final plat with the County Clerk, such approval of final plat shall be revoked as provided in Section 7.5, Revocation, except that a time extension may be granted in accordance with Section 7.4, Time Extensions.
- 4.6. No building permits shall be issued following revocation of approval of a final plat in accordance with Section 7.52, Modifications until another application for approval of final plat has been filed and approval granted by the Planning Board.

ARTICLE V REQUIRED PLATS, DOCUMENT, BONDS, IMPROVEMENTS AND UTILITIES

Any subdivider who proposes to develop a subdivision in the Town of Stillwater shall submit plats and documents and comply with the regulations regarding the posting of bonds and construction of improvements and utilities as provided in this Article.

5.1 GENERAL REQUIREMENTS

- 5.1.1 One original drawing and ten black and white prints of all required plans, plats, or surveys, and ten copies of all other supplementary documents and written applications shall be filed with the with the Code Enforcement Officer or Building Department Clerk.
- 5.1.2 All original drawings shall be submitted on sheets of mylar no longer than 24 inches by 36 inches at horizontal scales of one inch equals no more than 100 feet and vertical scales of one inch equals no more than 20 feet. When more than one sheet is required to show the plat within the prescribed scale, an index sheet of the same size shall be submitted showing the entire proposed subdivision with lot and block numbers clearly legible, unless otherwise approved by the Planning Board.
- 5.1.3 All submissions shall bear the following information: the proposed subdivision name; identifying title; the words "Town of Stillwater, Saratoga County, New York", the date of submission of survey; the name and address of the record owner or subdivider; and where applicable, the names and addresses of engineers, planners or surveyors engaged to prepare drawings; north arrows and graphic scales.
- 5.1.4 Space shall be provided on all submissions for required endorsements by appropriate agencies.

5.2 PRE-APPLICATION DOCUMENTS

- 5.2.1 The SKETCH PLAN may be a free-hand pencil sketch made directly on a print of a topographic survey of the proposed subdivision area or the proposed layout of streets, lots, and other features in relation to existing conditions, and shall show all topographic data required for the preliminary layout or such of these data as the Planning Board considers necessary for its review of the sketch plan.

5.2.2 The LOCATION MAP shall show the relationship of proposed subdivision to the balance of the Town of Stillwater.

5.2.3 General subdivision information shall describe or outline the existing conditions of the site and the proposed development wherever necessary to explain and supplement the Sketch Plan and Location Map. This information may include data on existing covenants, land characteristics, available community facilities and utilities and proposals for number of residential lots, typical lot width and depth, price range, business areas, playgrounds, parks and other public areas, protective covenants, utilities and street improvements or other data as may be requested by the Planning Board.

5.3 PLATS AND DOCUMENTS FOR PRELIMINARY REVIEW

5.3.1 The PRELIMINARY LAYOUT shall show both existing topographic data and proposed conditions as follows:

5.3.1.A. Existing topographic data (required)

1. Boundary lines; bearings and distances;
2. Locations, width, identification and purpose of easements and rail right-of-way width and location; type, width and elevation of surfacing; walks, curbs, gutters, culverts, etc;
3. Streets on and adjacent to the tract; name and right-of-way width and location, type, width and elevation of surfacing; walks, curbs, gutters, culverts, etc.
4. Utilities on and adjacent to the tract; location of septic tanks and leaching systems; location, direction and flow, size and invert elevation of sanitary, storm and combined sewers, water mains, underground electric and telephone lines and gas lines; location of fire hydrants, electric and telephone poles, and above ground pad transformers, street lights; (if water mains and sewers are not adjacent to the tract, indicate the direction and distance to the size of nearest ones, showing invert elevations of sewers);
5. Ground elevations on the tract; for land that slopes less than approximately four (4) percent, show contours at intervals of two feet or as prescribed by the Planning Board;
6. Other conditions on the tract; rail lines, water courses, marshes, rock outcrop, wooded area, isolated

- preservable trees, houses, barns, shacks, and other significant features;
7. Other conditions on adjacent land within 50 feet of boundary; approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby residential land uses or adverse influences; owners adjacent unplatted land; for adjacent platted land refer to subdivision plat by name;
 8. Zoning on and within 50 feet of tract;
 9. Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract, if known to the subdivider;
 10. Key plan showing location of the tract; and
 11. Title and certificates: present tract designation according to official records in office of the County Clerk; block and lot numbers before subdivision, as shown on the latest municipal tax maps; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, datum, benchmarks, certification of registered Engineer or Surveyor and date of survey.
- 5.1.3.B. Existing topographic data (at discretion of Planning Board):
1. Subsurface conditions of the tract; location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet; location and results of soil percolation tests if individual sewage disposal systems are proposed; and
 2. Photographs: camera location, directions of views and key numbers.
- 5.3.1.C. Proposed site improvements:
1. Streets: names, rights-of-way widths; approximate grades and gradients, similar data for alleys, if any;
 2. Other rights-of-way or easements: location, width, and purpose;
 3. Location of utilities (if not shown on other exhibits);
 4. Lot lines, lot areas, lot numbers, block numbers;

5. Sites, if any, to be dedicated for parks, playground or other public uses;
 6. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single family dwellings;
 7. Minimum building setback lines;
 8. Site data, including but not limited to, number of residential lots, typical lot size, acres in parks;
 9. Approximate grading plan if natural contours are to be changed more than two feet.
- 5.3.2 Other preliminary plans may be required by the Planning Board including the following:
- A. Street profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; and
 - B. Typical cross-sections of the proposed grading, roadway and sidewalk, type and depth of surfacing and sub-base.
 - C. All elevations are to be based on a datum approved by the Planning Board.
- 5.3.3 A draft of protective covenants or deed restrictions shall be submitted whereby the subdivider proposed to regulate land use in the subdivision and otherwise protect the proposed development.
- 5.3.4 A deed description and map of survey of tract boundary made and certified by a licensed land surveyor shall be submitted.
- 5.3.5 A vicinity map showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area shall be submitted.

5.4 PLATS AND DOCUMENTS FOR FINAL REVIEW

5.4.1 PLATS

5.4.1.1 The FINAL PLAT shall show the following:

- A. Primary control points approved by the Planning board or descriptions and “ties” to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred;
- B. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines of

- residential lots and other sites, with accurate dimensions, bearings, or deflection angles, and radii, arcs and central angles of all curves;
- C. Name and right-of-way width of each street or other right-of-way;
 - D. Location to identify each lot or site, lot areas in square feet;
 - E. Location, dimensions and purpose of any easements;
 - F. Designation of purpose of all areas to be dedicated or reserved for public use for which deeds of cession are included, and any street or other such spaces which are not to be dedicated;
 - G. Proposed street names, block, lot and section numbers in sequence as directed by the Town Tax Assessor;
 - H. Minimum building setback line on all lots and other sites;
 - I. Location and description of monuments (A number of permanent concrete or granite survey monuments shall be required;
 - J. Names of record owners of adjoining unplatted land;
 - K. Reference to recorded subdivision plats of adjoining platted land by recorded, date and number;
 - L. Signature and seal by a licensed surveyor or engineer;
 - M. Certification of title showing that applicant is the owners. (Recent deed will suffice.);
 - N. Statement by owner dedicating streets, rights-of-way, any sites for public uses and easements for public utilities;
 - O. Plans and profiles showing the exact location, size and invert elevations of existing and proposed water mains, sanitary sewers and storm water drains; profiles of all utility lines at points of interference; and the location of fire hydrants and all gas or other underground utilities or structures;
 - P. The location of all the following improvements required by law and these regulations unless specifically waived in writing by the Planning Board on a finding that they are not necessary in the circumstances of the particular subdivision: street paving, street signs, sidewalks, street lighting standards, telephone poles, cement concrete curbs and gutters, street trees and private sewage disposal systems;
 - Q. Grading plan showing present and proposed contours at two (2) foot intervals or as required by the Planning Board;

- R. Sufficient data to readily determine the location, bearing and length of every street line, lot line and boundary line in order to reproduce such lines upon the ground. Where practicable, there should be tied to reference points previously established by public authority;
- S. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings shall be given for each street. All dimensions shall be shown in feet and decimals of a foot. All angles of the lines of each lot shall be given to the nearest ten seconds; and
- T. All public open spaces for which deeds of cession are included.

5.4.2 DOCUMENTS

- 5.4.2.1 After filing with the County Clerk, the applicant shall submit ten black and white prints of the final plat to the Planning Board, showing the recording date of the County Clerk thereon.
- 5.4.2.2 Cross sections and profiles of all proposed streets shall be submitted showing grades approved by the Town Highway Superintendent, width of roadways, type and depth of surfacing and sub-base, locations and width of sidewalks and the locations and size of utility mains. The profiles shall be drawn to standard scales and elevations along centerlines of streets, showing existing and proposed elevations, and shall be based on a datum plane approved by the Town Highway Superintendent. Where a proposed street intersects an existing street, the elevation of such existing street shall be shown for 100 feet from each intersection. All elevations must be referred to established or approved local bench marks.
- 5.4.2.3 Protective covenants shall be submitted in form for recording.
- 5.4.2.4 A certificate by the Town Highway Superintendent shall be submitted certifying that the subdivider has complied with one of the alternatives;
 - A. That all improvements have been installed to the satisfaction of the Town Highway Superintendent as to standards and specifications prescribed by him, and in accordance with the requirements of these regulations and with the action of the

Planning Board giving conditional approval of the preliminary layout, or

- B. That a performance bond or certificate check has been posted, which is available to the Town of Stillwater and in sufficient amount to assure such completion of all required improvements.

- 5.4.2.5 Written agreement between the subdivider and the Town Board covering title, and provision for the cost of grading, development, equipment and maintenance of any parks, playgrounds or open public spaces. Such agreements shall bear the endorsement of the Town Attorney as to their legal sufficiency.
- 5.4.2.6 Written agreements, in accordance with Section 5.71, that public utility companies will make necessary service installations where required by the Planning Board.
- 5.4.2.7 Other data such as other certificates, affidavits, endorsements or approvals shall be submitted as may be required by the Planning Board in the enforcement of these regulations.
- 5.4.2.8 No changes, erasures, modifications or revisions shall be made on any subdivision plat after final approval has been given by the Planning Board and/or the plat has been duly filed with the County Clerk, unless such plat has first been resubmitted to the Planning Board and such change, etc., has been approved by the Board. Any plat so changed without first being resubmitted to the Planning Board and approval granted shall be considered null and void and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

5.5 PERFORMANCE BONDS

- 5.5.1 Bonds posted by the subdivider in compliance with Section 4.3.4 (Final Submission and Plat Review) shall be in amount determined by the Planning Board and Town Engineer or other appropriate Town departments designated by the Planning Board, to cover the full cost of required public improvements.
- 5.5.2 Such performance bonds shall be issued by a bonding or surety company approved by the Town Board, or by the subdivider with security acceptable to the Town Board.

- 5.5.3 Such performance bonds shall be approved by the Town Attorney as to form, sufficiency, surety and manner of execution.
- 5.5.4 Such performance bonds shall run for a term to be fixed by the Planning Board, but in no case for term longer than three years. Such term may be extended by the Planning Board with the consent of the parties thereto.
- 5.5.5 If the Planning Board shall decide at any time during the term of the performance bond that:
- A. The extent of the building development which as taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond; or
 - B. Improvements have been installed in accordance with Town Law and as required by the Planning Board in sufficient amount to warrant reduction in the face amount of each bond;
 - C. The character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original term of such bond, then the Planning Board may modify its requirements for any or all such improvements, and the face value of such performance bond shall thereupon be reduced or increased by an appropriate amount so that new face value will cover the cost in full of the amended list of improvements required by the Planning board, and any security deposited with the bond may be reduced or increased proportionately.
- 5.5.6 In the event that any improvements have not been installed as required by the Planning Board within the term of such performance bond, the Town Board may thereupon declare such bond to be in default and collect the sum remaining payable thereunder; and upon receipt of the proceeds thereof, the Town shall install the improvements covered by such bond which are commensurate with the extent of building development that has taken place in the subdivision, but not exceeding in cost the amount of such proceeds.
- 5.5.7 If the Planning Board, or an appropriate Town Officer appointed by it, shall find upon inspection that any of the required improvements have not been constructed in accordance with the plans and conditions approved and specified by the Planning Board, then the subdivider and the bonding company (if any) shall be severally and jointly liable for

the costs of completing said improvements as originally specified by the Planning Board.

- 5.5.8 Such performance bonds shall be released to the subdivider only upon certification by the Town Board that all required improvements have been satisfactorily completed.
- 5.5.9 Other bonds, which shall be required by the subdivider, are specified in Sections 4.3.6 (Final Submission and Plat Review) and 4.4.4. (Building Permits and Certificates of Occupancy) of these regulations.

5.6 PUBLIC IMPROVEMENTS

In making determinations regarding the necessity and extent of the installation of public improvements, the Planning Board shall take into consideration the prospective character and uses in the proposed subdivision – whether dense residential, open residential, business or industrial.

- 5.6.1 The Planning Board shall require the installation of the following public improvements in accordance with Town Law, unless it shall specifically waive any such improvement as provided in Section 7.3, Waivers:
- A. Parks, playgrounds, or other public open spaces fore recreational purposes of adequate size and location;
 - B. Streets and highways suitably placed and improved with any or all of the following: street signs and poles, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, sanitary sewers, storm sewers, fire alarm signal devices including necessary ducts and cables or other connecting facilities, and
 - C. Monuments suitably placed and installed.
- 5.6.2 All improvements as required shall be installed in accordance with standards, specifications and procedures acceptable to the appropriate Town departments or as provided in these regulations.
- 5.6.3 Unless a bond is posted in accordance with Sections 4.3.5.1 (Final Submission and Plat Review) or 5.5, (Performance Bonds) all improvements as required shall have been completed, installed or constructed, and so certified, before approval of final plat shall be granted and before any permits or certificate of occupancy shall be

issued in accordance with Section 4.4, Building Permits and
Certificates of Occupancy.

5.7 PUBLIC UTILITIES

- 5.7.1 When public utility facilities are to be installed, the subdivider shall submit to the Planning Board written assurances from each public utility company that such company will make the necessary service installations within a time limit and according to specifications satisfactory to the Planning Board.

ARTICLE VI SUBDIVISION DESIGN STANDARDS

(See Appendix for Illustrations of Design Standards.)

6.1 GENERAL REQUIREMENTS

Before the approval by the Planning Board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval of a plat already filed in the office of the clerk of the county wherein such plat is situated if the plat is entirely or partially undeveloped, the Planning Board shall require that the land shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.

Design standards for pavement, roads, and drainage systems are provided in the appendix of this document. All designs for pavement, roads and drainage systems must conform to the standards herein or be reviewed and approved by the Planning Board.

6.2 ADDITIONAL REQUIREMENTS:

The Planning Board may also require the following:

- 6.2.1 *Character of Land:* Only land that is of such character that it can be used without danger to health or peril from fire, flood, or other menace shall be approved for subdivision or building purposes.
- 6.2.2 *Preservation of Natural Features:* The Planning Board may require the preservation of all natural features which add value to residential development and to the community, such as large trees or groves, water courses and falls, beaches, historic spots and similar irreplaceable assets.
- 6.2.3 *Conformance with Official Map and Comprehensive Plan:* Subdivision plats and improvements provided shall conform to the Official Map and Zoning Ordinance of the Town of Stillwater and shall be in harmony with the Comprehensive Plan.
- 6.2.4 *Minimum Lot Area:* No lot area in a subdivision shall be of less than the minimum required by the Zoning Ordinance for the district in which it is located, unless otherwise provided in the Zoning Ordinance.
- 6.2.5 *Build able Lots:* The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance,

there will be not foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

- 6.2.6 *Plats with Access: Through Other Municipalities:* Whenever access to subdivision is by crossing land in another municipality, the Planning Board may require certificates from authorities having appropriate jurisdiction that such access is adequately improved or that a legally adequate performance bond has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.
- 6.2.7 *Replatting:* Replatting of all or part of land covered by an existing plat which has been laid out prior to compulsory filing shall comply with these regulations now required for an original plat, including the vicinity map. Such replat shall show clearly what area or areas have been vacated. It shall also show the fields number of all previous plats of the same area with dates of filing.
- 6.2.8 *Preservation of Topsoil:* Topsoil shall be preserved wherever possible. In areas over which heavy equipment will be operated, the topsoil shall be stripped and piled on the property. When final grads have been established and construction activities have been completed, the entire property shall be suitably graded and recovered
- 6.2.9 *Watercourses:* Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by culverts or other permanent structures of a design approved by the Town Highway Superintendent. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way according to specifications of the Town Highway Superintendent, but in no case shall such easement or right-of-way be less than 25 feet in width.
- 6.2.10 *Monuments:* Monuments shall be constructed in accordance with the specifications of the Town Engineer and the requirements of the State Department of Transportation if applicable. They shall be set at all corners and angle points of the boundaries of the original tract, at all street intersections and points of curve, and at such intermediate points as shall be required by the Planning Board, and the locations thereof shall be shown on the subdivision plat. The corners of all lots shall be marked with metal markers ½" in diameter and at least 24" in length, driven into the ground to grade.

6.3 PARKS, PLAYGROUNDS, AND OPEN SPACES

- 6.3.1 *Conformance with Comprehensive Plan:* Where proposed park, playground or land for other public use is shown on the Comprehensive Plan and is located in whole or in part within the proposed subdivision, the Planning Board may require the subdivider to dedicate such area or portion thereof which lies within the subdivision.
- 6.3.2 *Large-Scale Residential Developments:* In large scale developments or developments of a size and nature not proposed or anticipated by the Comprehensive Plan, the Planning Board may require the subdivider to dedicate sites for playgrounds and parks whose character, extent, and location will be suitable to the needs created by such development, whether or not such sites are shown on the Comprehensive Plan.
- 6.3.3 *Percentage of Land Dedicated:* Areas for parks and playgrounds shall be of reasonable size for neighborhood playgrounds or other recreation uses. In general, the Planning Board shall require, and the subdivider shall provide, not less than five (5) percent of the gross area of the subdivision for this purpose. This percentage may be increased or decreased by the Planning Board depending upon lot size and population in the subdivision and upon the quality and usability of land offered by the subdivider for recreational purposes.
- 6.3.3.1 The minimum area of contiguous open space acceptable for this use shall be one acre. A smaller open space may be approved by the Planning Board if the difference in area between the space offered and the one-acre minimum may be provided by future subdivision of adjacent land.
- 6.3.4 (a) In an application for a major subdivision (as defined by the subdivision regulations), the Planning Board may require land be set aside for active or passive recreational use, and the degree of development of the recreational facility shall be judged on a case by case basis by the Planning Board.
- (b) The Planning Board shall take into consideration when determining whether lands should be set aside per paragraph (a) above the closeness to other public facilities, the size of the lots contained within the subdivision, the nature of the terrain, and any other factors deemed appropriate by the Planning Board.
- (c) In the event the Planning Board has not required lands to be set aside for active or passive recreational use, in any particular individual

case, then the Planning Board shall require the applicant to make a payment in lieu of dedication of recreational lands as provided herein.

(d) In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or if in the opinion of the Planning Board it is not desirable, the Planning Board may waive the requirement that the Plat show land for such purposes. The Planning Board shall then, as a condition to approval of the Plat, assess a recreation fee on a per lot basis. The recreation fee shall be established by the Town Board pursuant to resolution, as may be amended from time to time. Such amount shall be paid to the town at ~~Me~~ the time of final plat approval, and no plat shall be signed by the chairman of the Planning Board until such payment is made. All such payments will be held by the Town Board in a Special Town Recreation Site Acquisition and Improvement Fund to be used only for the physical improvement of existing parks or recreation areas, providing the Town Board finds there is a need for such improvements.

(e) Each parcel existing in the Town on the date these regulations are adopted shall constitute one parcel and any subdivision or further division or breakdown of that parcel in the future to more than four dwelling units will cause the invoking of these regulations, regardless of whether the same owner or a successor subdivides more than four dwelling units or subdivides the parcel which thereafter became more than four in total, from the same original parcel of land. Each dwelling unit created after the fourth shall cause the then owner to be required to pay per lot recreational fee for each dwelling unit after the fourth.

(f) In the event the subdivision is five or more dwelling units, whether upon the initial application or as accumulated requiring a recreation fee to be paid, the fee shall be paid in increments of five at the time the building permit for each subsequent section of five lots as applied for, that is: 1 through 5 payment for five on issuance of first Building Permit; 5 through 10 payment for five on issuance of sixth Building Permit; 10 through 15 payment for five in issuance of the eleventh Building Permit, etc. Payment will be made for all five even if only one building permit is applied for in that section for five lots.

(g) In those instances where the Planning Board mandates the dedication of land for park, playground or recreation purposes, the Planning Board can require the amount of land be no more than ten percent of the total area of the property. (Adopted 9/20/95, Local Law 3 of 1995)

6.4 STREETS

6.4.1 *General Objectives:* Streets shall be of sufficient width, suitably graded and located and adequately constructed to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access for fire fighting, snow removal and other road maintenance equipment, and shall be coordinated so as to compose a convenient system conforming to the Official Map and properly related to the proposals shown on the Comprehensive Plan. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties, and no property shall be rendered inaccessible from an existing public street or from a proposed street in a subdivision for which a completion bond has been posted.

6.4.2 *Arrangements:* The arrangements of streets in the subdivision shall provide for the entrance and continuation of principal streets from adjoining subdivisions and for the extension of principal streets into adjoining land which as not yet been subdivided. Such arrangement shall be required in order to facilitate fire protection, movement of traffic and the construction or extension, currently or as needed in the future, of necessary utilities and public services, such as sewers, water and drainage facilities.

6.4.3 *Street Widths:* Streets shall have the following right-of-way and paving widths:

Table 6.1: Street Classifications		
STREET CLASSIFICATION	RIGHT OF WAY WIDTH	STREET WIDTH
Arterial	150 feet	72 feet
Collector Street	60 feet	36 feet
Minor or Local Street	50 feet	24 feet
Marginal Access Street	50 feet	24 feet

6.4.3.1 The amount of street width apportioned to planting strips and to sidewalks may vary with the character of the proposed subdivision and shall be subject to the approval of the Planning Board.

6.4.4 *Pavement, Drains and Culverts:* All pavement, drains, culverts and other street improvements are required by the Planning Board to conform to Town specifications and the approval of the Planning Board.

- 6.4.5 *Marginal Access Streets:* Where the proposed subdivision contains or is adjacent to an existing or proposed railroad right-of-way, major artery or limited access highway, the Planning Board may require marginal access streets, dead-end streets, reverse frontage lots screen planting and other treatment to protect adjacent properties, to separate arterial and local traffic and to create lots suitable for the appropriate use of the land between the streets and the rights-of-way of the major artery, limited-access highway or railroad.
- 6.4.6 *Local Streets:* Local streets shall be laid out in a manner to discourage their use by through traffic. Local and collector street openings onto a major artery shall normally be at least 500 feet apart.
- 6.4.7 *Street Connections:* Subdivisions containing 50 lots or more shall have at least two street connections with existing streets.
- 6.4.8 *Grades and Curves:* Grades of all streets shall conform to the general terrain and shall be not less than one-half of one (0.5) percent, nor more than seven (7) percent, except that local streets with grades up to ten (10) percent may be approved by the Planning Board. The combination of steep grades and curved streets shall be avoided.

- A. All changes in grade shall be connected by vertical curves of such lengths and radius as meet with approval of the Town Highway Superintendent so that clear visibility shall be provided for a safe distance. The desirable minimum sight distances on vertical curves shall be:

Street Classification	Minimum Sight Distance
Major Street or Arterial	350 feet
Collector Road	250 feet
Minor or Local Street	150 feet
Marginal Access Street	150 feet

- B. All street intersection corners shall be rounded by curves of at least 25 feet radius. The corner property lines also shall be rounded to maintain a margin of at least the width between the street curb and the property line along the minor intersecting streets. In general, street lines deflecting from each other at any one point more than ten (10) degrees shall be connected with a curve the radius of which for the inner street lines shall be no less than as follows:

Table 6.3: Minimum Radius of Inner Street Lines	
Street Classification	Minimum Distance
Major Street or Arterial	350 feet
Collector Road	250 feet
Minor or Local Street	100 feet
Marginal Access Street	100 feet

1. The outer street line in each case shall be concentric to the inner street line.
2. Wherever possible, reverse curves shall be separated with tangents at least 100 feet long.

6.4.9 *Street Intersections:* Intersections of streets shall be at angles of approximately 90 degrees for a distance of at least 100 feet back from the intersection of centerline, but in no case shall two streets intersect at an angle smaller than 60 degrees.

6.4.10 *Discontinuous Streets:* Streets with centerline offsets of less than 125 feet along an intersecting street shall not be permitted.

6.4.11 *Grading at Corners* (for adequate street sight distance and safety in driving). Wherever a street is intersected by another street, the land at the corners of the intersections shall be graded so as not to exceed in elevation at any point the surfaces of imaginary triangular planes established as follows: One corner defining each imaginary plane shall be at a point two and one-half feet directly above the point of intersection of the centerlines of streets. The other two corners of each triangular plane are established at a distance of 100 feet from the point of intersection of centerlines of adjacent streets, and then directly above these points at a vertical distance of two and one-half feet.

6.4.12 *Streets with One Means of Ingress and Egress:* Streets with one means of ingress and egress shall terminate in a cul-de-sac designed in accordance with these regulations.

6.4.13 *Dead-end Streets:* Dead-end streets, e, must conform to the design standards in these regulations. Other designs for dead end streets are subject to review and approval of the Highway Engineer..

6.4.14 *Cul-de-sac Length:* Cul-de-sac shall not exceed 600 feet in length or eight times the minimum lot width required by the Zoning Ordinance,

whichever is the shorter and shall terminate in a circular turnaround having a minimum right-of-way radius of 77 feet.

6.4.15 *Easements in Cul-de-Sacs*: The Planning Board may require the reservation of a 25-foot wide easement at the end of cul-de-sacs to provide for continuation of pedestrian traffic into the next street, or an easement of appropriate width for drainage or utility easements.

6.4.16 *Street Names*: All streets shown on the preliminary layout or the subdivision plat shall be named and all street names shall be substantially different in order not to be confused in sound or spelling with present street names in the Town, except that streets which join or align with streets of an abutting subdivision or area shall bear the same name as such streets.

6.4.17 *Street signs*: All street signs shall be erected at the expense of the developer at such time as the grading and paving of the highway or street is completed, in accordance with Town specifications and with approval of the Planning Board.

6.5 PEDESTRIAN WAYS

6.5.1 *Sidewalks on Collector Roads*: All streets designated as “collector roads” shall have, at a minimum, a five-foot wide sidewalk on both sides of the street. All such sidewalks shall be so placed that there will be a distance of three feet between the sidewalk and the street paving and a distance of three feet between the sidewalk and the street paving and a distance of four feet between the inner edge of the sidewalk and the right-of-way line. Planting of street trees will be permitted in the space between the sidewalk and the right-of-way line.

6.5.2 *Sidewalks on Local Streets*: All local streets shall be provided with a sidewalk on one or both sides of the street at the discretion of the Planning Board. Such sidewalks shall be located as follows:

6.5.2.1 When a sidewalk is to be provided along only one side of a local street, the street paving shall be offset from the right-of-way centerline by eight feet. The sidewalk shall be five feet in width and so placed that there will be a distance of three feet between the sidewalk and the street paving. Planting of street trees will be permitted in the space between the sidewalk and the right-of-way line only.

- 6.5.2.2 When sidewalks are to be constructed along both sides of a local street, the street paving shall be centered within the right-of-way. Each sidewalk shall be five feet in width and so placed that there will be a distance of three feet between the sidewalk and the street paving. Planting of street trees will be permitted in the space between the sidewalk and the right-of-way line only.

6.6 LOTS AND BLOCKS

- 6.6.1 *Lot Layout:* Lots shall be laid out and arranged to avoid any foreseeable difficulties by reason of unusual topography or other natural conditions and to permit construction of buildings in full compliance with the Zoning Ordinance.
- 6.6.2 *Deep Lots:* Lots shall not be of unreasonable depth, but if such depth is unavoidable, provision should be made wherever possible in the layout of the subdivision for streets, which may be added later through re-subdivision to serve the development of the rear lots.
- 6.6.3 *Corner lots:* Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line on both streets, as well as side yard requirements, for the zoning district in which the lot is located.
- 6.6.4 *Interior lots:* No building permit shall be issued for the erection of a building on any interior lot.
- 6.6.5 *Double-frontage lots:* Lots whose front and rear lot lines abut two separate and approximately parallel streets shall be avoided except in residential areas abutting major artery right-of-way.
- 6.6.6 *Minimum Lot Size:* Each lot shall be no smaller than the minimum size required by the Zoning Ordinance for the district in which it is located.
- 6.6.7 *Minimum Lot Width:* The minimum lot width specified in the Zoning Ordinance may be measured at the front property building setback line along a line parallel to the street line.
- 6.6.8 *Side Yard Lines:* An effort should be made to have all side yard lines of lots at right angles to straight street lines and radial to curved street lines.

6.6.9 *Driveway Access:* Wherever possible, lots shall be laid out so that driveways have access to a street, which is intended to carry the least traffic.

6.6.10 *Block Design:* Each block shall normally be designed to provide two rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and which contain interior parks will be acceptable when properly designed, and if the maintenance of such interior parks is provided for in covenants and agreements acceptable to the Planning Board.

6.7 PUBLIC IMPROVEMENTS AND UTILITIES

6.7.1 *General Objectives:* Underground public improvements, required by the Planning Board, in accordance with Section 5.6, Public Improvements, and public utilities shall be placed in the street rights-of-ways preferably between the street paving and the sidewalks or between the street paving and the right-of-way line. Where topography makes such placement impracticable, perpetual unobstructed easements at least 15 feet wide with satisfactory access to the street, shall be provided for along lot frontages abutting the street line. Wherever possible, easements shall be as regular as possible. Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the Town or by a special district may be installed by the Town in a private street, provided a public easement of satisfactory size is obtained for such improvement or utility. Before the street is paved, the subdivider shall install underground service connections for all required public improvements to the property line of each lot within the subdivision.

6.7.2 *Water:* Where an appropriate public water main already exists and is accessible, the subdivider must connect into said main and provide a water connection for each lot. Where an appropriate water main does not exist or is not accessible, the subdivider shall install at his expense such main together with all necessary equipment necessary to make such water system conform to the standards of the Town or provide an alternate water system acceptable to the Town Planning Board and approval by the N.Y. S. Health Department.

6.7.3 *Sanitary Sewers:* Where an appropriate public sanitary sewer system is reasonably accessible, the subdivider shall install at his expense the necessary connections into the system and provide a sewer connection of each lot.

- 6.7.4 **Septic Tank Systems:** Where an appropriate public sanitary sewer system is not reasonably accessible, but where the plans for the sanitary sewer district in which the subdivision is located have been prepared, the subdivider, at his expense, in addition to installing sanitary sewers in conformity with those plans for eventual connection with a trunk sewer, shall provide private septic tank systems which shall conform to the requirements of the N.Y.S. Health Department and of all other authorities having jurisdiction. The Planning Board shall ascertain that such lots shall be of sufficient size to provide adequate leaching fields for satisfactory performance of the system.
- 6.7.5 **Septic Systems:** Where an appropriate sanitary sewer system is not reasonably accessible or planned in the foreseeable future, private septic tank systems, which shall conform to the N.Y.S. Health Department, will be permitted.
- 6.7.6 **Storm Drainage Sewer Systems:** The subdivider shall install all necessary storm drainage sewers and appurtenant facilities at his expense in accordance with standards of the Town and of all authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the subdivider shall provide appropriate means and methods for storm water runoff satisfactory to the Planning Board and all other authorities having jurisdiction.

ARTICLE VII SPECIAL CONDITIONS

7.1 VARIATIONS

7.1.1 Request by the subdivider for variation, modifications, waivers or time extensions in connection with provisions of these regulations shall be presented in writing to the Planning Board prior to any regular meeting; shall explain the request in detail making reference to the specific provision of these regulations which are concerned; shall state the interpretation, change or permission desired; and shall present the specific reasons for such request. The Planning Board with 30 days following the date of such request shall reply in writing to the subdivider either approving or disapproving such request and giving the reasons therefore.

7.1.2 Wherever extraordinary hardship faces the subdivider as a result of the strict application of these regulations, the Planning Board may approve variations from these regulations in order to provide substantial justice and secure the public interest. Such variations shall, however, not have the effect of negating the intent, purpose and policies of the Zoning Ordinance, the Comprehensive Plan and these or other applicable regulations.

7.1.3 Wherever due to unusual topographic conditions the continuation of streets or the placement of lots and improvements are rendered undesirable or impractical, the Planning Board may approve variations from these regulations.

7.1.4 In granting variations and modifications, the Planning Board may require such alternative conditions as will secure substantially the same objectives of the standards or regulations so varied from or modified.

7.2 MODIFICATIONS

7.2.1 The Planning Board may modify the standards and requirements of these regulations in the case of a plan and program for a new town, a complete community, a neighborhood unit or other large-scale development which in its judgment 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 to assure conformity

with, and achievement of, the general policies and objectives of these regulations as long as such modifications do not conflict with applicable provisions of the Zoning Ordinance or Town Law.

7.2.2 The Planning Board is empowered to make reasonable modifications, changes or supplements to the Zoning Ordinance of the Town of Stillwater, or any portion thereof, as applied to a subdivision plat showing new streets simultaneously with the approval of such subdivision plat. Such action is authorized in accordance with and subject to the provision of Section 281 of the Town Law.

7.2.3 The Planning Board may at any time during the term of a performance bond modify its requirements for any or all improvements covered by such bond in accordance with Section 5.5.5 of these regulations (Performance Bonds) or ~277 of Town Law.

7.3 WAIVERS

7.3.1 The Planning Board may waive, subject to appropriate conditions and guarantees, for such period as it may determine, the requirements of these regulations relative to the provision and design of any or all such public improvements which in its judgment of the special circumstances of a particular plat or plats are not requisite to the interest of the public health, safety and general welfare of the Town or are not appropriate because of inadequacy to or proximity of the proposed subdivision.

7.4 TIME EXTENSIONS

7.4.1 The Planning Board is empowered to establish its own rules of procedure for the granting of time extensions and the revoking of approvals, so long as they are not in conflict with these regulations or the provisions of Town Law pertaining to subdivision plats.

7.4.2 The Planning Board may extend upon proper application by the subdivider:

- A. The six-month conditional approval period as specified in Section 4.2.4.2 provided the proposed subdivision fully

conforms to the Zoning Ordinance in effect at the time such extension is applied for, and

B. The one-year period for beginning construction (at least one residence to be started) following the filing of an approved final plat with the County Clerk as provided in Section 4.4, (Building Permits and Certificates of Occupancy.)

7.4.2.1 Such extension may be granted for not more than two periods of six months each at the discretion of the Planning Board.

7.5 REVOCATION

7.5.1 If within one calendar year following the date of filing of an approved final plat with the County Clerk no building permits have been issued to the subdivider, no construction of improvements has begun and no performance bond in lieu of construction has been posted by the subdivider as provided in these regulations, then the Planning Board is empowered to revoke its approval of said final plat.

7.5.2 Action by the Planning Board revoking approval of a final plat shall require a subdivider to file another application for approval in accordance with these regulations in order for any building permits to be issued to him and for any construction to proceed.

7.6 EXPIRATION

7.6.1 Approval by the Planning Board of a final plat shall automatically expire after 62 days following the date of such approval as provided in Section 4.3.10 , unless the subdivider within this period shall have duly filed such plat with the County Clerk in accordance with Section 276 of the Town Law and the County Clerk shall have duly notified the Planning Board of the filing in accordance with Section 278 of the Town Law.

7.6.2 On and after such expiration date, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.

7.7 DEFAULT

7.7.1 Performance bonds in default shall be subject to act in accordance with Section 5.5.6. (Performance Bonds)

ARTICLE VIII CLUSTERING**8.1 AUTHORIZATION**

The Town Board hereby authorizes the Planning Board, simultaneously with the approval of a plat or plats pursuant to these regulations, to modify applicable provisions of these regulations, subject to the conditions hereinafter set forth and such other reasonable conditions as the Town Board may, in its discretion, add thereto. The purposes of this authorization is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic qualities of open lands and to encourage affordable housing.

8.2 APPLICATION

If the owner makes a written application for the use of this procedure, it may be followed at the discretion of a the Planning Board, if in said Board's judgment, its application would benefit the Town. Conversely, the Planning Board may require the application of this procedure if, in its sole judgment, a better subdivision plan would result.

8.3 RESTRICTIONS: MINIMUM TRACT SIZE AND DENSITY

This procedure shall be applicable only to tracts of land of a minimum size of 10 acres and lands zoned for residential purposes. Its application shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements these regulations applicable to the district in which such land is situated and conforming to all other applicable requirements.

8.4 DETERMINATION OF DEVELOPABLE LAND

In determining the amount of land, which can be used to achieve a development plan, undevelopable land must first be subtracted. Undevelopable land is any land that exceeds a slope of 20 percent and any body of water from the banks of the mean high water mark of said water body, and any state or federally regulated wetland.

8.5 OPEN SPACE

8.5.1 Open space in a clustered subdivision is a parcel or parcels of land, together with any improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the residences. Open space in a clustered subdivision shall be used for the purpose that it was intended, as determined by the Planning Board.

8.5.2 In the event that the application of this procedure results in a plat showing lands available for park, recreation, open space or other municipal purposes directly related to the plat, then the Planning Board as a condition of plat approval, may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

8.5.3 Ownership of such open space may be either public or private. When open space exists in private ownership, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private drives, services and recreational and open space areas. Roads, streets and parking areas shall not be considered "open space" for purposes of this section. Where land are shown as desirable for incorporation into the Town's open space system, such lands shall be deeded to the Town.

8.5.4 Open space in a clustered subdivision shall not be sold off as a separate subdivision and shall not be used future building lots but may, with Town approval, be conveyed to the Town or to an appropriate and approved corporation, entity or association formed to operate and maintain said open space.

8.6 UNIT TYPES

The dwelling units shall be of the same type permitted in the zoning district to which the procedures of this article are applied.

8.7 REVIEW OF PLANS

The procedure for the review of plans for cluster developments shall be the same as for any subdivision regulations.

8.8 FILING OF PLAT; NOTATIONS

On the filing of the plat in the office of the County Clerk or Register, a copy shall be filed with the Building Enforcement Clerk, who shall make appropriate notations and references thereto in the Zoning Law and Town Zoning Map.

IX. AUTHORITY TO SIGN SUBDIVISION PLATS

The appropriate officers authorized to sign subdivision plats are the Chairman and the Secretary of the Planning Board, or in their absence, the Acting Chairman and the Acting Secretary.

ARTICLE X AMENDMENTS

These regulations or any portion thereof may be amended, supplemented or repealed at any time by the Town Board on its own motion, by petition or by recommendations of the Planning Board, and after a public hearing which has been preceded at least ten days by a duly-advertised and published official notice of such proposed change. All proposed amendments shall be referred to the Planning Board for study and recommendation prior to such public hearing.

ARTICLE XI SEPARABILITY

Should any section or provision of these regulations contained herein, or as amended, or the application thereof to any person or circumstance, hereinafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be invalid. The Town Board hereby declares that it would have enacted these regulations, or the remainder thereof, even if the invalidity of such section or provision or its application had been apparent.

ARTICLE XII REPEALER

The subdivision plans adopted by the Town Board on the 10th day of April 1950, and also subsequent changes and amendments thereto, are repealed and declared to be of no effect on and after the effective date of this Subdivision Regulation, except that as to violations against the prior regulations which were in existence prior to the effective date of these regulations, and which would be violations of these regulations if not in existence prior to the effective date thereof, said prior regulations shall remain in full force and effect.

ARTICLE XIII EFFECTIVE DATE

These regulations shall take effect upon their approval by the Town Board of the Town of Stillwater.

APPENDIX I

STANDARD CONSTRUCTION DETAILS