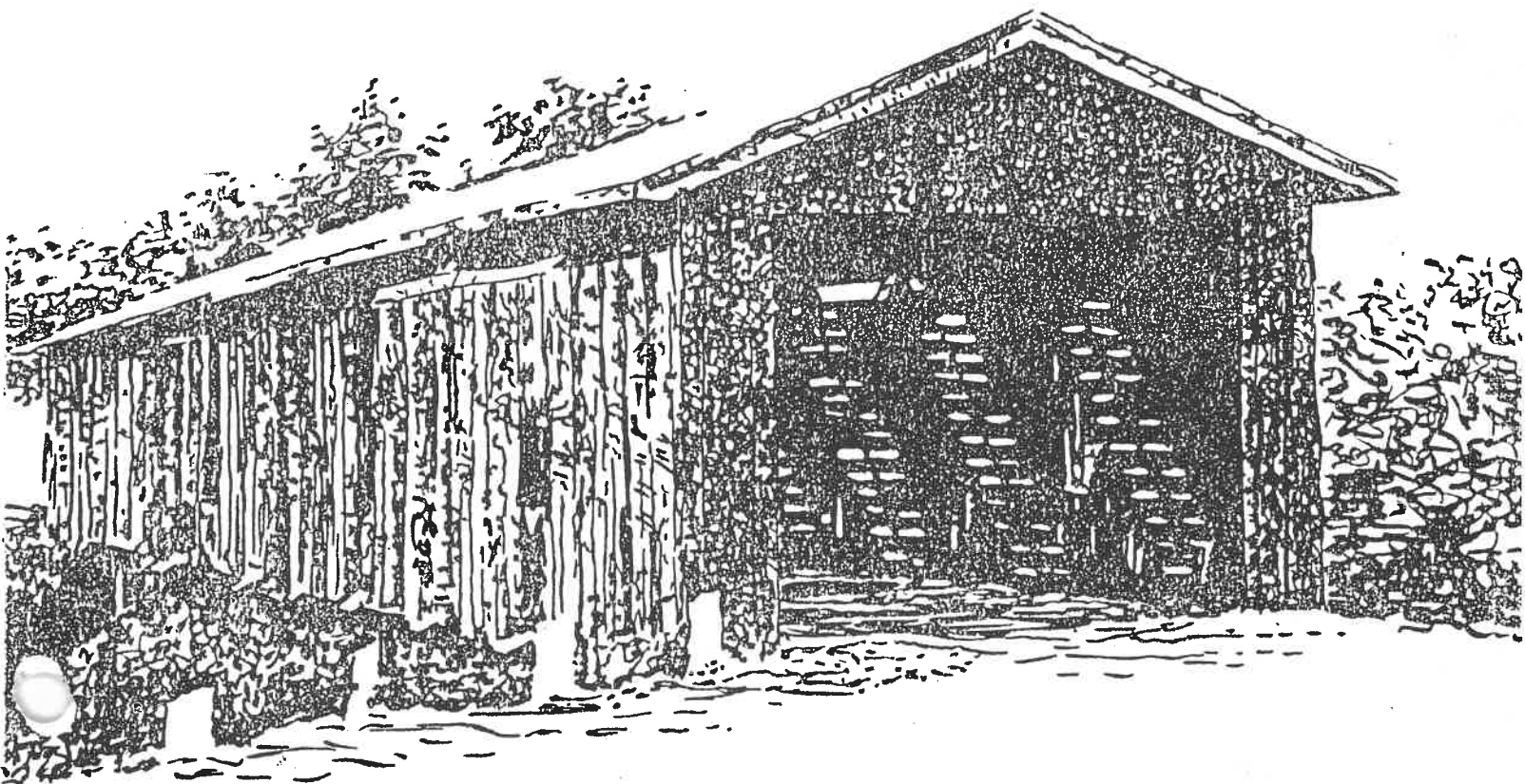


Town of Jay

Subdivision Regulations



TOWN OF JAY
SUBDIVISION REGULATIONS

Final

Dated: March 13, 1991

Summary of Subdivision Regulations

The purpose of these Subdivision Regulations is to provide for safe, orderly, and desirable development in the Town. Their substance consists of a review process that lets a group of townspeople - the Planning Board - decide whether, and how, a subdivider should proceed with a proposed subdivision. Among other things, the Planning Board considers whether the land is suitable for the proposed development (how wet, steep, or stony it is), the water supply and sewage disposal systems proposed, lot layout, and road access and construction. Generally, a developer's interest is financial and short-term. By making developers conform to standards subdivision regulations protect the community from badly thought-out developments and from the cost of bringing substandard structures such as roads and water systems up to approved standards. The regulations require that roads be built to specifications that would let the Town take them over without further improvements.

Subdivisions that result in the creation of four or fewer lots and contain no new roads are called minor subdivisions and have a simpler review process than larger subdivisions. First, the subdivider fills out an application form he gets from the Town Office. On its back, or on an attached tax map, he sketches in his proposed subdivision, showing lot and road layouts, as well as existing buildings, streams, woodlands, and utility lines. Either at its next meeting or at the latest within thirty days, the Planning Board classifies the subdivision and returns it to him with suggestions. Within six months of his sketch plan being returned, the subdivider must submit a minor subdivision plat (plan) for approval. This is a surveyor's drawing of the property showing the same things as the sketch plan but in more detail, and including road layout and any water supply and sanitary facilities. The subdivider must also fill out a short Environmental Quality Review Act form unless the subdivision requires a permit from the Adirondack Park Agency (APA), in which case it is exempt from SEQR. Within 45 days of receiving this plat, the Planning Board must hold a public hearing on the proposed subdivision. The Planning Board must act on the plat within 45 days of the hearing, or 45 days of the completion of the Environmental Quality Review process, whichever comes later. Reasons for disapproval, or conditional approval (which requires changes in the plat), must be given to the subdivider in writing.

Review of major subdivisions (five or more lots, or any subdivision which creates a new road) is a similar but more extensive process.

TOWN OF JAY
SUBDIVISION REGULATIONS

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I. DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of Jay of the County of Essex adopted on March 13, 1991, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Jay is authorized and empowered to review and approve, conditionally approve or disapprove plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the Office of the County Clerk and to approve preliminary plats, within the Town of Jay. It is declared to be the policy of these regulations to insure optimum overall conservation, protection, development and use of the unique scenic, recreational, historic and natural resources of the town, and to generally further the health, safety and welfare of the community.

It is further declared to be the policy of these regulations to consider land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the town. 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 the proposed streets shall compose a convenient and logical system, and shall be of such width, grade and location as to accommodate prospective traffic, facilitate fire protection, and provide access of firefighting equipment to buildings; and that proper provision shall be made for parks, playgrounds and other recreational or open space areas. In order that land subdivisions may be made in accordance with these policies, these regulations which shall be known as, and which may be cited as, the "Town of Jay Land Subdivision Regulations" have been adopted by the Planning Board on March 5, 1991 and approved by the Town Board on March 13, 1991.

Subdivisions subject to these regulations include any division of land into two or more lots, except that land transfers by bona fide gift or inheritance within an immediate family which are minor subdivisions as defined herein are exempt from these regulations, provided that the donor or decedent owned the land in question as of the effective date of these regulations and provided that the parcel or parcels to be created meet(s) the minimum specifications of the State Department of Health.

Subdivisions of 5 or more lots which have been filed in the Offices of the Essex County Clerk, subsequent to January 1, 1988, and for which less than 50% of the lots have received certificates of occupancy and have not been sold, transferred or otherwise conveyed to separate ownership on the effective date of these regulations, shall be subject to review by the Planning Board within six months of the effective date of these regulations. The applicant shall follow the procedure in these regulations for submittal of the Final Plat. The Planning Board shall review the Plat taking into consideration those items contained in Article III Section C-5 of these regulations. The Planning Board shall approve, approve with modifications, or deny the submitted plat. The Planning Board shall hold a public hearing on the submitted plat. The Planning Board shall have the power to require that the design standards contained in Article X of these regulations be implemented for subdivisions reviewed under this Article. No Certificate of Occupancy or Building Permit shall be issued for any lot in a subdivision subject to this Article until it has complied with the provisions of this Article and received approval hereunder.

II. DEFINITIONS

For the purpose of these regulations and the appendices thereto, certain words and terms used herein are defined as follows:

CLASS A REGIONAL SUBDIVISION means a subdivision which is classified as a Class A regional project in Section 810 of the Adirondack Park Agency Act.

CLASS B REGIONAL SUBDIVISION means a subdivision which is classified as a Class B regional project in Section 810 of the Adirondack Park Agency Act.

CLEARCUT means any cutting of trees over six inches in diameter at breast height over any ten-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 (thirty) square feet per acre, measured within the area harvested.

IMMEDIATE FAMILY means the following people: parents, children, brothers and sisters, grandparents, grandchildren and spouses. The term includes members of a family, whether by adoption or blood relation and includes half-blood as well as full-blood members.

MAJOR SUBDIVISION means any subdivision of five or more lots, parcels or sites, or any subdivision requiring a new street.

MINOR DIVISION means the division of land such that no new building lots are created and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision/portion of any existing local regulations.

MINOR SUBDIVISION means any subdivision containing not more than four lots, parcels or sites and not requiring any new street.

PLANNING BOARD means the Planning Board of the Town.

PRELIMINARY PLAT means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article IV Section C of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form.

REGIONAL SUBDIVISION means any Class A regional subdivision or Class B regional subdivision.

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

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

STREET OR ROAD means and includes streets, roads, avenues, lanes or other traffic ways.

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

SUBDIVISION means any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any

person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease or sale or conveyance of land for hunting and fishing and other open space recreation uses.

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

TOWN REPRESENTATIVE means the person or persons duly designated by the Town Board to inspect and approve the construction and installation of required improvements under Article VI hereof, in relation to a given subdivision.

WETLANDS means any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh.

* * * *

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

III. APPLICATION PROCEDURES

Subdivision approval is required before building lots are offered for sale or lease and prior to the start of construction of roads, utilities or buildings, or the grading of land in anticipation of a subdivision. See Appendix A for a chart of the review process.

Review of all subdivisions begins with submission of a Sketch Plan (a "rough" drawing of the proposed subdivision) and a meeting of the subdivider and the Planning Board as outlined below.

A. Sketch Plan Review/Classification of Subdivision

1. Applicant submits ten (10) sketch plan form copies to the Town Clerk at least ten (10) days prior to a Planning Board meeting. See Article IV for sketch plan format and required information. A form describing the sketch plan is also available at the

Town of Jay offices.

2. Planning Board reviews the sketch plan with the applicant at the meeting, covering the general lot layout, access, utilities, drainage and other major aspects. Available analysis maps may be used to check for site limitations. The Board may recommend that other agencies (e.g., Soil Conservation Service) be consulted for technical questions and problems that arise.
3. Either at the initial meeting, or at least within 30 days of the meeting, the Planning Board classifies the sketch plan as a proposed minor division, minor subdivision or major subdivision. See Appendix B.

If the sketch plan represents a minor division, the applicant may proceed without further review. The Board retains a copy of the proposal for the record.

In the case of a minor subdivision (2 to 4 lots with no new road) the applicant and Board follow the Minor Subdivision Procedure outlined below.

A major subdivision is guided by the Major Subdivision Procedure, including a two-step Preliminary and Final review, also outlined on the following pages.

B. MINOR SUBDIVISION REVIEW

1. Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit 10 (ten) copies of the application for Minor Subdivision plat approval within 6 (six) months of the Sketch Plan review. The plat shall follow all regulations and reflect the comments and recommendations of the Planning Board. Failure to submit the plat within 6 (six) months may require resubmission of the Sketch Plan to the Planning Board.
2. Compliance with SEQR, including the classification of the action, coordination with other agencies as appropriate and the preparation of a negative or positive declaration, is required. If a positive declaration is prepared, the Planning Board shall follow the procedures of the State Environmental

Quality Review Act before acting on the subdivision. The requirements of SEQR do not apply if the subdivision is a Class A or Class B regional subdivision under the APA Act.

3. The application and plat shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.
4. The subdivider or his authorized representative shall be required to attend the meeting of the Planning Board to discuss the Subdivision Plat.
5. Referral to appropriate agencies may be made for their review and recommendations when necessary.
6. Within 45 days of completed plat submittal or the Planning Board's acceptance of a Draft Environmental Impact Statement (EIS), whichever is later, a public hearing shall be held. The Board must act on the subdivision within 45 days after the hearing if no EIS has been prepared. If a Draft EIS has been filed, a Final EIS shall be filed within 45 days after the hearing, and a decision on the application shall be made not less than ten (10) days nor more than thirty (30) days after the filing of the Final EIS. Reasons for disapproval or conditional approval of the subdivision shall be given in writing.
7. Changes to be made on conditionally approved plats shall occur within 180 days. The Planning Board may double that time period if necessary. If the final changes are not completed and approved within the 180-or 360-day time period, then the plat shall be resubmitted to the Board.
8. The Planning Board may, at its discretion, walk the property to be subdivided. The Planning Board may require the centerline of any proposed roads to be staked prior to walking the property.

C. MAJOR SUBDIVISION PRELIMINARY PLAT REVIEW

1. Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit 10

(ten) copies of the application for major subdivision preliminary plat approval within 6 (six) months of the Sketch Plan review. The Plat shall follow all regulations and reflect the comments and recommendations of the Planning Board. Failure to submit the plat within 6 (six) months may require resubmission of the Sketch Plan to the Planning Board.

2. Compliance with SEQR, including the classification of the action, coordination with other agencies as appropriate and the preparation of a negative or positive declaration, is required. If a positive declaration is prepared, the Planning Board shall follow the procedures of SEQR before acting on the subdivision.
3. The application and plat shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.
4. The subdivider or his authorized representative shall attend the meeting of the Planning Board to discuss the Subdivision Plat.
5. The Planning Board shall study the Preliminary Plat, and shall consider at least the following aspects:
 - o Street design, including topographic relationships
 - o Water supply
 - o Sewage disposal
 - o Drainage
 - o Lot sizes and layout
 - o Utilities
 - o Adjoining land use and development patterns
 - o Review by technical agencies
 - o Other considerations as the Planning Board determines are appropriate
6. Referral to appropriate county agencies may be made for their review and recommendations.
7. The Planning Board may, at its discretion, walk the property to be subdivided. The Planning Board may require the centerlines of any proposed roads to be

staked prior to walking the property.

8. Within 45 days of completed preliminary plat submittal or the Planning Board's acceptance of a Draft EIS, whichever is later, a public hearing shall be held. The Board must act on the plat within 45 days after the hearing if no EIS has been prepared. If a Draft EIS has been filed, a Final EIS shall be filed within 45 days after the hearing, and a decision on the preliminary plat shall be made not less than ten (10) days nor more than thirty (30) days after the filing of the Final EIS. Reasons for disapproval or conditional approval of the subdivision shall be given in writing.
9. Upon Board approval or conditional approval, the board shall specify:
 - o Necessary changes to the plat
 - o Improvements which are to be waived
 - o Bonding amount (see Required Improvements)
10. Changes to be made on conditionally approved plats shall occur within 180 days. The Planning Board may double that time period if necessary. If the final changes are not completed and approved within the 180-or 360-day time period, then the plan shall be resubmitted to the Board.

D. REVIEW OF MAJOR SUBDIVISION FINAL PLATS

1. Unless otherwise agreed, the subdivider shall submit 10 (ten) copies of the application for Major Subdivision Final Plat approval within 6 (six) months of Preliminary Plat approval. The plat shall follow all regulations and reflect the comments and recommendations of the Planning Board. Failure to submit the plat within 6 (six) months shall require it to be resubmitted as a preliminary plat.
2. The application and plat shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.
3. The subdivider or his authorized representative

shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

4. Where material changes have been made in the plat since the previous referral to appropriate county agencies, the Planning Board shall make another referral.
5. Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by the Department of Environmental Conservation (DEC) and/or the State or County Department of Health (DOH) have received final approval(s) of such facilities.
6. Within 45 days of completed final plat submittal, a public hearing shall be held, unless the Planning Board feels the Subdivision plat is in substantial agreement with the preliminary plat as approved, or as modified for approval. The Board must act on the plat within 45 days after the hearing or the completed final plat submittal, unless the Board and the subdivider agree in writing to extend the period, otherwise the subdivision will be considered approved. Reasons for disapproval or conditional approval shall be given in writing.
7. Changes to be made on conditionally approved plats shall occur within 180 days. The Planning Board may double that time period if necessary. If the final changes are not completed and approved within the 180-or 360-day time period, then the plan shall be resubmitted to the Board.
8. Final approval shall not be granted until all required improvements are made as outlined in Article VI.

E. REIMBURSABLE COSTS

The Planning Board, with the approval of the Town Board, is hereby authorized to retain professional consultants, including, but not limited to professional engineers, landscape architects, surveyors, geologists and planners to review the proposed subdivision plans. All costs incurred by the Planning Board for consultation and other professional fees in connection

with the review of a proposed subdivision shall be charged to the applicant, pursuant to such schedule as shall be established from time to time by the Town Board and posted in the Town Hall.

IV. APPLICATION INFORMATION

A. Sketch Plan

A Sketch Plan shall be based on the Tax Map or other accurate information, at a scale of 200 feet or less per inch (see Appendix C.) The location map of the land to be subdivided should be on a USGS or similar map with a contour interval of at most 20 feet.

A Sketch Plan shall include the following information:

- o Entire ownership of the applicant
- o Location of land to be subdivided
- o Nearby streets and roads
- o All existing structures
- o Permanent and intermittent streams, lakes, ponds, and wetlands in and around the area to be subdivided
- o Applicant-owner's name and owners of adjacent property
- o Tax map sheet, block and lot number
- o Wooded areas
- o Existing utilities, either proposed, mapped or built
- o Existing restrictions on land, including easements and covenants
- o Proposed lot and road layout, including wooded areas to be cleared, stream crossings

B. Minor Subdivision Plat

An application for Minor Subdivision Plat approval shall include:

1. A completed Short Environmental Assessment Form in compliance with the State Environmental Quality Review Act.
2. Plat to be filed with the County Clerk, at a scale of not more than 200 but not less than 50 feet to the inch, drawn in ink. The size of the sheet upon which the Plat is drawn shall not be less than 8 1/2" X 11" and not more than 34" X 44", and shall show the following:

- a. Proposed subdivision name, Town of Jay, Essex County, and names of all adjoining property owners.
 - b. North point, map scale, and name and address of the subdivider, the owner(s) of record, and engineer or surveyor, including license number and seal.
 - c. The boundary lines of the tract and of each lot offered for sale to the public, by actual field survey, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor, and bearing the date of the completion of the survey. The corners of whatever part or parts of the tract may be offered for sale to the public shall also be located on the ground and marked by approved monuments and shall be as shown on the plat.
 - d. Each lot shall be numbered.
 - e. Topography at 5' intervals.
 - f. All existing structures, easements, wooded areas and permanent and intermittent streams, lakes, ponds, and wetlands in and around the area to be subdivided.
3. Location and design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the State DOH and the town sanitary code. A note to this effect shall be stated on the plat and signed by a licensed engineer.
 4. A copy of all appropriate deeds relating to the property to be subdivided, including any proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.
- C. Major Subdivision Preliminary Plat

An application for Major Subdivision Preliminary Plat approval shall include:

1. A completed Short Environmental Assessment Form in

compliance with the State Environmental Quality Review Act.

2. The Preliminary Plat, clearly marked "Preliminary Plat" at a scale of not more than 100 but not less than 50 feet to the inch, which shall show:
 - a. Proposed subdivision name or identifying title, Town of Jay, Essex County, and the names of all adjoining property owners.
 - b. North point, map, scale, and name and address of subdivider, owner(s) of record and engineer or surveyor, including license number and seal.
 - c. The boundary lines of the tract as determined by actual field survey, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor and bearing the date of the completion of the survey. The corners of the tract shall also be located on the ground and marked by approved monuments and shall be shown on the plat.
 - d. Each lot shall be numbered.
 - e. Topographic contours, at intervals of 2 feet for road rights of way and areas proposed for development (building pad, septic area, driveway) and 5 feet for the remainder of the site.
 - f. Location of existing structures, easements, permanent and intermittent streams, lakes, ponds, wetlands, rock outcrops, wooded areas, single trees with a diameter of 24" or more measured 4 1/2 feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property. Include the mean high water mark of all water boundaries.
 - g. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

- h. The width and location of any streets or roads within the area to be subdivided, and the width, location and grades of all streets or roads proposed by the subdivider. Include street profiles.
 - i. The proposed lot lines with approximate dimensions and area of each lot. If buildings are proposed, show building setback lines.
 - j. The appropriate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes, and connections to existing lines. Alternate means of water supply or sewage disposal and treatment shall be indicated.
 - k. Locations of any wells and septic systems within 100 feet of the property boundary.
 - l. The location of all existing and proposed electric utilities.
 - m. Storm drainage plan indicating the approximate location and size of proposed lines or ditches and their profiles, connections to existing lines or ditches, and any alternate means of drainage.
 - n. Preliminary design of any proposed bridges or culverts.
 - o. Typical lot layout(s), with building and on-site sewage disposal system sites.
 - p. Typical clearing and grading cross-section for construction of roads and installation of utilities.
 - q. Proposed recreational or open space areas, including parcels of land proposed to be dedicated to public use. When more than one sheet is required, an additional index sheet of the same size shall be submitted showing to scale the entire subdivision with lot and block numbers clearly legible.
3. A summary table listing the number of lots, lot

size range, typical lot size, linear feet of road, acreage in parks, etc.

4. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing all existing streets, an outline of the platted area with its proposed streets, and an indication of the probable future street and drainage systems (if any) in the remaining portion of the tract with its grades and drainage.
5. Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the State DOH and a note to this effect shall be stated on the plat and signed by a licensed engineer. Provide the results of soil and percolation tests indicating that each lot has an area suitable for disposal of septic waste and a design(s) for the septic disposal system.
6. A copy of such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

D. Major Subdivision Final Plat

An application for Major Subdivision Final Plat approval shall include:

1. A completed Short Environmental Assessment Form in compliance with the State Environmental Quality Review Act.
2. The plat to be filed with the County Clerk at a scale of not more than 100 but not less than 50 feet to the inch, printed upon mylar, linen or canvas-backed paper or clearly drawn in India ink upon tracing cloth, which shall show:
 - a. Proposed subdivision name or identifying title, Town of Jay, Essex County, and the names of all adjoining property owners.
 - b. North point, map scale, and name and address of subdivider, owner(s) of record, and engineer or surveyor, including license number

and seal.

- c. The location of all boundary lines, proposed street lines and lot lines, as determined by actual field survey, including the length and bearings of straight lines and length and radii of all curves. All dimensions shall be shown in feet and decimals thereof. Such survey shall be made and certified to by a licensed land surveyor and the plat shall bear the date of the completion of the survey. Referenced on the plat shall be:
 - i. Monuments of a type approved by the Planning Board set at all corners and angle points of the boundaries of the original tract to be subdivided, all street intersections, angles in street lines, points of curve and such other points as may be required by the Planning Board; and
 - ii. Permanently lodged lot corner markers of at least 1 1/2 inch diameter and 24 inch length, set in cement to existing grade.
- d. Each lot shall be numbered.
- e. Topographic contours, at intervals of 2 feet for road rights of way and areas proposed for development (building pad, septic area, driveway) and 5 (five) feet for the remainder of the site.
- f. Location of existing structures, easements, permanent and intermittent streams, lakes, ponds, wetlands, rock outcrops, wooded areas, single trees with a diameter of 24 inches or more as measured 4 1/2 feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property. Include the mean high water mark of all water boundaries.
- g. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

- h. The width and location of any streets or roads within the area to be subdivided, and the width, location and grades of all streets or roads proposed by the subdivider. Include street profiles.
- i. The proposed lot lines with approximate dimensions and area of each lot. If buildings are proposed, show building setback lines.
- j. The location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes, and connections to existing lines.
- k. The location of all existing and proposed electric utilities.
- l. Storm drainage plan indicating the location and size of proposed lines or ditches and their profiles, and connections to existing lines or ditches.
- m. Final design of any proposed bridges or culverts.
- n. Lot layout(s), with building and on-site sewage disposal system sites.
- o. All recreational or open space areas, including parcels of land proposed to be dedicated to the town.
- p. Typical clearing and grading cross sections for construction of roads and installation of utilities (may be referenced to Figure 1 of these regulations).

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

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

4. Design of all proposed on-site sanitation and water supply facilities meeting the minimum specifications of the State DOH and the town sanitary code.
5. Offers of cession and deeds for any recreational or open space areas to be dedicated to the town, and for such areas, title to which is to be retained by the subdivider, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore. Such offers, deeds, agreements or other documents shall bear the approval of the town attorney as to their legal sufficiency.

V. PHASING

Approvals for subdivisions shall be phased. Thirty-five dwelling units shall be the maximum number of units that may be approved in any one phase. The Planning Board shall consider the layout of roads, water lines, drainage facilities and other pertinent facts in determining the exact phasing sequence and number of dwelling units in each phase. Subsequent phases of a project shall not be submitted for final approval until sixty percent (60%) of the dwelling units in the previous phase have received Certificates of Occupancy.

VI. REQUIRED IMPROVEMENTS

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

- A. The subdivider shall either:
 1. File a certified check or performance bond or a letter of credit with the Town Clerk to cover the full cost of improvements (streets, utilities, etc.). Any such bond shall comply with the requirements of Section 277 of the Town Law, and shall not be released until written approval is received from the Town Representative and a map is submitted to the Planning Board as outlined in item B below. Improvements must be completed within one year.
 2. Complete the required improvements to the satisfaction of the Town Representative, who shall acknowledge such completion in writing. All

uncompleted improvements shall be covered by a certified check or performance bond or a letter of credit.

- B. The subdivider must pay the required inspection fee and notify the Planning Board in writing at least 5 (five) days before the start of construction to allow for proper inspection by the Town Representative.
- C. If improvements are to be modified during construction, they may be approved by the Town Representative, if the modifications are within the spirit and intent of the Board approval and do not represent a waiver of requirements or substantial alteration.
- D. A map indicating all approved improvement installations and utility location markers (monuments) shall be submitted to the Planning Board before improvements are considered completed and approved.
- E. The Town Representative shall notify the Planning and Town Boards of any construction which is not in compliance with plans and specifications.
- F. The Town Board shall, in writing, notify the subdivider (and the bonding company, if necessary) and take necessary steps to enforce the Town's rights under the bond.
- G. No plat shall be approved by the Planning Board while the subdivider is in default on another plat.
- H. The payment of all fees, including consulting reviewers fees, is required prior to the signing and filing of the final plat.

VII. FILING OF APPROVED SUBDIVISION PLAT

- A. Upon receiving final approval and being properly signed by the designated officer of the Planning Board, or upon receiving a certificate from the Town Clerk if the Planning Board fails to act within the prescribed time period, the final subdivision plat shall be filed within 60 days with the County Clerk.
- B. If the plat has not been filed with the County Clerk within 60 days, the signature of the duly designated officer of the Planning Board or the certificate from

the Town Clerk shall expire.

- C. Unless approved in writing by the Planning Board, changes in the final plat shall represent grounds for the Board to have the plat taken off the County record.

VIII. PUBLIC STREETS, PARKS AND RECREATION AREAS

- A. Approval of a subdivision plat by the Planning Board shall not mean acceptance of public improvements (such as streets, easements or recreation areas) by the Town.
- B. The Planning Board may require a written agreement between the Town Board and the subdivider covering deed, title, dedication, and the design, equipment and maintenance of recreation areas. The Planning Board may require a public hearing for the purposes of reviewing this written agreement.

IX. GENERAL REQUIREMENTS AND DESIGN STANDARDS

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

A. General

Only land which is suitable for safe human occupancy shall be used for development. Proposed development located in "moderate" or "severe" areas, as noted on the Town of Jay resource maps, may require special design features or measures to overcome potential health, fire, flooding or similar hazards.

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

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

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

B. Street Layout and Design

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

The number of stream crossings should be minimized.

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

Minor streets should not be designed to encourage through traffic.

Dead-end or loop street layouts should include an easement to allow a future through-connection if the Board finds it appropriate.

Subdivisions with 20 lots or more shall have at least two street connections to public streets. Principal streets on adjacent land shall be accommodated and extended as required to provide for the extension of utilities, fire equipment access.

The Planning Board may require that street patterns for larger-than-minimum lot developments be arranged so that, if possible, the area could be resubdivided into minimum-sized lots at a future date.

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

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

- o 10" crowned compacted gravel base, 12" in poorly drained soils, (rolled in 4" lifts) on crowned (3/8"/foot) compacted subgrade for driving surface and shoulder
- o 18'-wide driving surface - minimum
- o 4'-wide shoulders
- o 20' radius at street intersections
- o 10 percent maximum grade
- o 3 percent maximum grade within 100 feet of any

intersection

- o 20 m.p.h. minimum and 50 m.p.h. maximum design speeds for alignments and curves
- o Finished grade of road ditches at 1 1/2 feet below shoulder elevation. Ditches to accommodate five-year storm runoff.
- o Culverts located and designed to maintain pre-construction surface drainage patterns, if patterns are acceptable. Culvert size and location shall be at the discretion of the Town Highway Superintendent.
- o For design specifications, see attached Figure 1, "Road Cross Section".

Within hamlet areas, as defined by the Adirondack Park Agency, all roads shall be paved as shown in attached Figure 1, "Road Cross Section". Outside of hamlet areas all roads shall have an oil-penetrated treatment.

The Planning Board may consider deviation from the above standard in the case of minor subdivisions only. The Planning Board may consider topography, drainage, road length, lot layout and other pertinent factors in making its decision. In no case shall less than a 50' foot right-of-way corridor be provided.

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

- o 50,000 lb. load capacity, to accommodate public maintenance vehicles.
- o 10-year storm runoff if drainage area is one square mile or less
- o 25-year storm runoff if drainage area is one to four square miles
- o 100-year storm runoff if drainage is more than four square miles.

Maximum cut and fill slopes:

- o 2:1 fill and for cuts in coarse sand and gravel
- o 2 1/2:1 for cuts in fill or silty sand
- o 3:1 in sandy silt
- o 4:1 in silt, sandy clay or clay

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

Turnarounds at the end of dead-end roads with a right-

of-way of 60 feet radius and a pavement radius of 50 feet.

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

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

Construction of roads and utilities should be phased to prevent conflicts or redundant work.

Cleared areas, except shoulders and road surfaces, shall be planted with suitable grasses or suitable ground cover. Ditch bottoms shall be planted, paved, riprapped or otherwise designed to minimize soil erosion.

Within the hamlet district, walks shall be provided, as necessary, to provide safe circulation. Pedestrian paths or walks would not be required to follow road alignment, but should establish routes which suit the plan of the hamlet area.

C. Revegetation of Disturbed Soil Areas

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

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

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

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

D. Street Names

New street names should be substantially different in

sound and spelling from existing streets so as to avoid confusion.

E. Lots

Lot boundaries and shapes should be suitable to the topography.

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

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

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

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

F. Drainage

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

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

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

- o Ten-year peak runoff if drainage area is 1 square mile or less.
- o Twenty-five-year peak runoff if drainage area is between 1 and 4 square miles.
- o One hundred-year peak runoff if drainage area is more than 4 square miles.

A study of the subdivision's downstream effect shall be required. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility

within the town during a 10-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the alleviation of said condition.

G. Parks, Open Space and Natural Features

All proposed public open spaces shall be indicated on the subdivision plat. At least 5% (five percent) of the area of a major subdivision shall be public open space (park, playground, etc.).

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

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

The Planning Board may waive the 5 percent requirement of public open space.

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

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

X. WAIVERS

- A. Where the Planning Board finds, due to the special circumstances of a particular plat, that meeting a certain requirement of these regulations is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirement subject to appropriate conditions.
- B. In granting waivers, the Planning Board shall impose such conditions as will substantially assume that the objectives of the standards or requirements so waived are met.

XI. ENFORCEMENT AND PENALTIES

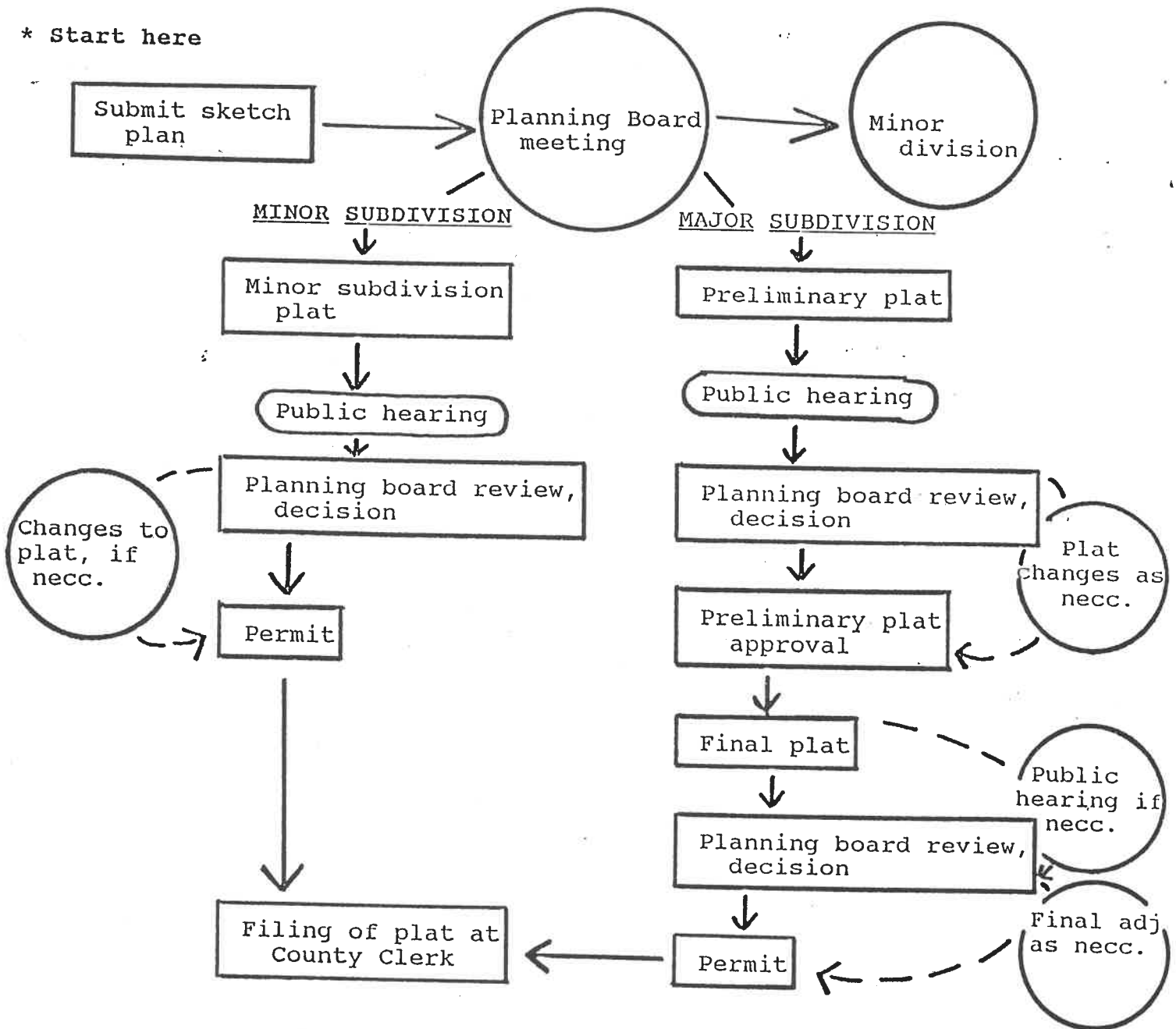
Enforcement and Penalties for any and every violation of the provisions of these Regulations: The owner, general agent, or contractor of a building or a premises where such violation has been committed or shall exist, and the lessee or tenant of any entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessees or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits or takes part or assists in any violation or who maintains any building or premises in which such violations shall exist, shall be guilty of a misdemeanor and liable on conviction thereof to a fine of not more than \$250.00 or imprisonment for not more than six months, or both. Each week's continued violation shall constitute a separate and additional violation.

XII. SEVERABILITY

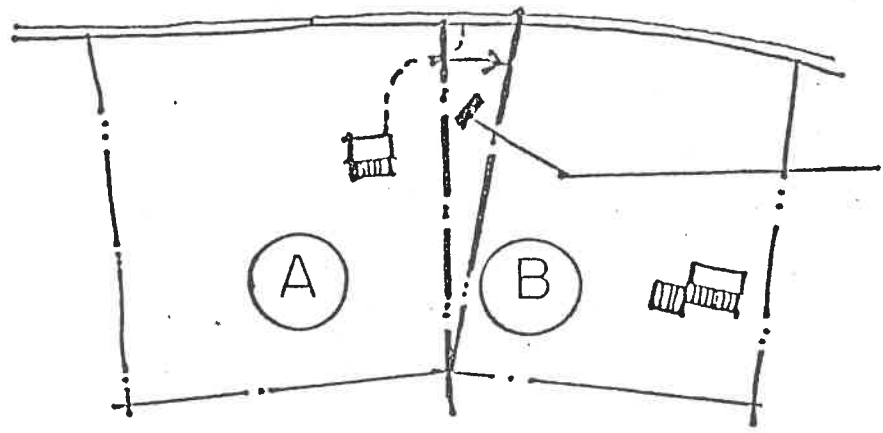
Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

SUBDIVISION REVIEW

* Start here



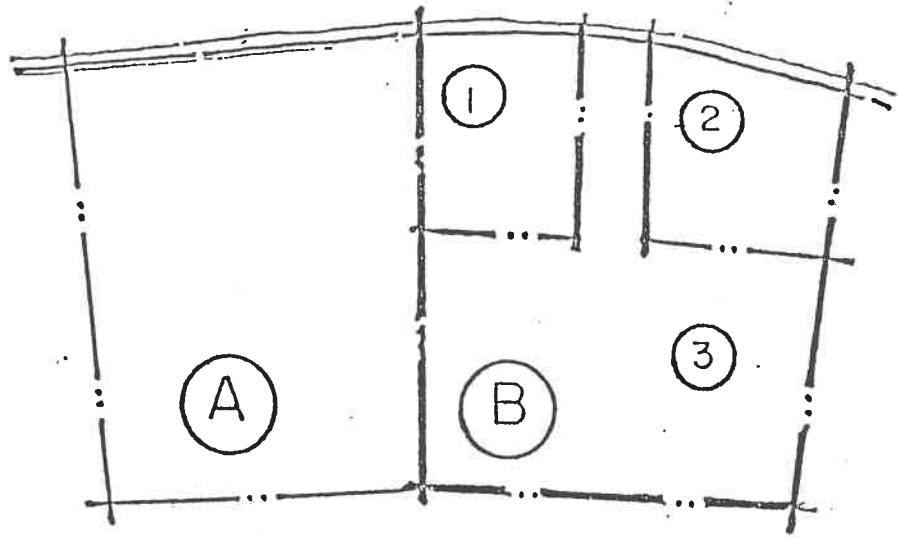
WAYS OF DIVIDING LAND



MINOR DIVISION

eg Boundary adjustment.
 Not a subdivision.
 No review required.

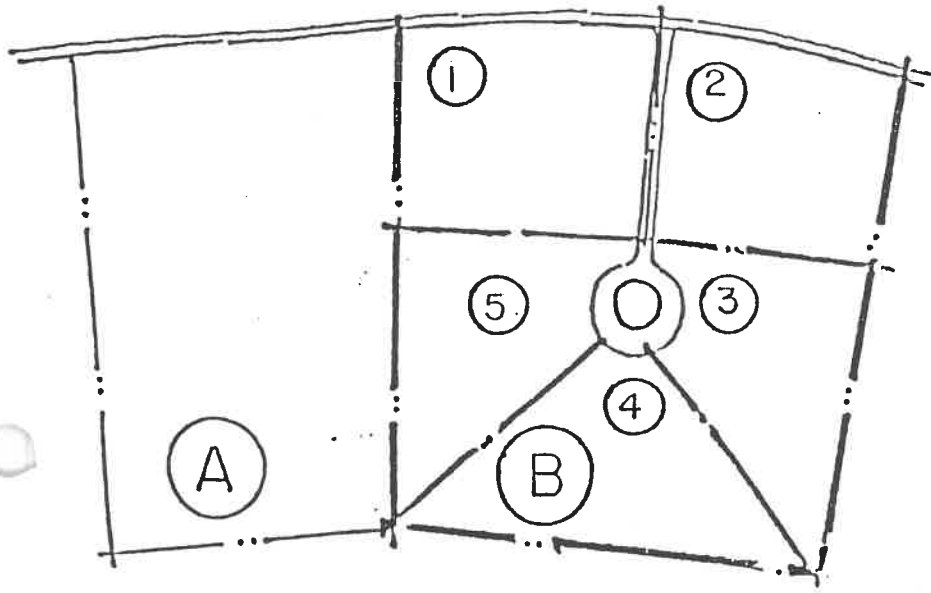
Recommend a survey to avoid future private disputes between owners.



MINOR SUBDIVISION

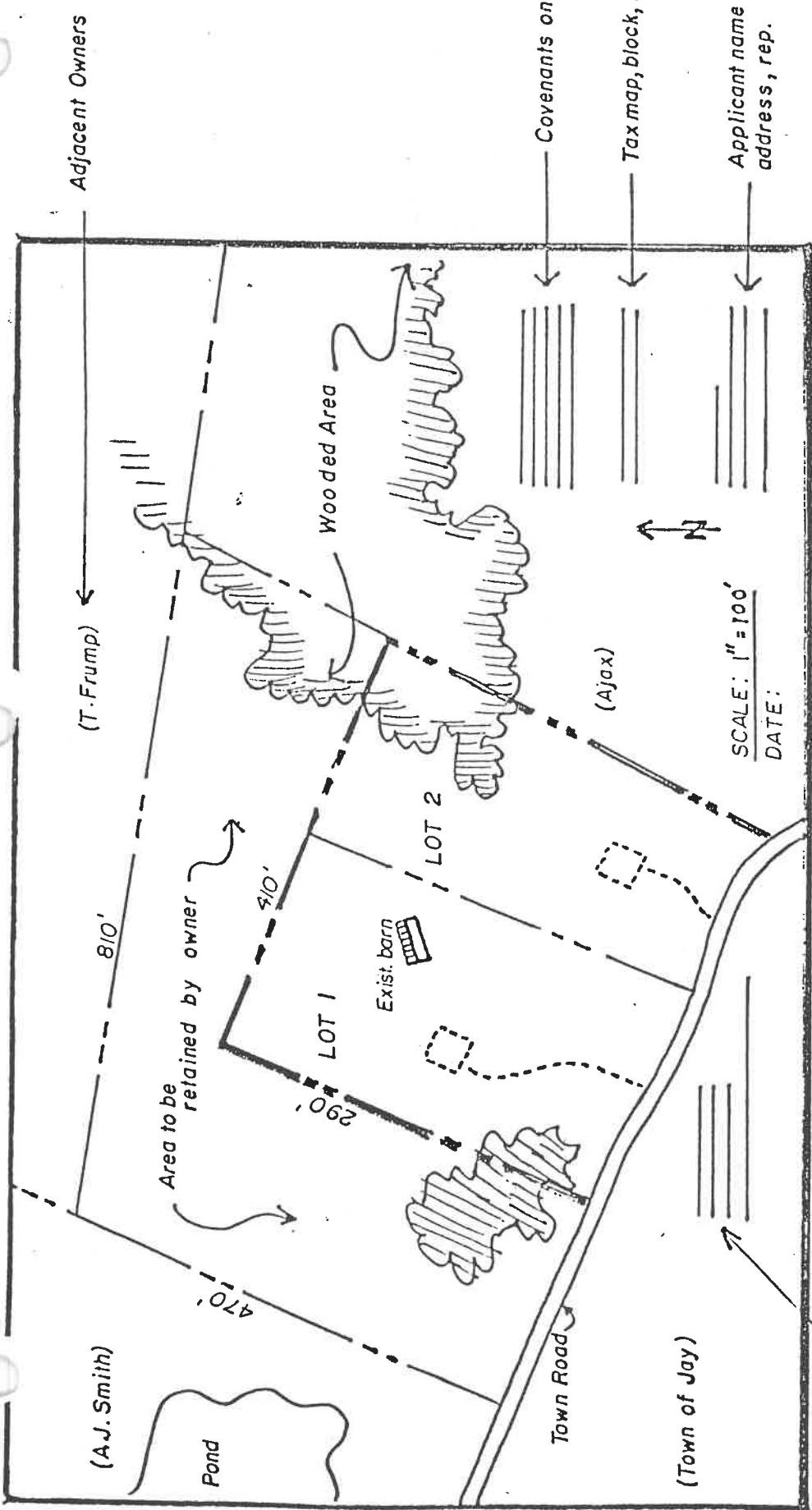
Owner of parcel B sells two lots, using existing town road for access. This is a 3 lot minor subdivision, requiring planning board review.

Public hearing required.



MAJOR SUBDIVISION

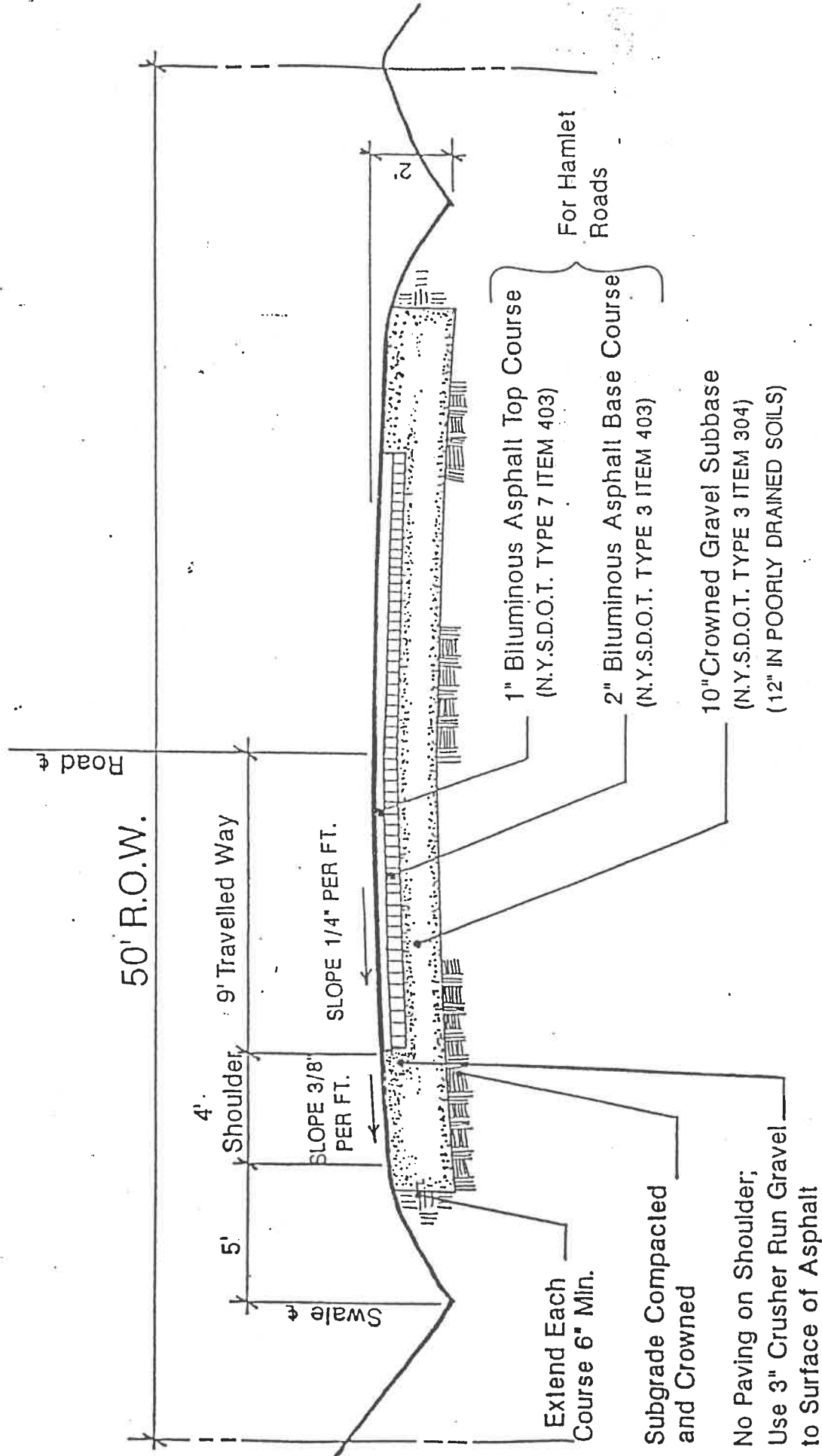
Owner of parcel B sells 5 lots - this is a major subdivision, requiring preliminary & final plat review by the planning board, a public hearing & review by the dept. of health.



Space for planning board
comment, classification, date
of action

SKETCH PLAN · FORMAT

(Minor Subdivision - 2 lot, Nonnew roads)



Subdivision Regulations

Town of Jay

ESSEX COUNTY,

NEW YORK

Road Cross Section



the L.A. group
Landscape Architecture
and Engineering, P.C.

40 Long Alley
Saratoga Springs
New York 12866
910/707-8100

FIGURE:

1

#946-2170

TOWN OF JAY HIGHWAY DEPARTMENT
ROADWAY CONSTRUCTION

General

Roadway construction materials which meet State of New York's Department of Transportation Specifications shall generally be approved for construction. Other materials may be used upon approval by the Town. All roadway construction shall be controlled by stakes for grade and alignment.

Subgrade Preparation

All trees, brush, topsoil, stumps, roots more than one-half inch in diameter, and rubbish shall be removed from the area of the roadway. Boulders shall be removed to a depth of one foot below the subgrade surface.

Muck, spongy material or other unsuitable material shall be completely removed and the excavation filled with suitable material.

The subgrade shall be compacted to ninety-five (95) percent Standard Proctor. The final compacted surface shall not be more than one-half inch higher than design subgrade in any location and shall be the same cross-sectional shape as the final design grade. It shall also be proof-rolled, with witnessing by the Town, to determine if stabilization fabric may be required.

Embankment

No organic material, frozen material or other unsuitable material shall be used in embankments. The compacted embankment shall have a minimum dry density of ninety-five (95) percent Standard Proctor.

The slopes of all embankments shall be stabilized by spreading and rolling topsoil and seeding to obtain a satisfactory stand of grass.

Embankments shall be placed and rolled in layers of maximum eight (8) inch depth, measured before compaction. The embankment subgrade shall be prepared as required under "Subgrade Preparation".

Subbase Construction

Materials and construction methods for the pavement base course shall conform to the Town Highway Standards and shall be 6" minimum of Item 4 compacted.

Surface Construction

Materials and construction methods for the binder course and wearing course shall conform to the Town Highway Standards. The layer requirement is two (2) inches of dense binder number 403.13 after being compressed with 1% grade from the center for run off; with width no less than 20 feet.