

# **SUBDIVISION REGULATIONS**

**Adopted October 1, 1963**

## **ARTICLE I PREAMBLE AND TITLE**

### **SECTION 101. Preamble**

Whereas it is deemed necessary to promulgate certain regulations in order to improve and protect the interests of the Town of Kirkwood, New York, in its public health, safety and general welfare and in order to provide for the future growth and development of the town, and

Whereas the Planning Board of the Town of Kirkwood, New York, being duly convened in regular session, and by authority of the resolution adopted by the Town Board on the 5th day of March, 1963, pursuant to the provisions of Article 16 of the Town Law authorizing and empowering the Town Planning Board to approve subdivision plats within that part of the Town outside the limits of any incorporated city or village, hereby ordains and enacts these regulations and rules being in addition to any applicable rules, regulations, ordinances and laws of the State of New York, and for the County of Broome, and for the Town of Kirkwood, New York.

### **SECTION 102. Short Title**

This ordinance may be known and cited as the Town of Kirkwood, New York, Subdivision Regulations.

## **ARTICLE II DEFINITIONS**

### **SECTION 201. Definitions and Special Usage (Amended April 2, 1985 by Town Board Resolution)**

For the purpose of the subdivision regulations words used in the present tense include the future, the plural includes the singular, the word "lot" includes the word "plot," the word "building" includes the word "structure," the word "shall" is intended to be mandatory, the word "occupied" includes the word "designed for occupancy" or "intended to be occupied."

Arterial Streets - are those streets or highways which are designed and constructed primarily to carry large volumes of traffic through and between communities.

Building - shall mean any structure other than a boundary wall or fence.

Collector Streets - are those streets or roads which are designed and constructed primarily to carry traffic from the service streets to the major arterial and highway system and the principal entrance street to a residential development and the streets used for principal internal circulation within such development.

Lot - shall mean a parcel of land occupied or capable of being occupied by one building and accessory building for sale or rent as residential lots of residential building plots and/or uses, including such open spaces as are required by these subdivision regulations.

Lot, Depth - shall mean the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot, Width - means the mean width measured at right angles to its depth.

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Master Plan - shall mean a comprehensive plan prepared by the Planning Board pursuant to Section 272a of the Town Law which shows general locations desirable for the various functional classes of public works, places and structures, and other general physical developments of the Town and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

Official Map - shall mean the map established by the Town Board pursuant to Sections 270, 273 of the Town Law, showing streets, highways, and parks theretofore laid out, adopted, and established by law, and any amendments thereto adopted by the Town Board.

Building Inspector - shall mean the person duly designated by the Town Board who shall be responsible as the agent of the Planning Board for the administration and enforcement of the subdivision regulations.

Preliminary Layout - shall mean the preliminary drawings and accompanying information of the subdivider's plan of subdivision.

Subdivider - shall mean the developer or contractor who will subdivide, the owner of the land to be subdivided, or any authorized agent of the developer, contractor, or owner.

Subdivision Plat - shall mean the final map, drawings or chart on which the subdivider's plan of subdivision is presented to the Planning Board for final approval, and which if approved, will be submitted to the County Clerk for recording.

Subdivision or Subdivide - shall mean any tract of land which is divided into four or more lots, plots, sites or other divisions of land along any existing or proposed streets, highways, easements or rights-of-way for sale or rent as residential lots or residential building plots. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fourth residential lot, residential building plots; or site therefrom within any consecutive three year period.

Residential Lot or Residential Building Plot - shall mean any parcel of land any point on the boundary line of which is less than one-half mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term "residential" shall include temporary, seasonal and permanent residential use. (Amended 6-11-90 - Kirkwood Planning Board)

Tract - shall mean any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

Service Streets - are those streets which are designed and constructed to be used primarily for access to the abutting properties.

### **ARTICLE III SUBDIVISION PROCEDURE**

#### **SECTION 301. Basic Procedural Requirements**

Whenever any subdivision of land as hereinbefore defined is proposed to be made and before any contract for the sale of or any offer to sell such subdivision or any part thereof is made, the subdivider shall apply in writing to the Planning Board for the approval of such subdivision. The application of the subdivider shall conform to the specifications in Sections 302, 303, and 304 of these subdivision regulations.

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### SECTION 302. Pre-Application Procedure

The subdivider may file a pre-application sketch plan of the proposed subdivision with the Planning Board for their recommendation prior to the submission of the Preliminary Layout.

Such sketch plan, drawn on a topography survey shall show in general form, the proposed layout of streets and their relationship to existing traffic arteries and other facilities which will serve or influence the proposed subdivision.

The Planning Board shall study the sketch plan and any accompanying information and shall notify the subdivider that the sketch plan does or does not meet the objectives of these subdivision regulations.

The subdivider shall prepare the preliminary layout of the subdivision in accordance with Section 303 of these subdivision regulations and the recommendations of the Planning Board in regard to the pre-application subdivision sketch.

### SECTION 302.1 Application Fee (Added Dec. 2005)

At the time that a person submits an application for approval and certification of a final subdivision plat, such person shall pay to the Town a fee in the amount of Fifty Dollars (\$50.00) per lot in the proposed subdivision.

### SECTION 303. Preliminary Layout (Amended February 6, 1996 by LL No. 2-1996)

#### A. Step I

The subdivider shall submit two (2) copies of a preliminary layout of the proposed subdivision to the Planning Board. The preliminary layout shall be drawn at a scale of not more than 100 feet to the inch, showing or accompanied by the following information:

- 1) The proposed subdivision name and/or identifying title and the name and address of the owner of record, the subdivider, and the designer of the preliminary subdivision layout, date, scale, and true north direction.
- 2) The deed description and a map of survey of the tract boundary made and certified by a licensed surveyor, and where practicable, tied into established reference points such as existing Street corners, highways, or permanent boundary monuments.
- 3) A topographic map of the parcel of land to be subdivided at the same scale as the preliminary layout showing a contour interval of not more than five (5) feet.
- 4) The name, location, and dimensions of existing or proposed streets, highways, alleys, parks, and other public open spaces or uses of adjacent properties.
- 5) Soil tests prepared in accordance with standards of the New York State Department of Health for subdivisions not serviced by public water and sewer systems.
- 6) The location and dimensions of any streets, or other public way or place platted upon the Official Map or the Master Plan of the Town, if such exists, for the property to be subdivided.
- 7) The location of existing sewer, water, or other utility lines including culverts, drain and easements on the property to be subdivided.
- 8) The location, dimensions, grades and profiles of all streets or other public ways proposed by the subdivider must comply with the "construction Standards for the Town of Kirkwood."
- 9) Typical cross sections of proposed roadways, sidewalks, and grades drawn at an appropriate scale.
- 10) The proposed layout of lots, showing lot lines and dimensions and any areas to be dedicated or reserved for parks or other public uses.
- 11) The proposed sanitary sewage and water supply plan, showing methods for obtaining and furnishing adequate and satisfactory water supply and sewage facilities in accordance with Section 1115-1118, New York State Public Health Law.
- 12) The proposed plan for collecting and discharging surface water drainage.
- 13) If in conjunction with the preparation of the site in the manner and for the use specified in the plat and its accompanying information the subdivider intends to excavate or have excavated gravel, sand, rock, topsoil, or other similar materials for sale or for use or reuse at another site other than the original

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location of the excavation, such intentions shall be so stated on the plat or its accompanying information. This statement shall include an estimate of the amount in volume measurement units of such materials to be excavated.

14) Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system or the unsubmitted part will be considered in the light of adjustments and connections with the street system of the part submitted.

15) A statement as to the land use permitted by the Town of Kirkwood Zoning Ordinance as to the premises involved, and a further statement as to whether any request for rezoning is contemplated in the development.

16) A long form Environmental Assessment Form or Environmental Impact Statement as required by the Board at the sketch plan discussion.

17) "Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of the Town of Kirkwood Stormwater Management and Erosion & Sediment Control Local Law (Local Law No. 7 of 2007) shall be required for Preliminary Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of Local Law No. 7 of 2007. The approved Preliminary Plat shall be consistent with the provisions of this Local Law No. 7 of 2007." (Added Oct. 2007)

### B. Step II

1) The Planning Board shall study the preliminary layout and accompanying information in connection with the topography of the area, the existing requirements of the Zoning Ordinance, the Master Plan and the Official Map, if such exists, and the other local laws of the Town and shall take into consideration the general requirements of the community and the best use of the land to be subdivided. Particular attention shall be given to matters enumerated in Section 277 of the Town Law as well as in specific requirements for parks, playgrounds, school sites, highways and streets, the adequacy of street connections and the suitability of the land for development.

2) The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations.

3) Date of Official Submission.

The date of submission of the Preliminary Plat shall be the date it is received complete and accompanied by the required fee and all data required by these regulations and the Planning Board Rules and Regulations. A Preliminary Plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft Environmental Impact Statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a Preliminary Plat shall begin upon filing of such negative declaration or such notice of completion.

4) Subdivider to Attend Planning Board Meeting.

The subdivider or his duly authorized representative shall attend the next meeting of the Planning Board after such receipt to discuss the Plat with the Planning Board.

### C. Step III

1) Public Hearing.

I. Planning Board as lead agency under the State Environmental Quality Review Act.

The time within which the Planning Board shall hold a public hearing on the Preliminary Plat shall be coordinated 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 on the Preliminary Plat is not required, the public hearing on such Plat shall be held within sixty-two days after the receipt of a complete Preliminary 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, the public hearing on the Preliminary 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

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Impact Statement, the public hearing on the Preliminary Plat shall be held within sixty-two days of filing the notice of completion.

(3) The hearing on the Preliminary Plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft Environmental Impact Statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. 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.

(4) The Planning Board shall approve, with or without modification, or disapprove such Preliminary Plat as follows:

(a) If the Planning Board determines that the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, such Board shall make its decision within sixty-two days after the close of the public hearing; or

(b) If the Planning Board determines that an Environmental Impact Statement is required, and a public hearing is held on the draft Environmental Impact Statement, the final environmental impact statement shall be filed within forty-five days following the close of such public hearing 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 final Environmental Impact Statement shall be filed within forty-five days following the close of the public hearing on the Preliminary Plat. Within thirty days of the filing of such final Environmental Impact Statement, the Planning Board shall issue findings on the final Environmental Impact Statement and make its decision on the Preliminary Plat.

(c) The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Plat in final form.

II. Planning Board not as lead agency under the State Environmental Quality Review Act.

(1) The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the Preliminary Plat jointly with the lead agency's hearing on the draft Environmental Impact Statement. Failing such agreement or if no public hearing is held on the draft Environmental Impact Statement, the Planning Board shall hold the public hearing on the Preliminary Plat within sixty-two days after the receipt of a complete Preliminary Plat by the clerk of the Planning Board.

(2) The hearing on the Preliminary Plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft Environmental Impact Statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. 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.

(3) The Planning Board shall by resolution approve with or without modification or disapprove the Preliminary Plat as follows:

(a) If the preparation of an Environmental Impact Statement on the Preliminary Plat is not required, the Planning Board shall make its decision within sixty-two days after the close of the public hearing on the Preliminary Plat.

(b) If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the Preliminary Plat within sixty-two days after the close of the public hearing on such Preliminary Plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer.

(4) The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a Preliminary Plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Plat in final form.

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D. Step IV

1) Certification and filing of Preliminary Plat.

Within five business days of the adoption of the resolution granting approval of such Preliminary Plat, such Plat shall be certified by the clerk of the Planning Board as having been granted preliminary approval, and a copy of the Plat and resolution shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner.

2) Filing of decision on Preliminary Plat.

Within five business days from the date of the adoption of the resolution approving the Preliminary Plat, the chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

3) Revocation of approval of Preliminary Plat.

Within six months of the approval of the Preliminary Plat, the owner must submit the Plat in final form. If the Final Plat is not submitted within six months, approval of the Preliminary Plat may be revoked by the Planning Board.

SECTION 304. Final Subdivision Plat  
(Amended February 6, 1996 by LL No. 2-1996)

A. Step I Application for Approval

1) The subdivider, after official written notification by the Planning Board with respect to the preliminary layout and the changes to be made thereon, if any, shall within six (6) months thereafter file with the Planning Board original drawings of the subdivision plat. These shall be clearly and legibly drawn in ink upon permanent material. The size of the sheets shall be twenty by twenty-two (20x22) inches and shall include a margin of one (1) inch outside ruled border line on three (3) sides and two (2) inches along the left twenty-inch side for binding. The drawings shall be at a scale of not more than forty (40) feet to the inch. When more than one (1) sheet is required, an additional index sheet, at an appropriate scale, shall show the entire subdivision on one (1) sheet with lot and block numbers.

2) If the Final Plat is not submitted within six months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Plat and require resubmission of the Preliminary Plat. Number of Copies.

3) A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Board with a copy of the Application and three copies (one copy in form required for filing with the Broome County Clerk) of the Plat, the original and one true copy of all offers of cession, covenants and agreements, and two prints of all construction drawings.

4) The subdivision plat shall show or be accompanied by the following information:

(a) Proposed subdivision name or identifying title and Tax Map number of the properties forming a part of the subdivision, the name and address record owner and subdivider; name, license number and seal of the professional engineer and/or land surveyor responsible for the design, survey of the subdivision and/or the preparation of the plats; date, scale and true North direction.

(b) Lines and widths of streets, pedestrian ways, lots, reservations, easements and all other areas to be dedicated to public use or to be held in reserve.

(c) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street and the dimensions and angles of the boundary lines of each lot. All dimensions shall be shown in feet and decimals of a foot.

(d) Sufficient data acceptable to the Enforcement Officer or designated official in order that he might readily determine the location, bearing and length of every street line, lot line and boundary line and reproduce such lines upon the ground. Where practicable, these shall be referenced to monuments included in the state system of plane coordinates and, in any event, should be tied to reference points previously established by a public authority.

(e) Typical cross sections of streets and roads including drive-strip, curbs, walks and/or shoulders drawn to scale.

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(f) The layout of all permanent improvements such as sanitary sewers, storm sewers, water mains, curbs, gutters and culverts, showing sizes, grades and elevations, the location of basins, manholes and other underground conduits or appurtenances where such items are an integral part of the subdivision.

(g) Lots and blocks within the subdivision numbered and lettered in alphabetical order in accordance with the prevailing Town practice.

(h) Soil tests.

(i) Permanent reference monuments shall be shown thus: "X."

(j) Lot corner markers shall be shown thus: "0."

(k) By proper designation, all public open spaces, other than streets, for which deeds of cession are submitted and those spaces to which title is reserved by the subdivider. Copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereto. Offers of cession, deeds and covenants governing the maintenance of conceded open spaces shall be approved by the Town Attorney as to their legal sufficiency.

(l) "Stormwater Prevention Plan" A Stormwater Pollution Prevention Plan consistent with the requirements of Articles 1 and 2 of the Town of Kirkwood Stormwater Management and Erosion & Sediment Control Local Law (Local Law No. 7 of 2007) and with the perms of preliminary plat approval shall be required for Final Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of Local Law No. 7 of 2007. The approved Final Subdivision Plat shall be consistent with the provision of the Local Law No. 7 of 2007." (Added Oct. 2007)

(3) The Town Clerk, as representative of the Town Board, shall deliver to the subdivider a certificate of submission which shall certify the date on which the subdivider submitted his subdivision plat.

### B. Step II

1) Final Plats which are in substantial agreement with approved Preliminary Plats. When a Final Plat is submitted which the Planning Board deems to be in substantial agreement with a Preliminary Plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such Plat, within sixty-two days of its receipt by the clerk of the Planning Board.

2) Endorsement of the State and County Agencies.

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Broome County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by the Broome County Department of Health shall be secured by the subdivider before official submission of Subdivision Plat. If the Health Department requires Town approval before its consideration of the Plat, the Planning Board may approve subject to Health Department approval and subject to consideration of any such changes required by such Department.

### C. Step III

1) Final Plats when no Preliminary Plat is required to be submitted; receipt of complete Final Plat.

When no Preliminary Plat is required to be submitted, a Final Plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the State Environmental Quality Review Act. The time periods for review of such Plat shall begin upon filing of such negative declaration or such notice of completion.

2) Final Plats; not in substantial agreement with approved Preliminary Plats, or when no Preliminary Plat is required to be submitted.

When a Final Plat is submitted which the Planning Board deems not to be in substantial agreement with a Preliminary Plat approved pursuant to this section, or when no Preliminary Plat is required to be submitted and a Final Plat clearly marked "Final Plat" is submitted conforming to the definition provided by this section the following shall apply:

I. Planning Board as lead agency; public hearing; notice; decision.

(1) Public hearing on Final Plats. The time within which the Planning Board shall hold a public hearing on such Final Plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

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- (a) if such Board determines that the preparation of an Environmental Impact Statement is not required, the 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
  - (b) if such 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 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.
- (2) Public hearing; notice, length. The hearing on the Final Plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on the draft Environmental Impact Statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Final Plat. The hearing on the Final Plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.
- (3) Decision. The Planning Board shall make its decision on the Final Plat as follows:
- (a) if such Board determines that the preparation of an Environmental Impact Statement on the Final Plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such Plat, within sixty-two days after the date of the public hearing; or
  - (b) if such Board determines that an Environmental Impact Statement is required, and a public hearing is held on the draft Environmental Impact Statement, the final Environmental Impact Statement shall be filed within forty-five days following the close of such public hearing 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 final Environmental Impact Statement shall be filed within forty-five days following the close of the public hearing on the Final Plat. Within thirty days of the filing of the final Environmental Impact Statement, the Planning Board shall issue findings on such final Environmental Impact Statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such Plat.
- (4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
- II. Planning Board not as lead agency; public hearing; notice; decision.
- (1) Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the Final Plat jointly with the lead agency's hearing on the draft Environmental Impact Statement. Failing such agreement or if no public hearing is held on the draft Environmental Impact Statement, the Planning Board shall hold the public hearing on the Final Plat within sixty-two days after the receipt of a complete Final Plat by the clerk of the Planning Board.
- (2) Public hearing; notice, length. The hearing on the Final Plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft Environmental Impact Statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Final Plat. The hearing on the Final Plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.



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(3) Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such Plat as follows:

(a) If the preparation of an Environmental Impact Statement on the Final Plat is not required, the Planning Board shall make its decision within sixty-two days after the close of the public hearing on the Final Plat.

(b) If an Environmental Impact Statement is required, the Planning Board shall make its own findings and its decision on the Final Plat within sixty-two days after the close of the public hearing on such Final Plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

### D. Step IV

#### 1) Approval and certification of Final Plats.

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 Plat shall be filed in such 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.

#### 2) 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.

#### 3) Default approval of Preliminary or Final Plat.

The time periods prescribed herein within which a Planning Board must take action on a Preliminary Plat or a Final Plat may be extended only by mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action on a Preliminary Plat or a Final Plat within the time prescribed therefor after completion of all requirements under the State Environmental Quality Review Act, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such Preliminary or Final Plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the Preliminary or Final Plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

#### 4) Filing of decision on Final Plat.

Within five business days from the date of the adoption of the resolution approving the Final Plat, the chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

### E. Step V. Approval of the subdivision plat shall, however, not be deemed final until the subdivider has complied with the following:

(1) The subdivider shall complete, in accordance with the Planning Board's decision, to the satisfaction of the Town Engineer and/or any other official or body authorized by the Town Board to act, all the street and other improvements specified in Section 277 of the Town Law and not specifically waived by the Board and/or shall file with the Board a performance bond or other security sufficient to cover the full cost of the same as estimated by the Town Board, complying with Section 277 of the Town Law and satisfactory to the

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Town Board as to form, sufficiency, manner of execution and surety, for the completion of such improvements as are not to be constructed and/or may not be approved by the Enforcement officer.

(2) The subdivider shall tender offers of cession, in a form certified as satisfactory by the Town Board, of all lands included in streets, highways or parks not specifically reserved by him, but approval of the plat by the Planning Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other public open spaces.

(3) The subdivider shall obtain the approval of the Broome County Health Department.

- F. Step VI. Within sixty-two (62) days of the final approval of the subdivision plat by the Planning Board, the subdivider shall file a copy of the subdivision plat in the office of the County Clerk. Said subdivision plat shall be endorsed in writing on the plat in such a manner as the Planning Board may designate. Such endorsement shall stipulate that the plat does not conflict with the County Official Map, if one exists or, in cases where plats do front on or have access to or are otherwise related to roads or drainage systems shown on the County Map, that such plat has been approved in the manner specified by Section 239-K of the General Municipal Law. Such final approval shall have been deemed to expire if the plat is not so filed within the said sixty-two (62) days.
- G. Step VII. The subdivider shall within ten (10) days after filing the subdivision plat with the County Clerk, file a copy of the same plat with the Town Board.
- H. Step VIII. After such plat has been filed with the County Clerk and the Town Board, the subdivider shall be granted permission to proceed with the work necessary to construct and install the proposed streets and other improvements in accordance with the approved subdivision plat. Such construction and installations shall comply with the "Construction Standards for the Town of Kirkwood."
- (1) Once subdivision site work is underway, the subdivider shall cooperate with the Ordinance Administrator or any other duly designated official who shall be responsible for inspections necessary to insure that all work in accordance with the approved subdivision plat, the applicable standards set forth in Article IV of those Subdivision Regulations and the "Construction Standards for the Town of Kirkwood."
- (2) Permanent reference monuments of a type approved by the Ordinance Administrator shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Ordinance Administrator.
- (3) All lot corner markers shall be permanently located, satisfactory to the Ordinance Administrator, at least 3/4 inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing angle.

### **SECTION 305. Town Board Acceptance of Improvements for Public Use and Maintenance**

Upon completion of the construction and installation of streets and other improvements in accordance with the approved subdivision plat, and upon submission to the Town Board of as built drawings indicating the precise location and construction standards of all public utilities, satisfactory deeds. Abstracts of Title and easements for streets, storm sewers, sanitary sewers, water lines, and other utilities as required, the Town Board shall take all necessary steps to accept these improvements for public use and permanent maintenance, in accordance with the provisions of the Town Law and any other applicable law, and the subdivider shall thereupon be released from any performance bonds posted and filed with the Town to guarantee any of the aforesaid proposed construction and installation.

Notwithstanding any of the foregoing, the Town Board shall require from the subdivider an affidavit stating that all bills and accounts for materials and labor used in the construction of improvements have been paid before said improvements will be accepted by the Town Board for public use and maintenance.

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## ARTICLE IV SUBDIVISION STANDARDS

### SECTION 401. Subdivision Standards and Requirements

- A. General Standards: The subdivider shall observe the following general land subdivision standards:
- 1) The proposed subdivision shall conform to the Official Map, the Zoning Ordinance and the Master Plan, if such exist.
  - 2) The arrangement of streets in the subdivision shall provide for the continuation of arterial and collector streets in adjoining subdivision or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets. When streets are completed for only a portion of an approved subdivision, that extension of which are to be completed at a later date, the subdivider shall provide a turn-around roadway as specified for dead-end or cul-de-sac streets.
  - 3) Dead-end or cul-de-sac streets shall not in general exceed 400 feet in length, and shall be equipped with a turn-around roadway with a minimum radius of 40 feet for the outside curbs at the closed end. The turnaround, where the end of the street abuts adjoining property of other owners, shall have the perimeter of 80 feet diameter circle, touch but not intersect such property line. Where a plat submitted shows a turnaround at the end of a street and such turn-around does not touch the property line of adjoining property, the Town Highway Superintendent may, when in his judgment, the terrain is suitable for an extension of such dead-end street, at some future date, require that a strip of land of the same width as the proposed Street and extending from the dead-end of the proposed Street to the property line of adjoining property to be dedicated to the Town as a right-of-way for future extension of such dead-end Street. No reserve strips shall be retained by the owner of any plat or map submitted to the Town Board.
  - 4) Block lengths generally shall not exceed 800 feet in length.
  - 5) Each normal block shall be planned to provide two rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed and covered by agreements as to maintenance of interior parks.
  - 6) Curb radii at intersections shall not be less than 20 feet. Property lines shall be adjusted accordingly.
  - 7) Side lines of lots, so far as practicable, shall be at right angles or radial to street lines.
  - 8) Reversed frontage of lots at street intersections shall be avoided where possible and a series of fan-shaped lots shall not be encouraged.
  - 9) Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each Street.
  - 10) Land subject to flooding and deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other use as may increase danger to health, life, or property or aggravate the flood hazard. Such uses as shall not be endangered by periodic or occasional inundation shall be permitted.
  - 11) In case a tract is subdivided into larger parcels shall be arranged so as to allow the opening of future streets and logical further subdivisions.
  - 12) No reserve strips controlling access to land dedicated, or to be dedicated to public use, shall be permitted.
  - 13) In general, street lines within a block deflecting from each other at any one point more than 10 degrees shall be connected with a curve, the radius of which for the inner street lines shall not be less than 400 feet on arterial streets, 200 feet on collector streets, and 150 feet on service streets. The outer street line in each case shall be parallel to such inner street lines.
  - 14) Areas of reasonable size shall be set aside for neighborhood parks or other recreation uses when required by the Planning Board. In lieu thereof, the Planning Board may require payment by the subdivider to the Town of an amount to be determined by the Town Board. Such amount shall be available for use by the Town for part and playground purposes.
  - 15) Adequate storm drainage systems shall be required in all new subdivisions. In lieu thereof, the Planning Board may require the subdivider to contribute a lawful and reasonable sum for placement in a fund to be used by the Town Highway Department for the construction of storm drainage systems in the subdivision at some future date when the Planning Board and/or the Town Highway Superintendent deem them to be necessary.
  - 16) The subdivision design shall encourage the preservation of existing trees.

## SUBDIVISION REGULATIONS

- B. Lot Dimension Requirements –  
Lot areas and dimensions shall be in accordance with the “Town of Kirkwood Zoning Ordinance.”
- C. Standards for Street Construction –  
The following standards of construction and layout shall govern the building of all new streets in the Town.
  - 1) All streets as shown herein defined and so designated by the Planning Board shall have a minimum right-of-way, and road bed or drive strip width of:
    - a. With combined curb and gutter:  
Right-of-Way, Road Bed, Shoulder Width  
Arterial Street, 70 feet, 36 feet, N.A. Collector Street, 60 feet, 36 feet, N.A. Service Street 50 feet, 32 feet, N.A.
    - b. Without curbs:  
Arterial Street 70 feet, 24 feet, 6 feet. Collector Street 60 feet, 24 feet, 6 feet. Service Street 50 feet, 20 feet, 6 feet.
  - 2)
    - a. Service Streets shall have a maximum grade of 10 percent, except that grades up to 15 percent may be approved on short runs in the discretion of the Planning Board. Arterial and Collector Streets shall have a maximum grade of 8 percent.
    - b. Within 40 feet of an intersection, the maximum grade on all streets shall be limited to 1 ½ percent.
    - c. All streets without curbs and gutters shall have a minimum grade of 1 percent. All streets with combined curbs and gutters shall have a minimum grade of 0.6 percent.
  - 3) Said proposed roads or highways shall be properly drained by the owner of the development to meet the approval of the State, County and Town.
  - 4) All workmanship, material, and other construction methods shall comply with the “Construction Standards for the Town of Kirkwood.”

### ARTICLE V ENFORCEMENT

#### SECTION 501.           Violations and Penalties (Amended May 4, 2004 by LL No. 19-2004)

- A. A violation of these regulations is a misdemeanor, punishable by a fine not exceeding five hundred dollars or imprisonment for not more than 90 days, or both.
- B. Each week’s continued violation shall constitute a separate violation.
- C. A first violation shall be deemed to have occurred from the date of written notification of violation issued by the Building Inspector or from such date as may be designated in such written notice.
- D. The Town Board, at the request of the Building Inspector, may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with these rules by injunction, abatement or otherwise compel cessation of each violation, and obtain restitution to the Town for costs incurred by the Town in remedying each violation, including but not limited to reasonable attorney’s fees.

#### SECTION 502.           Complaints of Violations

Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector (or other enforcing officer), who shall properly record such complaint and immediately investigate any report thereon.

## **SUBDIVISION REGULATIONS**

### **ARTICLE VI SAVINGS CLAUSE**

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction the remainder of said ordinance shall not be affected thereby.

### **ARTICLE VII EFFECTIVE DATE**

This ordinance shall take effect ten (10) days after the publication thereof and posting thereof by the Town Clerk pursuant to applicable provisions of the Town Law.

**Note:** The purpose of Local Law No. 2-1996 passed by the Kirkwood Town Board on February 6, 1996 was to adopt the recommendations of the Town of Kirkwood Planning Board to revise the subdivision regulations, which were approved at the November 13, 1995 regular meeting of said Board. Sections amended noted above in text of regulations.