

Town of AuSable

Subdivision Regulations

Dated June 10, 1999

As revised December 28, 2016

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 sub divider 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 requiring that 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 each with a Minimum of at least 100' road frontage and contain no new roads are called minor subdivisions and have a simpler review process than larger subdivisions. First, the sub divider 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 sub divider 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 sub divider must also fill out a short State Environmental Quality Review Act (SEQR) 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 sub divider in writing.

Review of major subdivisions (five or more lots, or any subdivision, which creates a new road or proposes any lot with less than 100' road frontage) is a similar but more extensive process.

Town of AuSable Subdivision Regulations

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I. DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of AuSable of the County of Clinton adopted on June 10, 1999, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of AuSable 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 AuSable. 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, sewage 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 AuSable Regulations" has been adopted by the Planning Board on December 7, 2016 and approved by the Town Board on December 28, 2016.

Subdivisions subject to these regulations include any division of land into two or more lots.

Subdivisions shown on plats which have been filed in the Offices of the Clinton County Clerk, and which are entirely or partially undeveloped, shall be subject to review by the Planning Board. The term "undeveloped" shall mean those plats where 20% or more of the lots within the plat are unimproved, unless existing conditions,

such as poor drainage, have prevented their development. 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 these regulations. The Planning Board shall approve, approve with modifications or deny the submitted plat. The Planning Board shall have the power to require that the design standards contained in 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 these regulations, until it has complied with the provisions herein and received approval hereunder.

II. DEFINITIONS

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

AGRICULTURAL LAND means land used for the production or raising of crops, animals or animal products, the selling of such products grown on premises, and any other commonly accepted agricultural operations, except animals or crops raised for personal consumption or recreational purposes. The term agricultural land also includes lands which are managed for commercial timber purposes.

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

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

CONSERVATION SUBDIVISION means a pattern of development that places housing units on those portions of the property most suitable for development, while leaving substantial portions as undeveloped open space. Such subdivisions may include a variety of lot sizes, ranging from large farm or estate lots to lots similar in size to those found in hamlet or village settings.

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.

LOT LINE ADJUSTMENT 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.

MAJOR SUBDIVISION means any subdivision of five or more lots, parcels or sites or any subdivision of less than 5 lots which does not meet the definition of a minor subdivision.

MINOR SUBDIVISION means any subdivision containing not more than four lots, parcels or sites and all lots having a minimum of 100' frontage on an existing public highway, thereby assuring adequate access.

OPEN SPACE means land left in a natural state for conservation, agricultural, scenic purposes, devoted to active or passive recreation, or devoted to the preservation of distinctive architectural, historic, geologic or botanic sites. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, or occupied by any structure or improvement, except for agricultural uses.

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.

PRIMARY CONSERVATION AREA means the area delineated in a conservation subdivision to have priority resource areas to be conserved including, but not limited to streams, floodplains, wetlands, critical habitats, and steep slopes, areas with rocky outcrops, Pine Barrens areas, and groundwater recharge areas.

PUBLIC HIGHWAY means a Federal, State, County, or Town owned road.

RECHARGE means the replenishment of underground water reserves.

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 recreation areas and re-vegetation operations.

SECONDARY CONSERVATION AREA means the area delineated in a conservation subdivision to have secondary resource features to be conserved including, but not limited to forested areas, other vegetation features representing the

site's rural past, historic structures or sites, visually prominent features such as knolls or hilltops,

SKETCH PLAN means a sketch of a proposed subdivision showing the information specified in Article IV Section A of these regulations, to enable the sub divider 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, including rights of way.

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 transfer, lease, mortgage or pledge, 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.

Additionally, the sale of an adjoining lot or parcel not previously approved as a subdivision by the Town Planning Board or the construction of an additional primary structure on an existing parcel shall constitute a subdivision for the purpose of this regulation.

SUBDIVISION PLAT OR FINAL PLAT means a drawing, in final form prepared by a licensed land surveyor showing a proposed subdivision containing all information or detail required by Article IV 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 mean any land that is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh, as defined by any regulatory agency.

Any word or term used in these regulations that 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 any 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 sub divider and the Planning Board as outlined below.

A. SKETCH PLAN REVIEW/CLASSIFICATION OF SUBDIVISION

1. Applicant submits one (1) copy of sketch plan to the Town Clerk at least fourteen (14) days prior to at 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 AuSable Office.
2. Planning Board reviews 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. Upon acceptance of a completed sketch plan application the Planning Board will classify the project as a lot line adjustment, minor subdivision, or major subdivision. See Appendix A

If the sketch plan represents a lot line adjustment the applicant may proceed without further review. The Board retains a copy of the proposal for the record. The applicant may proceed with conditions to be set by the Planning Board (i.e. survey map and recorded deed).

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 sub divider, the sub divider shall submit one (1) copy of the application for Minor Subdivision plat approval within six (6) 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 six (6) 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 appropriate agencies 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 (APA has jurisdiction).
3. The application and plat shall be accompanied by a fee in an amount that shall be established from time to time by the Town Board and posted in the Town Hall.
4. The sub divider 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. The Planning Board shall study the Preliminary Plat, and shall consider at least the following aspects.
 - Street design, including topographic relationships.
 - Water supply.
 - Sewage disposal.
 - Drainage.
 - Lot sizes and layout.
 - Utilities.
 - Adjoining land use and development patterns.

- Review by technical agencies.
 - Other considerations the Planning Board determines appropriate.
7. A public hearing shall be held within 60 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 62 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 no 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.
 8. 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.
 9. 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.
 10. Approval by the Planning Board does not relieve the applicant from review & approval by other agencies, including but not limited to APA, DEC, DOH, ACOE, or EPA. Planning Board approval is for the Town of AuSable requirements only.

C. MAJOR SUBDIVISION PRELIMINARY PLAT REVIEW

1. Unless otherwise agreed by the Planning Board and the sub divider, the sub divider shall submit one (1) copy of the application for major subdivision preliminary plat approval within six (6) 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 six (6) 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. The requirements of SEQR do not apply if the subdivision is a Class A or Class B regional subdivision under the APA ACT (Section 810 of Executive Law).
3. The application and plat shall be accompanied by a fee in an amount that shall be established from time to time by the Town Board and posted in the Town Hall.
4. The sub divider or his authorized representative shall attend the meeting of the Planning Board to discuss the Subdivision Plat.
5. Referral to appropriate County, State, and Federal agencies may be made for their review and recommendations. Applicant is required to make applications to all interested agencies, whether or not they are listed for referral by the board.
6. 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.
7. Within 62 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 62 days after the hearing if no EIS has been prepared (negative declaration). 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 or more than thirty (30) days after filing of the Final EIS. Reasons for disapproval or conditional approval of the subdivision shall be given in writing.
8. Upon Board approval or conditional approval, the board shall specify:
 - Necessary changes to the plat
 - Improvements, which are to be waived
 - Bonding amount (See Required Improvements)

9. Changes to be made on conditionally approved plats shall occur within 180 days. The Planning Board may double the 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.
10. Approval by the Planning Board does not relieve the applicant from review & approval by other agencies including, but not limited to the APA, DEC, DOH, ACOE or EPA. Planning Board approval is for the Town of AuSable requirements only.

D. REVIEW OF MAJOR SUBDIVISION FINAL PLATS

1. Unless otherwise agreed, the sub divider shall submit one (1) copy of the application for Major Subdivision Final Plat approval within six (6) 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 six (6) 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 sub divider 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 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 sub divider 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, and collected in advance.

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. 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:

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

A copy of the ownership deed and the most recent Real Property Tax bill shall be submitted with the sketch plan.

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. The Plat to be filed with the Clinton 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 be 18" X 24" or 24" X 36" (per Clinton County Clerk), and show the following:

- a. Proposed subdivision name, Town of AuSable Clinton County, and names of all adjoining property owners with deed references noted thereon.
 - b. North point, map scale, and name and address of the sub divider, the owner(s) of the record, and New York State licensed land surveyor, including license number, stamp, 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 now or in the future 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 with 5' contour 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 by not less than 50 feet to the inch, which shall show:
 - a. Proposed subdivision name or identifying title, Town of AuSable Clinton County, and the names of all adjoining property owners with deed references noted thereon.
 - b. North point, map, scale, and name and address of sub divider, owner(s) of record, and New York State licensed land surveyor, including license number, stamp, 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, and driveway) and 5 feet for the remainder of the site.
 - f. Location of existing structures, easements, permanent and intermittent streams, lakes, ponds, wetlands, rocky outcrops, wooded areas, single trees with a diameter of 24" or more measured 4 ½ 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 sub divider. 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 systems 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, linear feet of road acreage in parks, etc.
 4. If the application covers only part of the sub divider's entire holding, a map of the entire tract, drawn at 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 paper or clearly drawn in India ink upon tracing cloth, which shall show:
 - a. Proposed subdivision name or identifying title, Town of AuSable Clinton County, and the names of all adjoining owners.
 - b. North point, map scale, and name and address of the subdivider, the owner(s) of record, and New York State licensed surveyor, including license number, stamp, 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:
 1. Monuments of a type approved by the Planning Board set

at all corners and angle points of the boundaries of all 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

2. Permanently lodged lot corner markers of at least $\frac{1}{2}$ inch diameter and 48 inch length, set 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 and driveway) and five (5) feet for the remainder of the site.
 - f. Location of existing structures, easements permanent and intermittent streams, lakes, ponds, wetlands, rocky outcrops, wooded areas, single trees with a diameter of 24 inches or more as measured 4 $\frac{1}{2}$ 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 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 sub divider. 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 of for construction of roads and installation of utilities (may be referenced to Figure 1 of these regulations).
- q. Size of the sheet shall be 18" X 24" or 24" X 36" (per Clinton County Clerk). 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.
- r. Summary table listing the number of lots, lot range, typical lot size, linear feet of range in parks, etc.

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

- A. Before the Planning Board grants final approval of a major Subdivision Plat, the sub divider shall either, at the option of the Planning Board:
1. File a certified check or performance bond 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 sub divider must pay the required inspection fee and notify the Planning Board in writing at least five (5) 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 that is not in compliance with plans and specifications.
- F. The Town Board shall, in writing, notify the sub divider (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 sub divider is in default on another plat.

H. The payment of all fees, including consulting reviewer's 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 by the sub divider within 62 days with the County Clerk or such approval shall expire pursuant to section 276 (11) of the Town Law. Proof of filing shall be provided to the Town Clerk within seven (7) days after filing with the County Clerk.

- B. If the plat has not been filed with the County Clerk within 62 days, the signature of the duly designated officer of the Planning Board of 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 sub divider 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.
- C. Any person offering to dedicate a public highway to the Town shall submit a deed, survey map and title insurance insuring marketable title to the highway in a form satisfactory to the Town Attorney.

IX. GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering application 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

1. Only land, which is suitable for safe human occupancy, shall be used for development. Proposed development located in severe areas may require special features or measures to overcome potential health, fire, and flooding or similar hazards.
2. Future development should avoid the need for costly land alterations or elaborate engineering to overcome adverse site conditions.
3. All new on-site and replacement septic systems shall conform to the New York State DOH Sanitary Standards.
4. All required improvements (street, 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

1. All streets whether to be privately owned or to be dedicated to the town shall be built in accordance with the Town of AuSable Road Specifications in addition to the requirements herein. 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 table are to be avoided. Building sites should be at or above grade of adjacent roads.
2. The number of stream crossings should be minimized.
3. Blind intersections and closely spaced street jogs should be avoided.
4. Minor streets should NOT be designed to encourage through traffic.

5. Dead-end or loop street layouts should include an easement to allow a future through-connection if the Board finds it appropriate.
6. 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.
7. The Planning Board may require that street patterns for larger-than-minimum lot developments be arranged so that, if possible, the area could be re-subdivided into minimum-sized lots at a future date.
8. Gravel or paved surface drives at least 20 feet wide will be provided for commercial uses.
9. All roads shall have 50-foot minimum rights-of-way for a street corridor. The road base and surface shall be designed in accordance with the “Town of AuSable Road Specifications and Procedure for Dedication of Road.”
10. Bridges shall be constructed according to the specifications of the County of Clinton and any other agency and proof of compliance shall be submitted by the applicant satisfactory to the Board.
11. 10-year storm runoff if drainage area is one square mile or less.
12. 25-year storm runoff if drainage area is one to four square miles.
13. 100-year storm runoff if drainage is more than four square miles.
14. Maximum cut and fill slopes:
 - a. 2:1 Fill and for cuts in coarse sand and gravel
 - b. 2-1/2:1 for cuts in fill or silt sand
 - c. 3:1 in sandy silt
 - d. 4:1 in silt, sandy clay or clay
15. Clearing and grubbing required before fill. Fill to be deposited in 12” inch layers.

16. Turnarounds at the end of dead-end roads in accordance with “Town of AuSable Road Specifications and Procedure for Dedication of Road.”
17. Access to private lots across watercourses, whether via culvert or other means shall be approved by the Planning Board.
18. Clearing and grubbing for all services shall be shown on the final grading plans.
19. Construction of roads and utilities should be phased to prevent conflicts or redundant work.
20. Cleared areas, except shoulders and road surfaces, shall be planted with suitable grasses or suitable ground cover. Ditch bottoms shall be planted, paved, rip wrapped or otherwise designed to minimize soil erosion.
21. Within any hamlet area, 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

1. 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.
2. Re-vegetation shall be done in ½ acre increments or phases.
3. Re-vegetation shall be completed within a 5 to 10 day-period after final grading.
4. 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

1. Lot boundaries and shapes should be suitable to the topography.
2. Lot lines should be approximately right angles to street lines unless a different alignment will result in a better plan.
3. Driveways should not exceed 12 percent grade over any 150-foot length, or over 5 percent within 50 feet of a connecting street.
4. Private right-of-way to three lots or more shall be constructed according to the public road standards described in the Town of AuSable Road Specifications. Permanent monuments shall be located at block corners, angle points, points of curves and other prominent points. A means for providing maintenance and holding title shall be demonstrated to the satisfaction of the Planning Board.

F. DRAINAGE

1. Spring or surface water drainage shall be carried, by ditch or culvert, within the street right-of-way or in another permanent easement. In addition to the minimum requirements in the Town of AuSable Road Specifications, all roadway ditches shall be designed to provide positive drainage in the 100-year storm.
2. Drainage easements shall be provided for watercourses at a minimum of 150 feet wide.
3. Culverts shall be designed to accommodate the peak runoff from all upstream areas, whether inside or outside the subdivision, under conditions of total potential development in the upstream area.
 - Ten-year peak runoff if drainage is 1 square mile or less
 - Twenty-five year peak runoff if drainage area is between 1 and

4 square miles.

- One hundred-year peak runoff if drainage area is more than 4 square miles
4. A study of the subdivision's downstream effect shall be required. A subdivision shall be designed with features in accordance with the NYS SPDES Storm Water General Permit.
5. Proposed storm water requirement:
- a. For minor subdivisions, mitigation can be handled on an individual lot basis. Mitigation can be with the use of ponds, swales, ex-filtration devices, rain gardens, dry wells, French drains, or other method acceptable to the Planning Board. Sizing shall be based on 1.5 gallons per 1 square foot of impervious area. In areas of the town where the soil exhibit high permeability (perc rates of less than 3 minutes) and greater than 5 feet to seasonal high ground water, it can be acceptable to grade the lot to provide positive drainage within the lot so that all drainage generated within the lot is allowed to ex-filtrate in all storms up to the 100 year event. Plans shall reflect a typical mitigation plan, with an assumed 1500 square foot home and a 10 foot wide driveway between the road and the home. At the time of the filing of a building permit, it is recognized that the storm water plan may require updating. For minor subdivisions or for individual home construction designed using the 1.5 gallons per square foot of impervious area approach, the design can be submitted by the homeowner or developer. Any approach that differs from that approach must be prepared by a Professional Engineer.
 - b. For major subdivisions, all plans must show compliance with the New York State Department of Environmental Conservation regulations established under the current General SPDES Permit for Storm Water Discharges from Construction Activities. Additionally, the plans will be required to show an analysis of the 90%, the 1 year, the 10 year and the 100 year storm. All designs shall allow for the retention of the 90% storm, the 24 hour extended detention of

the 1 year storm, and the detention of the 10 year and 100 year storms to limit post development runoff rate to the pre-development runoff rate. The Town is flexible on methods to attain this goal, and for instance will consider on developments with large lots the idea of mitigation on a lot-by-lot basis. Ponds will be considered as a valid method of accomplishing this goal; however, sand filters, underground storage methods, rain gardens, and other methods are also acceptable. The town recognizes that there are sections of the town with highly permeable soils, and that these may be taken advantage of in designing a strategy of storm water control. In other sections of the Town where rock outcroppings are more common, other challenges may be present and more creative solutions may be entertained. For major subdivisions, all Storm Water Management Plans must be prepared by a Professional Engineer.

- c. Any project that drains directly to the AuSable River, Little AuSable River or to Lake Champlain and is otherwise exempt from the New York State Department of Environmental Conservation SPDES regulations except for the requirements of 90% storm is exempt from meeting the requirements of the 1 year, 10 year and 100 year storm of this regulation.

G. PARKS, OPEN SPACE AND NATURAL FEATURES

1. 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.).
2. The area to be reserved for recreation purposes shall be suitable for such purposes. Land that 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 sum to be determined by the Town Board, which sum shall exclusively for Neighborhood Park, playground or recreation purposes including the acquisition of property.

3. 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.
4. The Planning Board may waive the 5 percent requirement of public open space.
5. The sub divider shall provide for the protection of natural features, including:
 - Large trees (with a diameter of 24 inches or more measured 4 ½ feet above the base of the trunk) or unusual groves of trees
 - Water courses and falls
 - Beaches
 - Historic sites as identified using New York State Historic Preservation criteria

H. CONSERVATION SUBDIVISION

A. Authorization

Pursuant to Section 5.7 of the Town of AuSable Zoning Law, the Planning Board is authorized to review and approve a conservation subdivision layout for any proposed minor or major subdivision when proposed by an applicant.

B. Compliance with Other Laws

This section of the Subdivision Regulations shall function in coordination with all provisions of the Town of AuSable Subdivision Law. Whenever a conservation subdivision design is proposed, the requirements of this sub-section shall be required in addition to those of Section 5.7 of the Town of AuSable Zoning Law. The Planning Board shall integrate the applicable procedures and submission requirements.

C. Procedure

All requirements and procedures of the Town of AuSable Subdivision Law shall be

followed in addition to this section, including but not limited to requirements for sketch plan, preliminary and final plats, submittals, public hearings, referrals, and all other subdivision procedures.

D. Design of Conservation Subdivision

1. A conservation subdivision shall be designed per this sub-section. The process includes steps to be taken in order including site analysis to identify primary and secondary open space areas, specify location of house sites, align streets and trails, and lastly, to draw lot lines. Unlike a conventional subdivision design, the conservation method emphasizes proper placement of houses to preserve open space first, and de-emphasizes the size and shape of lots. The conservation subdivision design process shall be as follows:

- a. **Site Analysis.** A site analysis shall be done to include an identification of primary and secondary conservation lands within a parcel(s), as defined below. The site analysis shall include a Site Analysis Map with the information listed below. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from governmental agencies, or from aerial photographs. The applicant shall review all AuSable maps, plans and studies including but not limited to the Comprehensive Plan, in conducting its site analysis. The site analysis is not intended to be a highly engineered or exact document, but a general sketch and description illustrating the location and type of environmental features that are present on the site including features such as:

1. Areas having slopes greater than fifteen percent (15%).
2. Wetlands, areas of hydrological sensitivity including but not limited to aquifer and aquifer recharge areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any. The Site Analysis Map shall delineate the required stream buffers.
3. Agricultural lands including farmland within, and adjacent to, a New York State certified Agricultural District, if any.
4. Sites where community sewer, community water, or community water and sewer are available or planned, if any.
5. Lands within, or contiguous to, a Critical Environmental Area designated pursuant to Article 8 of the New York State Environmental Conservation Law, if any.

6. Lands contiguous to publicly owned or designated open space areas, or privately preserved open spaces, if any.
7. Historic structures or areas of national, state or local importance, if any, and specifically identifying those structures which are listed on either the federal or New York State Register of Historic Places.
8. Sites in or bordering on, known scenic locations identified in the Town's Comprehensive Plan, if any.
9. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species, or unique natural or geological formations, if any.
10. General description and locations of the vegetative cover on the property according to general cover type including cultivated land, grass land, old field, hedgerow, woodland and wetland, and showing the actual line of existing trees and woodlands.
11. Lakes, ponds or other significant recreational areas, or sites designated as such in the Town's Comprehensive Plan, if any.
12. Existing trails, bikeways, and pedestrian routes of Town, State or County significance or those indicated in any Town, County or State plan for future trail development, if any.
13. Location of all existing streets, roads, buildings, utilities and other man-made improvements.
14. All easements and other encumbrances of property which are or have been filed of record with the Clinton County Clerk's Office.

b. Delineate Open Space Areas. The primary and secondary conservation areas, together, constitute the total open space areas to be preserved, and the remaining land is the potential development area. Proposed open space areas shall be designated as follows:

1. Primary Conservation Areas shall be delineated and designated on a map. House building envelopes shall not encroach upon Primary Conservation areas.
2. Secondary Conservation Areas shall be delineated and designated on a map. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the parcel in terms of their highest to least suitability for inclusion in the proposed open space in consultation with the Planning Board. Secondary Conservation Areas shall be delineated on the basis of those priorities and practical considerations given to the parcel's configuration, its context in relation to resource areas on adjoining and

neighboring properties, and the applicant's subdivision objectives. These features shall be clearly noted, as well as the types of resources included within them, on the map. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space areas on the parcel.

- c. Specify Location of House Sites. Building envelopes shall be tentatively located within the potential development areas. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.
- d. Align Streets and Trails. After designating the building envelopes, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified in these Subdivision Regulations and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands, traversing steep slopes, and fragmenting agricultural lands. Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be developed and maintained, and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate only when they support greater open space conservation or provide extensive pedestrian linkages. All applicable requirements of the Town of AuSable Highway Law as it may exist shall be met.
- e. Draw Lot Lines. Upon completion of the preceding steps, lot lines are then drawn as required to delineate the boundaries of individual residential lots.

E. Streets, Driveways and Trails

1. Common driveway access may be provided for. A pedestrian circulation and/or trail system shall be sufficient for the needs of residents, unless waived by the Planning Board.
2. New streets shall meet the Town Highway Specifications as they may exist. Where appropriate, the Planning Board shall work with the Highway Department to ensure that the Town of AuSable Highway Specifications,

normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a conservation subdivision.

3. Bike paths and other pedestrian trails are encouraged.

F. Protection of Open Space

1. All required open space shall be depicted and noted on the site plan as protected open space and restricted from further subdivision through one of the following methods to be proposed by the applicant and approved by the Planning Board:
 - a. A permanent conservation easement, in a form acceptable to the Town and recorded at the County Clerk's Office. Due to the enforcement responsibilities carried out by easement grantees, this is the preferred method of ensuring permanent protection.
 - b. A declaration of covenants or deed restriction, in a form acceptable to the Town and recorded in the County Clerk's Office.
2. Open space land may be held in any form of ownership that protects its conservation values, such as where the open space is owned in common by a home or property owners' association (HOA).
 - a. Open space may also be dedicated to the Town, County or State governments, transferred to a qualified non-profit organization including a land trust, or held by single or multiple private owners. The applicant shall provide proof that the receiving body agrees to accept the dedication.
 - b. The Town seeks to ensure long-term maintenance of privately-owned lots dedicated to open space. When open space lands are proposed to be privately owned on a lot dedicated for open space use, and such lands are not subject to a conservation easement or are not to be transferred to a qualified not-for-profit organization or municipality, such lands shall be owned by an HOA, or shall be designated as a house lot allowing only one residence. This house lot shall be considered part of, and not in addition to, the allowed density the parent parcel is eligible for. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.
 - c. If the open space is to be owned by an HOA, the HOA must be incorporated

before the final subdivision plat is signed. The applicant shall provide the Town with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

- d. If land is held in common ownership by a HOA, such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs. The Planning Board shall find that the HOA documents satisfy the conditions above.
 - e. The home or property owners' association shall be operating before the sale of any dwelling units in the development. The proposed HOA shall be established by the applicant and shall comply with the requirements of Section 352-e of the New York State General Business Law, and have an offering plan for the sale of lots in the subdivision approved by the New York State Department of Law, if required. In the event that the NYS Department of Law grants an exemption from the requirement of an offering plan, the applicant shall have in place a maintenance agreement acceptable to the Town that ensures perpetual maintenance of the open space.
 - f. Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title.
 - g. The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.
 - h. The association shall have adequate resources to administer, maintain, and operate such common facilities.
3. The conservation easement, declaration of covenants or deed restriction, or approved subdivision plan shall permanently restrict development of the open space and shall specify the use of such space only for agriculture, forestry, recreation or similar purposes. The Planning Board shall approve the form and content of any easement, declaration, restriction, or subdivision plan. Regardless of which method of protecting the required or designated open space

is selected, the restriction shall be made a condition of the final plat approval.

4. A conservation easement will be acceptable if:
 - a. The conservation organization is acceptable to the Town and is a *bona fide* conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.
 - b. The conveyance contains appropriate provisions for proper reverting or re-transfers in the event that the conservation organization becomes unwilling or unable to continue carrying out its functions.
 - c. A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to insure perpetual maintenance of the open space.
 - d. The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.

G. Maintenance Standards

1. The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space.
2. Failure to adequately maintain any improvements located on the undivided open space and keep them in reasonable operating condition is a violation of the Subdivision Regulations. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance/restoration, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or in the case of an HOA, the owners of properties within the development, and if unpaid, shall become a tax lien on such property.

H. Future Subdivisions

When an applicant includes only a portion of a landowner's entire parcel, a sketch layout according to this section shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with this section and to allow the Planning Board to

adequately assess segmentation under the State Environmental Quality Review Act. Subdivision and review of the sketch plan of those locations at this stage shall not constitute approval of the future subdivision shown thereon.

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 of 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 shall be pursuant to section 268 of the Town Law and any amendments or successors thereto, except that imprisonment for a first offense shall not exceed fifteen (15) days and the fine for a first offense shall not exceed \$250.00. 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 an offense and penalized as set forth here.

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.

XIII. EFFECTIVE DATE

These regulations shall take effect immediately upon passage by the Town Board of the Town of AuSable and shall supersede and replace the Town of AuSable subdivision regulations dated June 10, 1999 and shall be known as “The Town of AuSable Subdivision Regulations dated June 10, 1999, as revised December 28, 2016”.