

SUBDIVISION REGULATIONS

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TOWN OF MEREDITH

DELAWARE COUNTY, NEW YORK

ADOPTED BY:

THE TOWN OF MEREDITH PLANNING BOARD: MARCH 28, 1985
[Amendments Adopted: FEBRUARY 5, 2007](#)

APPROVED BY:

THE MEREDITH TOWN BOARD: APRIL 9, 1985
[Amendments Approved: APRIL 10, 2007](#)

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ARTICLE 100. GENERAL PROVISIONS

101. Authority

By resolution of the Town Board of the Town of Meredith, adopted on March 12, 1985, pursuant to the provisions of Article 2, Section 10 of Municipal Home Rule Law and Article 16, Section 276 of Town Law of the State of New York, the Planning Board of the Town of Meredith is authorized and empowered to approve plats showing lots, blocks, or sites, with or without roads 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 Meredith.

102. Jurisdiction

Land in the Town of Meredith may be subdivided into lots, blocks, or sites, with or without streets or highways, only if approved by the Planning Board in accordance with the procedures and requirements as set forth in these Regulations, and only if the approved plat is duly filed in the office of the County Clerk of Delaware County, New York. Construction, excavation, filling, regrading, clearing of vegetation or other similar activities shall not begin within any area proposed or intended for subdivision until said subdivision shall have been approved, or conditionally approved, by the Planning Board.

103. Policy

It is declared to be the policy of the Planning Board to consider land subdivision as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things:

- A) That land to be subdivided shall be of such character that it can be used safely for building purposes without causing groundwater or surface water pollution or being a danger to health or peril from fire, flood, or other menace.
- B) That proper provision shall be made for surface drainage, water supply, sewerage, and other needed improvements.
- C) That roads and streets shall be of such width, grade and location as to accommodate the prospective traffic, to follow the natural contours of the land, to afford adequate light and air, to facilitate fire protection and to provide access of fire fighting equipment and other emergency vehicles to buildings.
- D) That all proposed lots shall be so laid out and of such size as to not cause any adverse effects, such as erosion or flooding, on neighboring properties.
- E) That proper provisions shall be made for open spaces for parks and playgrounds.

104. Building Permits

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No building permit shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the office of the County Clerk. However, the Code Enforcement Officer may issue a single building permit for a single family residence based upon the entire tract of land where there is no other existing residence within the proposed subdivision and where the location of the proposed building is in accordance with an approved preliminary plat.

105. Resubdivision

A resubdivision is any change in a map of an approved or recorded subdivision plat if such change affects any road layout or any lot line shown on such plat or if it affects or changes any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

106. Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions is an exercise of valid police power delegated by New York State to the Town. The subdivider or developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the Town and to the safety and general welfare of the future plat owners in the subdivision and the community at large.

107. Waivers

A) General

Where the Planning Board finds that compliance with these Regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of the Regulations may be modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these Regulations, or the Comprehensive Plan.

B) Conditions

In approving waivers, the Planning Board may require such conditions as shall, in its judgment, substantially secure the objectives of the policy and standards of these Regulations.

C) Procedure

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A petition for any waiver shall be submitted in writing by the subdivider at the time the sketch plan is filed for the consideration of the Planning Board. The subdivider must set out in his/her petition all of the grounds for the application and all of the facts pertinent to the request.

108. Amendments

These Regulations may be amended by the Planning Board after public hearing on such amendments and are subject to the approval of the Town Board. Any proposed preliminary subdivision plat which has not received conditional approval prior to the effective date of any amendment to these Regulations, or any conditionally approved preliminary subdivision plat where an application for Final Plat approval has not been received within six (6) months of the date of conditional approval, shall fully comply with any amendment to these Regulations.

109. Enforcement

A) General

1. It shall be the responsibility of the Planning Board to bring to the attention of the Town Attorney any violations or lack of compliance with these Regulations.
2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Board, in accordance with the provisions of these Regulations, and filed with the County Clerk.
3. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Regulations.
4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations.

B) Civil Enforcement

1. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these Regulations. These actions may include but are not limited to: preventing unlawful construction; recovering damages; restraining, correcting, or abating a violation; and preventing illegal occupancy of a building, structure or premises.

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2. In accordance with Section 268 of Town Law, any person found in violation of this Law shall be subject to a fine not exceeding three hundred fifty dollars (\$350). All fines collected for such violations shall be paid to the Town of Meredith. Each week a violation continues shall be a separate violation, but nothing herein shall require the Town to post a separate notice each day that a violation continues.

110. Separability

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 Regulation as a whole or any part thereof other than the part declared to be invalid.

111. Court Review

Any person aggrieved by any decision of the Planning Board relative to a subdivision may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board Secretary, and in the Town Clerk's office, all as set forth in Section 282 of Town Law.

112. Liability

Nothing in these Regulations, including the approval and signature of any subdivision plat, shall be construed to insure or in any way guarantee any subdivision or building, structure, improvement, installation or use therein against defect, failure or other shortcoming, and the Town shall not be held liable for the same.

113. Professional Fees

- A) The Planning Board, in the review of any subdivision application pending before it, may retain such engineering, planning, legal, technical or environmental consultants, or professionals (consultant services) as the Board shall deem reasonably necessary to assist the Board in its review of such application and in the inspection and approval of any installations, infrastructure or improvements after final approval of such application.
- B) The costs of consultant services will be paid for by the applicant, in accordance with the following terms of these regulations.
 1. Escrow Accounts. As soon as possible after submission of any application, an escrow account shall be established, from which withdrawals shall be made to cover the costs of consultant services to the Town. The applicant shall then provide funds to the Town for deposit into such account in an amount to be

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determined by the reviewing board with the advice and recommendation of the Town's Engineer, Attorney and/or Planner based on their evaluation of the nature and complexity of the application.

2. At the time of submission of any application, in addition to the application fee, the applicant shall submit an initial escrow account funding fee in accordance with a fee schedule adopted by the Town Board. Said fee shall be in an amount sufficient to cover the consultant services costs necessary to review the application and plans upon submission, and to offer recommendations to the reviewing board as to the amount of the initial escrow deposit. Thereafter, as part of a complete application, the applicant shall provide the recommended amount to the Town for the escrow account.
3. The applicant shall be provided with copies of vouchers submitted for payment by the consultants for such services as they are submitted to the Town for payment.
4. All sums paid by the applicant shall be deposited in the escrow account by the Town from which withdrawals shall be made. Any balance remaining after approval or final action on any subdivision application and payment of fees for all consultant services shall be returned to the applicant within forty five (45) days.
5. When the balance in the escrow account is reduced to one-third (1/3) of its initial amount, the Town shall advise the applicant and the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within ten (10) business days after the applicant is notified in writing of the requirement for such additional deposit, the Planning Board may suspend its review of the application and deny its approval.
6. A building permit, certificate of occupancy, or other permit, approval or action being sought shall not be issued unless all professional review fees charged in connection with the applicant's project have been funded by the applicant.

114. Title and Effective Date

In order that land subdivisions may be made in accordance with the authority, jurisdiction, and policy set forth above, these Regulations, which shall be known and cited as the "Town of Meredith Subdivision Regulations", have been amended by the Planning Board on February 5, 2007 and approved by the Town Board on April 10, 2007.

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ARTICLE 200. DEFINITIONS

201. General Terms

Except where specifically defined, all words used in these Regulations shall carry their customary meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural, unless the context clearly indicates otherwise.

The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "person" includes an individual person, a firm, a corporation, a co-partnership, and any other agency of voluntary action.

202. Key Terms

For the purposes of these Regulations, certain words and terms shall have the following meaning:

APPLICANT - The owner of the land submitting the proposal or his/her duly appointed representative. Written consent shall be required from the legal owner when a representative makes an application for approval of a proposed subdivision of land.

BOUNDARY LINE ADJUSTMENT (BLA) – A transfer of property from one property owner to an adjoining property owner in such a way that no new lots are created and all lots are buildable. The property losing acreage is termed the “sender” and the property gaining acreage is termed the “receiver”.

BUILDABLE LOT – A parcel of land that can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare. A buildable lot must have a suitable area for a septic system.

BUILDING PERMIT - A permit issued by the Building Inspector which indicates the applicant has submitted an approved application and plan for building construction in compliance with the Town of Meredith requirements.

COMPREHENSIVE PLAN – (Town Law § 272-a) The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town.

CONSERVATION SUBDIVISION – 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

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variety of lot sizes, ranging from large farm or estate lots to lots similar in size to those found in hamlet or village settings.

CONSTRUCTION DRAWINGS - The maps and/or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board as a condition of the approval of the plat.

CONTIGUOUS PARCEL - A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

DELAWARE COUNTY SOIL AND WATER CONSERVATION DISTRICT - SWCD

EASEMENT - Authorization by a property owner for the use of any designated part of his/her property by another and for a specified purpose.

ENGINEER - A person licensed as a professional engineer by the State of New York or licensed in a state with a reciprocal agreement with New York State.

ENVIRONMENTAL ASSESSMENT FORM (EAF) - An EAF, as used in the State Environmental Quality Review Act process, is a form completed by an applicant to assist an agency in determining the environmental significance of a proposed action. A properly completed EAF must contain enough information to describe the proposed action, its location, purpose, and potential impacts on the environment.

ENVIRONMENTAL IMPACT STATEMENT (EIS) - An EIS is a written "draft" or "final" document prepared in accordance with §617.9 of the State Environmental Quality Review Act. An EIS provides a means for agencies, project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives, and mitigation strategies. An EIS facilitates the weighing of social, economic, and environmental factors in the planning and decision-making process. A draft EIS (DEIS) is the initial statement prepared by either the project sponsor or the lead agency and circulated for review and comment by all involved and interested agencies before a final EIS (FEIS) is prepared.

FINANCIAL GUARANTEE - A surety bond, certified check or other security meeting the requirements of Section 277 of Town Law, the terms of which are satisfactory to the Town Attorney, guaranteeing the subdivider will install all required or planned improvements.

FINAL PLAT OR MINOR SUBDIVISION PLAT - A drawing in final form, showing a proposed subdivision containing all information and detail required by law and these Regulations to be presented to the Planning Board for approval and which, if approved, shall be duly filed and recorded by the applicant in the office of the County Clerk.

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IMPERVIOUS MATERIAL - Those surfaces, improvements, and structures that cannot effectively infiltrate rainfall, snowmelt, and water (e.g. building rooftops, pavement, sidewalks, driveways, etc.).

LAND DISTURBING ACTIVITY - Construction activity including grading, excavating, soil disturbance, or placement of fill that disturbs one or more acres. Also, those activities disturbing less than one acre that are part of a larger common plan of development or sale (even though multiple separate and distinct land development activities may take place at different times on different schedules). "Land disturbing activity" does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening.

LEAD AGENCY - The agency or body principally responsible for carrying out, funding, or approving an action, as set forth in section 617.6 of Article 8 of the Environmental Conservation Law (SEQR).

LOT IMPROVEMENT - Any building, structure, place, work of art or other improvement to the land as may be required by the Planning Board, including clearing, final grading and drainage improvement, that constitutes a physical betterment of real property. Certain lot improvements shall be subject to financial guarantee as provided in these Regulations.

LOT or PARCEL - A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of sale, lease, donation or separate use.

MODEL HOME - A dwelling unit used initially for display purposes which typifies the units that will be constructed in a subdivision.

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP or The City) - Water quality partner with the Town of Meredith in the 1997 Memorandum of Agreement (MOA). Under the Watershed Rules and Regulations (WR&R), watershed municipalities, including the Town of Meredith, are subject to added regulation for on-site septic and stormwater projects above and beyond existing state and federal laws.

New York State Department of Environmental Conservation - NYSDEC

New York State Department of Health – NYSDOH

OWNER - The person(s) actually holding title to a parcel or tract of land.

PERCOLATION TEST (Perc test) – For septic system siting, a test that measures the ability of the soil to accept sewage effluent. Results are measured in minutes-per-inch.

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PLANNING BOARD - The Planning Board of the Town of Meredith, Delaware County, New York.

PRELIMINARY PLAT - A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision submitted to the Planning Board for approval prior to submission of the plat in final form. The Preliminary Plat must be of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PROFESSIONAL FEES – Assessment for reimbursement of fees and expenses to defray the cost to the Town for the retention of competent engineering, planning, legal and other consultants to review subdivision projects before the Planning Board.

PUBLIC IMPROVEMENTS - Any drainage ditch, road, sidewalk, pedestrian way, tree, off-road parking, recreation area, lot improvement, or other facility for which the Town may ultimately assume the responsibilities for maintenance and operation, or which may affect an improvement for which Town responsibility is established. All such improvements shall be subject to financial guarantee.

RIGHT-OF-WAY – A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, storm sewer or other similar use.

ROAD – A street or highway intended primarily for the purposes of vehicular traffic, including the following:

- **COLLECTOR** - A road which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.
- **DEAD-END or CUL-DE-SAC** - A road or portion of a road with only one vehicular traffic outlet.
- **EXISTING** - An existing State, County or Town road or highway, or other private roadway shown on a plat approved by the Planning Board or shown on a plat duly filed and recorded in the Office of the County Clerk prior to the effective date of these Regulations.
- **MAJOR** - A road which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- **MINOR** - A road intended to serve primarily as an access to abutting properties.

ROAD REVIEW COMMITTEE - A committee appointed by the Town Supervisor to review plans and make periodic inspections during the construction phase of required improvements. The committee shall consist of one (1) member of the Planning Board,

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one (1) member of the Town Board, and the Town Highway Superintendent or his/her designee.

ROAD WIDTH - The width of the right-of-way between property lines measured at right angles to the centerline of the road at any given point.

SEASONAL HIGH WATER TABLE - The zone of saturation at the highest average depth during the wettest season. It persists in the soil for more than a few weeks usually during the spring snowmelt period.

SEWERAGE AREA - The area that is required to meet the sewerage site criteria.

SKETCH PLAN - A sketch of a proposed subdivision showing the information specified in Article 600, Section 601, of these Regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these Regulations. In the event that a plat (plan) submitted for approval covers only a part of the applicant's contiguous acreage in the area, a map shall be prepared and provided showing the entire contiguous acreage of the applicant as it relates to the parcel submitted for approval and shall include lands previously subdivided.

SOILS MAP - A map of the proposed subdivision, at the scale of approximately 1" = 2000', showing the types of soils that are found therein. The soils map must conform to the Delaware County Soil and Water Conservation District's soil mapping standards.

SOIL PROFILE ANALYSIS (or Deep Test Pits) – A test for septic system siting to determine the depth and characteristics of usable soil above any restricting layers such as seasonal high water table, fragipan (hardpan), bedrock, or loose sand and gravel.

SOIL SCIENTIST - A person having the qualification of a soil scientist as described in the Delaware County Soil and Water Conservation District's "Criteria for Identifying Soil Characteristics Which Restrict On-Site Wastewater Treatment Systems in Delaware County, New York."

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) - A process to help government and the public protect and improve the environment. SEQR requires that environmental factors be considered along with social and economic considerations in government decision making.

STATE POLLUTION DISCHARGE ELIMINATION SYSTEM (SPDES) GENERAL PERMIT FOR STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES (Phase II) – NYSDEC permit required for any non-agricultural activity disturbing greater than one (1) acre of land. Depending on the type and extent of the activity, the applicant must have prepared a Stormwater Pollution Prevention Plan and must submit a Notice of Intent to the NYSDEC.

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STORMWATER - Rainwater and snowmelt that runs off impervious surfaces rather than infiltrating the soil. Stormwater runoff may collect and transport soil particles, animal waste, road salt, pesticides, fertilizers, oil and grease, debris and other potential pollutants that can lead to degradation of receiving waterbodies like lakes, rivers and wetlands.

STORMWATER POLLUTION PREVENTION PLAN (SPPP) – Stormwater mitigation plan produced for a proposed activity by a licensed engineer or erosion and sediment control specialist in accordance with the NYSDEC standards. Depending on the type and extent of the proposed activity, the plan may be only for Erosion and Sediment Control (following the Standards and Specifications for Erosion and Sediment Control) or may include Water Quality and Quantity calculations (following the Stormwater Management Design Manual).

STREET - See ROAD

SUBDIVIDER - Any person, firm, corporation, partnership, or any legal entity who shall lay out any subdivision or part thereof as defined herein, either for the subdivider or others.

SUBDIVISION - The division of any parcel of land into two (2) or more lots, blocks, or sites for any purpose with or without the creation of new roads or highways. Subdivision includes resubdivision and such techniques as conservation subdivision or planned unit development.

- **MAJOR** - All subdivisions not classified as Minor Subdivisions, including but not limited to subdivisions of seven (7) or more lots, or any size subdivision requiring any new or extension of Town facilities, or the creation of any public improvements. Lots created are counted cumulatively and include all lots previously divided off from the original parcel after the initial adoption of these Regulations on April 9, 1985.
- **MINOR** - A subdivision containing no more than six (6) lots, which fronts on an existing road and does not require any new road, the extension of municipal facilities, or the creation of any public improvements, and does not adversely affect the remainder of the parcel or adjoining property, and is not in conflict with any provision of these Regulations. Lots created are counted cumulatively and include all lots previously divided off from the original parcel after the initial adoption of these Subdivision Regulations on April 9, 1985.
- **REALTY** - The division of land over a three year period or less into five or more residential lots that are five acres or less in size. (Triggers the need for Health Department approval regarding water supply and sewage disposal.)

SURVEY – An actual field delineation of the boundary lines of the tract, giving complete description data by bearings and distances, made and certified by a licensed land

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surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Planning Board or its agent and shall be referenced and shown on the Plat.

TYPE I ACTION - An action or class of actions identified in section 617.4 of State Environmental Quality Review Act, or in any involved agency's procedures adopted pursuant to section 617.14 of SEQRA.

TYPE II ACTION - An action or class of actions identified in section 617.5 of State Environmental Quality Review Act, determined not to have a significant environmental impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law Article 8.

UNLISTED ACTION - These are all of the actions that are not listed as "Type I" or "Type II" actions for the purposes of the State Environmental Quality Review Act process. These actions are subject to review by the lead agency to determine whether they may cause significant adverse environmental impacts.

USABLE LOT SIZE – The required minimum area suitable for sewerage and housing construction.

USABLE SOIL – Soil that possesses a satisfactory percolation rate and is above a boundary condition (bedrock, seasonal high water table, loose sand or gravel, or impervious material). Usable soil is determined by soil profile analysis and is measured from the soil surface.

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ARTICLE 300. Application and Review Procedures

301. Initial Conference

Before preparing a sketch plan, it is recommended that the applicant attend a meeting of the Planning Board (or contact the Planning Board Chair or Secretary) to discuss the procedures and requirements for subdivision review including general layout of lots, new roads, reservation of lands, road improvements, drainage, sewage disposal, fire protection and other similar matters.

The applicant can obtain the appropriate forms needed for review and discuss other requirements and permits that may be necessary. Although not required, an informal initial conference can often streamline the review process.

302. Sketch Plan Review

A) Submission of Sketch Plan

The applicant must attend a meeting of the Planning Board to discuss the requirements of these Regulations for road improvements, sewerage, water supply, fire protection, flood protection and similar aspects, as well as the availability of existing services and other pertinent information.

The applicant must request to be on the Planning Board agenda at least ten (10) days prior to the regular meeting he/she wishes to attend. Also ten (10) days prior to the meeting, the applicant must submit the following documents to the Planning Board Secretary:

- Eight (8) copies of a Sketch Plan of the proposed subdivision
- One (1) Application for Sketch Plan Review or Boundary Line Adjustment, as appropriate

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B) Requirements for the Sketch Plan map

1. Sketch must be based on a tax map at a scale to show the entire tract on one sheet (1" = 400').
2. The proposed subdivision name (if any), the tax map sheet, block and lot number, scale, and north arrow.
3. The proposed pattern and approximate dimensions and area of existing and proposed lots, road layout, recreation area, proposed surface water drainage, sewerage and water supply within the subdivision area. All proposed lots should have at least 150' of frontage on an existing public road.

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4. The name of the owner and/or applicant, the name of the professional(s) responsible for the subdivision design, and the names of all adjoining property owners within five hundred feet (500') of any perimeter boundary of the subdivision.
5. Map must indicate the relationship of the proposed subdivision to existing community facilities such as: existing roads, schools, parks and other public lands; villages and hamlets; and special districts, including school, fire, agricultural, etc.
6. All existing structures, burial grounds, railroad right-of-ways, existing property lines, wooded areas, streams or watercourses, flood hazard areas, wetlands, quarries or excavations, bedrock outcrops and other significant physical features within the area to be subdivided and within two hundred feet (200') thereof.
7. Topographic conditions shall be indicated at contour intervals of not more than ten feet (10').
8. All the utilities currently available, including any existing easements, and all roads which are either proposed, mapped, or built.
9. All existing restrictions on the use of land, including easements and deed restrictions.

C) Sketch Plan Evaluation

The Planning Board shall review the Sketch Plan within the context of the requirements of the Regulations. Particular attention shall be given to the arrangement, location and width of roads, their relationship to the topography of the land, sewage disposal, drainage, lot sizes and arrangements, the potential development of adjoining land, and the goals and objectives of Meredith's Comprehensive Plan.

The Planning Board may require the applicant to provide additional materials or to consult with appropriate technical agencies (such as, but not limited to, the Soil and Water Conservation District, the Department of Environmental Conservation, the Army Corps of Engineers, the NYC Department of Environmental Protection, and the State Health Department) to determine appropriate measures to mitigate or eliminate any problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or applicant. The Planning Board may require that design techniques, such as conservation subdivision, be used to avoid development in sensitive areas and shall not approve a preliminary or final plat which has failed to adequately address critical resource concerns like soils, flood hazards, steep slopes, hydrologic and natural habitat resources.

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After reviewing the presented information, and any requested additional materials, the Planning Board shall determine whether the Sketch Plan meets the purposes of these Regulations and may make specific recommendations in writing to be incorporated by the applicant into the next submission to the Planning Board (if applicable). Such recommendations shall be made within sixty-two (62) days from the time the Sketch Plan was initially reviewed by the Planning Board.

D) Classification of Sketch Plan

After reviewing the provided information and the application is deemed complete, the Planning Board shall classify the Sketch Plan as a Boundary Line Adjustment (BLA), or a Minor or Major Subdivision, as defined in these Regulations.

303. Boundary Line Adjustment

A boundary line adjustment (BLA) is a change in location of the property line(s) between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no new lots are created. The property losing acreage is termed the “sender” and the property gaining acreage is termed the “receiver”.

A. Submission Requirements

- Eight (8) copies of a Sketch Plan map, as defined in the these Regulations
- One (1) Application for Boundary Line Adjustment, appropriately notarized
- The portion of the property to be transferred must be surveyed. The survey requirement may be waived at the discretion of the Planning Board if the boundary line being adjusted is between parcels that are both owned solely by the applicant.

NOTE: If the boundary line adjustment is not surveyed, the applicant must provide an unexecuted copy of the deed that shall carry out the proposed property transfer. The deed must indicate that the land in question cannot be conveyed separately from the parcel to which it is added unless it is resubmitted to the Planning Board as a subdivision.

- B. Review. The Planning Board shall review the information provided by the applicant for completeness. If more information is required, the Board shall table the proposal, request the appropriate information, and finish the review at a subsequent meeting. When a boundary line adjustment is proposed, the Board must determine if the adjustment will adversely affect or change the character of any parcel involved. If no adverse changes are foreseen, the Planning Board may waive the procedural requirements of subdivision review and allow the boundary line adjustment without further evaluation.

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- C. Action on a Boundary Line Adjustment. Within sixty-two (62) days of classification, the Planning Board shall act to approve, conditionally approve with or without modifications, or disapprove the proposed Boundary Line Adjustment and so indicate on the surveyed plat. Failure by the Planning Board to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the plat. The Planning Board resolution granting conditional approval, with or without modification of the plat, shall also empower a duly authorized officer to sign the plat, upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.
- D. Filing. The survey map must be filed with the Delaware County Real Property Tax Office and the County Clerk within sixty-two (62) days of the Planning Board's endorsement or the approval shall become null and void and the applicant will have to reapply.

If the survey has been waived, a copy of the deed filed with the County Clerk must be submitted to the Planning Board.

- E. Fees. See attached Fee Schedule.

304. Minor Subdivision

Within six (6) months of the Planning Board's classification of the Sketch Plan as a Minor Subdivision (Section 302), the applicant must submit the following materials to the Planning Board to continue with the minor subdivision application process. Failure to do so will require resubmission of the sketch plan to the Planning Board for reclassification unless the applicant and the Planning Board mutually agree on an extension.

The applicant, or his/her duly authorized representative, must attend the meeting of the Planning Board to discuss the proposed Minor Subdivision.

- A) Documents to be submitted

The applicant must request to be on the Planning Board agenda at least ten (10) days prior to the regular meeting he/she wishes to attend. Also ten (10) days prior to the meeting, the applicant must submit the following documentation to the Planning Board Secretary:

- Eight (8) copies of the proposed Minor Subdivision Plat. All newly created lots require an actual field survey of the boundary lines of the tract(s), giving complete description data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced and shown on the Plat.
- One (1) copy of the Application for Minor Subdivision

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- A Short Environmental Assessment Form (EAF) – page 1 completed by the applicant
- Soil tests (percolation tests and soil profile analyses) must be performed on each newly created lot. The applicant must submit a copy of the results for all soils analyses for the Board's review. All individual onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of any applicable State, County, Town or New York City agencies having jurisdiction. The results of soil tests must accompany the Minor Plat application and the test pit sites must be located on the map.
- Driveway permits. If a driveway is proposed on one or more of the parcels, the applicant must obtain the appropriate access permit from the applicable agency who maintains the road. A copy of the applicable permit must be submitted to the Planning Board and the proposed position of the driveway(s) must be noted on the plat.
- One (1) Agricultural Data Statement, if necessary
- A copy of any proposed deed restrictions or covenants covering all or part of the tract.

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The Planning Board shall not consider an application complete until all required documentation is made available for their review.

B) Referral

When applicable, the Secretary of the Planning Board shall refer a copy of the Minor Subdivision Plat and accompanying documentation to the Delaware County Planning Board for their review and report in accordance with the provisions of Section 239-n of Article 12-B of General Municipal Law.

C) Public Hearing

A public hearing shall be held by the Planning Board within sixty-two (62) days from the time the Minor Subdivision Plat was deemed complete by the Planning Board. The Planning Board shall advertise the hearing at least once in the town's official newspaper at least ten (10) days prior to the hearing. At least ten (10) days prior to the public hearing, the applicant shall notify by Certified Mail all property owners within five hundred feet (500') of the parcel of which the proposed subdivision is a part, if the entire parcel is not proposed for subdivision. The applicant shall also furnish the Planning Board with Post Office receipts as proof of notification. Those not able to attend the public hearing may submit comments to the Planning Board.

D) Field Visit

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The Planning Board may schedule a field trip to the proposed subdivision site accompanied by the applicant or his/her agent. In order to facilitate field inspection and review of the site, temporary staking at lot corners and other site features may be required.

E) State Environmental Quality Review Act (SEQR) compliance

According to New York State law, the Planning Board must determine the applicability of SEQR. Information on the Short Environmental Assessment Form (EAF) will assist the Board in determining the proposed subdivision's environmental significance – minor subdivisions are most commonly Unlisted Actions because they seldom have impacts that would necessitate Type 1 classification. However, at its discretion, the Planning Board may need additional information and require the applicant to complete a Long EAF (a Long EAF is required for Type 1 Actions). Using the information provided by the applicant in the application process and any other requested materials, the Planning Board shall classify the proposal relative to SEQR, complete the EAF, and make a determination of significance following Section 617.7 of the SEQR law.

If a negative declaration is made (no significant impact), the Planning Board may proceed with Action on the Minor Subdivision Plat (304E).

If a positive declaration is made, a Draft Environmental Impact Statement (EIS) must be prepared. The Planning Board will establish lead agency (Section 617.6) and follow the Scoping procedures established in Section 617.8. As an alternative to the Draft EIS, the Planning Board may require the applicant to produce information to append to the Long EAF which better analyzes the particular impacts of significance. This information must discuss the nature of the impact and the method or methods proposed to minimize or eliminate the impact.

F) Action on Minor Subdivision Plat

Within sixty-two (62) days of the public hearing, the Planning Board shall act to approve, conditionally approve with or without modifications, or disapprove the Minor Subdivision Plat and so indicate on the Plat. Failure of the Planning Board to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the Plat. The Planning Board resolution granting conditional approval, with or without modification of the Plat, shall empower a duly authorized officer to sign the Plat, upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.

Within five (5) days of the resolution granting conditional approval, the Plat shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Planning Board Secretary and a certified copy mailed to the applicant. The copy mailed to the applicant shall include a

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certified statement of such requirements which, when completed, shall authorize the signing of the conditionally approved Plat.

Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval. Within such 180 day period, or any extension thereof granted by the Planning Board, the conditionally approved Minor Plat must be submitted for the Planning Board signature for final approval.

In the event of disapproval of a Minor Subdivision Plat, the Planning Board shall fully set forth the reasons for such disapproval in its resolution and formally notify the applicant, in writing, of the reason(s) for disapproval.

If approved, the Minor Subdivision Plat (one Mylar and at least four paper copies) must be officially endorsed by the Planning Board Chair, or designee.

G) Filing

Upon the Planning Board's final approval and endorsement, the Minor Subdivision Plat must be filed with the Delaware County Real Property Tax Office and the County Clerk within sixty-two (62) days of the Planning Board's endorsement or the approval shall become null and void and the applicant will have to reapply.

H) Fees

See attached Fee Schedule.

305. Preliminary Plat for Major Subdivision

Within six (6) months of the Planning Board's classification of the Sketch Plan as a Major Subdivision, the applicant must submit the following materials to the Planning Board to continue with the major subdivision application process. Failure to do so will require resubmission of the sketch plan to the Planning Board for reclassification unless the applicant and the Planning Board mutually agree on an extension.

The applicant, or his/her duly authorized representative, must attend the meeting of the Planning Board to discuss the Preliminary Plat.

A) Documents to be submitted

The applicant must request to be on the Planning Board agenda at least ten (10) days prior to the regular meeting he/she wishes to attend. Also ten (10) days prior to the meeting, the applicant must submit the following documents to the Planning Board Secretary:

- Eight (8) copies of the Preliminary Plat. All newly created lots require an actual field survey of the boundary lines of the tract(s), giving complete description data

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by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced and shown on the Plat.

- A Long Environmental Assessment Form (Part 1 completed by the applicant) or a Short Form (Page 1 complete by applicant), as determined by the Planning Board.
- Soil tests (percolation tests and soil profile analyses) must be performed on each newly created lot. The applicant must submit a copy of the results for all soils analysis for the Board's review. All individual onsite sanitation and water supply facilities shall be designed to meet the minimum specifications of any applicable State, County, Town or New York City agencies having jurisdiction. The results of soil tests must accompany the Preliminary Plat application and the test pit sites must be located on the map.
- Driveway permits. If a driveway is proposed on one or more of the parcels, the applicant must obtain the appropriate access permit from the applicable agency who maintains the road. A copy of the applicable permit must be submitted to the Planning Board and the proposed position of the driveway(s) must be noted on the plat.
- One (1) Agricultural Data Statement, if necessary
- Preliminary Plat review fee – see attached Schedule

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The Planning Board shall not consider an application complete until all required documentation is made available for their review.

B) Requirements for the Preliminary Plat

The preliminary plat shall be submitted at a scale of one inch (1") equals one hundred feet (100'), or another scale approved by the Planning Board, whichever most clearly illustrates the applicant's proposal. The preliminary plat shall be clearly marked "Preliminary Plat" and shall include:

1. Proposed subdivision name, name of town and county, name and address of property owner, subdivider, engineer or surveyor preparing the plan, including license number and seal, date, true north point and scale.
2. The names and addresses of the owners of record of all property adjacent to the subdivisions and within five hundred feet (500') of any perimeter boundary.

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3. The approximate location and dimensions of all property lines, the total acreage of the proposed subdivision, the location of any special districts or municipal boundary lines affecting the subdivision.
4. All parcels of land proposed to be dedicated to public use for roads, highways, easements, parks or other public facility and the conditions of such dedication.
5. The location of all existing structures and pertinent features, including railroads, waterbodies, watercourses, wetlands, flood hazard areas, stonewalls, rock outcrops, wooded areas, and any other significant existing features that may influence the design of the proposed subdivision area and within two hundred feet (200') of any outside perimeter, plus accurate topography at a vertical contour interval of no greater than ten feet (10').
6. Location of existing sewers, water mains, culverts and drains serving the property, with pipe sites, grades, direction of flow and existing easements.
7. The width, location and names of any roads or public ways of places shown in the Comprehensive Plan or current tax map within the area to be subdivided. The right-of-way width, location, proposed and existing easements, road profiles and cross-sections of all roads or public ways proposed by the developer. The road profiles shall include the grade, cut and fill lines, horizontal point of inflection stations (PI), radius, length of horizontal curve, tangent length, and superelevation in ft/ft, vertical point of inflection stations, algebraic change in grade (a), and length of vertical curve (L). Cross-sections of the proposed road shall be provided at 100 foot intervals. For possible engineering review, the deflection angle and degree of curve shall be provided.
8. Approximate location and size of all proposed water lines, valves, fire hydrants, and sewer lines or alternative means of water supply or sewage disposal and treatment, including sites for onsite systems as provided in the Public Health Law. Profiles of all proposed water and sewer mains. If septic systems are proposed, the results of soil bearing and soil percolation tests shall accompany the Preliminary Plat. Where onsite water supply systems are proposed, the quality and quantity of water available shall be indicated.
9. Storm drainage plan indicating the approximate location and size of proposed lines, their profiles and connection to existing lines or alternative means of disposal, including existing and proposed drainage easements. Temporary measures to control erosion shall also be shown.
10. Construction plans, profiles, cross-sections and other drawings as required to show the proposed location and types of all improvements required by Section 5.0 or by the Planning Board or proposed by the applicant.

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11. Preliminary designs of any bridges or culverts which may be required.
12. The proposed lot lines with approximate dimensions and area of each lot.
13. Where the topography or design is such as to make difficult the inclusion of required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than thirty feet (30') in width and which shall provide satisfactory access to an existing or proposed public road or public open space shown in the Comprehensive Plan.
14. A copy of any covenants or deed restrictions that are intended to cover any lot in all or part of the tract.
15. If the Preliminary Plat submitted for approval covers only a part of the applicant's entire holding in the area, then a map shall be prepared, at a scale of not more than one inch equals four hundred feet (1"=400'), showing the entire tract as it relates to the parcel included on the Preliminary Plat.
16. A site location sketch, at a maximum scale of one inch equals two thousand feet (1"=2000'), showing the general situation of the applicant's property with respect to surrounding properties and roads, including all utility lines.

C) Referrals

When applicable, the Planning Board shall refer the Preliminary Plat to the Delaware County Planning Board for their review and recommendation as required by Section 239-n of Article 12-B of the general Municipal Law.

In addition, the Planning Board shall refer the Preliminary Plat to other County or State agencies which have or may have jurisdiction of review or approval of the subdivision. If the subdivision meets any Type I threshold listed in Part 617.4 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined in Section 617.6 of the SEQR regulations.

A finding of no significant impact (negative declaration) or a Draft EIS is required by the designated lead agency before the subdivision may be approved. The Planning Board shall notify other agencies that have authority to review the subdivision of this determination.

D) Study of Preliminary Plat

Within the context of the Town of Meredith Comprehensive Plan, the Planning Board shall study the practicality of the Preliminary Plat, taking into consideration the

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requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, width and design of roads and their relation to the topography, water supply, sewage disposal, surface drainage, lot sizes and arrangement, potential flood hazards, the future development of adjoining lands as yet unsubdivided, and the recommendations and requirements of the Comprehensive Plan.

E) Field Visit

The Planning Board may schedule a field trip to the proposed subdivision site accompanied by the applicant or his/her agent. In order to facilitate field inspection and review of the site, temporary staking along the centerline of all proposed roads at fifty foot (50') intervals and front lot corners may be required.

F) Public Hearing

A public hearing shall be held by the Planning Board within sixty-two (62) days from the time the Preliminary Plat was deemed complete by the Planning Board. The Planning Board shall advertise the public hearing in the town's official newspaper at least ten (10) days before such hearing. This public hearing shall also be used to solicit comments on the Draft EIS under SEQR, if required. At least ten (10) days prior to the public hearing, the applicant shall notify by Certified Mail all property owners within five hundred feet (500') of the parcel of which the proposed subdivision is a part, if the entire parcel is not proposed for subdivision. The applicant shall also furnish the Planning Board with Post Office receipts as proof of notification. Those not able to attend the public hearing may submit comments to the Planning Board.

G) Action on Preliminary Plat

Within sixty-two (62) days from the date of the public hearing, the Planning Board shall take action to approve, conditionally approve with or without modifications, or disapprove the Preliminary Plat. The grounds for any modification required or the grounds for disapproval shall be stated in the minutes of the Planning Board. The time in which the Planning Board must take action on the Preliminary Plat may be extended by mutual consent of the applicant and the Planning Board.

If the Planning Board disapproves the Preliminary Plat, it shall direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval.

H) Approval of Preliminary Plat

When granting approval to a Preliminary Plat, the Planning Board shall state the conditions of such approval, if any, with respect to:

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1. The specific changes which shall be required on the Final Plat
2. The character and extent of the required improvements for which waivers may have been requested and which, in the Planning Board's opinion, may be waived without jeopardy to the public health, safety, and general welfare
3. The amount of the improvement or the amount of all financial guarantees which shall be required as a prerequisite to the approval of the Final Subdivision Plat

Within five (5) days of Conditional Preliminary Plat Approval, the action of the Planning Board, plus any conditions attached thereto, shall be noted on, or attached to, four (4) copies of the Preliminary Plat. One copy shall be returned to the applicant, two retained by the Planning Board, and one forwarded to the Town Clerk.

Approval of a Preliminary Plat shall not constitute approval of the subdivision plat. Rather, it shall be deemed an expression of approval of the design submitted on the Preliminary Plat, as a guide to the preparation of the Final Subdivision Plat, which shall be submitted for approval of the Planning Board and for recording with the County Clerk. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study or new information obtained.

l) Model Homes

For the purpose of allowing the early construction of model homes in a proposed major subdivision, the Planning Board, at its discretion, may permit a portion of a Major Subdivision, involving no more than three (3) lots, to be created in accordance with the procedures for Minor Subdivisions, provided said portion derives access from an existing State, County or Town highway and provided no future road or other improvement is anticipated where said lots are proposed. The Subdivision Plat for the "Minor" portion shall be submitted to the Planning Board simultaneously with the Preliminary Plat for the entire Major Subdivision. After preliminary approval, the model may be constructed, subject to any additional Planning Board requirements.

306. Final Plat for Major Subdivision

Within six (6) months of the Planning Board's approval of the Preliminary Plat, the applicant must submit the following materials to the Planning Board to complete the major subdivision application process. Failure to do so shall require resubmission of the Preliminary Plat for reapproval unless the applicant and the Planning Board mutually agree on an extension.

The applicant, or his/her duly authorized representative, must attend the meeting of the Planning Board to discuss the Plat.

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A) Documents to be submitted

The applicant must request to be on the Planning Board agenda at least ten (10) days prior to the regular meeting he/she wishes to attend. Also ten (10) days prior to the meeting, the applicant must submit the following documents to the Planning Board Secretary:

- Four (4) copies of the Final Plat plus one (1) Mylar copy
- The original and one copy of all offers of cession, covenants and agreements
- Two (2) prints of all construction drawings
- Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the subdivision requiring approval by the Department of Environmental Conservation, the New York State Department of Health, and/or the New York City Department of Environmental Protection shall have received preliminary approval(s) by those agencies.
- Final Plat review fee – see attached Fee Schedule

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B) Requirements for the Final Plat

The Final Plat, to be approved by the Planning Board and filed in the Office of the County Clerk, shall be drawn at the same scale as the Preliminary Plat and shall conform to the filing requirements of the Delaware County Clerk. When more than one (1) sheet is required, an additional index map on the same size sheet shall be prepared and included for filing showing to scale the entire subdivision with lot and block lines clearly legible.

1. Proposed subdivision name or identifying title, the name of the Town and County in which it is located, the name and address of the owner of record and of the applicant (if other than owner), the name, certification and seal of the registered engineer or licensed land surveyor who prepared the plat, the names of the owners of record of adjoining properties and of properties directly across the road. Scale, true north point and date.
2. Location of existing buildings, wooded areas, wetlands, ponds, creeks, drainageways, stone walls, burial grounds, large trees and other features to be retained or removed.
3. Sufficient data to enable the Planning Board to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such lines upon the ground. The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and

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decimals of a foot. Where applicable, these data should be referenced to monuments and tied into other reference points previously established.

4. The Final Plat shall show, by proper designation thereon, all public open spaces for which deeds are included and the title(s) to which is reserved by the developer. For any of the latter, there shall be submitted with the Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore. All offers of cession and all covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their form and legal sufficiency.
5. Roads, pedestrian ways, lots, reservations, easements, and other areas to be dedicated to public use.
6. Notations explaining any drainage, sight, slope, road widening, park area or other reservations or easements, as may be required by the Planning Board, including any self-imposed restrictions or covenants.
7. The boundaries of the property, location, total acreage included in the entire subdivision and the identification number and acreage of all lots and land reservations within the proposed subdivision. Lots and blocks shall be numbered or lettered in accordance with the prevailing Town practice. The location of deep test pit sites shall also be shown.
8. Permanent reference monuments and lot corner markers shall be shown and their location referenced on the Final Plat.
9. A site location map, at a scale no greater than one inch equals two thousand feet (1"=2,000') showing the location of the applicant's property with respect to surrounding land and roads.
10. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size, grade and type of roads, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers, stormdrains, pavement and sub-base, manholes, catch basins and other improvements as required by the Planning Board or proposed by the applicant. The road profiles and plans shall include: horizontal point of inflection stations (PI), radius, length of horizontal curve, tangent length, super elevation in ft/ft, vertical point of inflection stations, algebraic change in grade (a), and length of vertical curve (L).
11. The following notes shall be placed upon the Final Plat:

- "No Building Permit shall be issued to any property owner within this subdivision other than to the owner or applicant unless all improvements are completed and approved in accordance with the Planning Board's resolution

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of approval of this plat.”

- “Sanding, snowplowing and other similar maintenance of highways within this subdivision shall be the responsibility of the developer or landowners, unless the Town has officially accepted the road. Maintenance agreements shall be in accordance with Section 309 of these Regulations.”

12. Certification from the health department of jurisdiction of sewage disposal and water supply systems. No modification may be made after Department of Health certification.

13. Statement from the appropriate town officials certifying that required improvements have been satisfactorily installed or that acceptable financial guarantee for such installation has been filed with the Town Clerk.

14. Form for endorsement by Planning Board Chairman as follows:

"Approved by Resolution of the Meredith Town Planning Board"

(Chairman)

(Date)

C) Public Hearing

A public hearing on the final plat may be held by the Planning Board if the Board determines that there are substantial changes from the approved Preliminary Plat. Such hearing shall be held within sixty-two (62) days after the time of submission of the Final Plat for approval and shall be publicized in the same manner as the public hearing for Preliminary Plat review (Section 305). This hearing may be waived by the Planning Board if there are no substantial changes from the approved Preliminary Plat.

D) Action on Final Plat

The Planning Board shall, within sixty-two (62) days from the date of submission of the Final Subdivision Plat, if no hearing is required [or within sixty-two (62) days of second public hearing, if required], approve, conditionally approve with or without modifications, or disapprove said Plat and so indicate on the Plat. This time period may be extended by mutual consent of the applicant and the Planning Board. Failure to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the Plat.

A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat for recording with the County Clerk. However,

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the Final Plat shall not be signed until the applicant has complied with the conditions set forth by the Planning Board in the preliminary and final plat resolutions and has complied with Article 400 of these Regulations. Conditional approval of a Final Plat shall expire one hundred and eighty (180) days after the date of the resolution granting such approval, except that this time may be extended by the Planning Board for no more than two additional periods of ninety (90) days each.

If a Draft Environmental Impact Statement was required, the Planning Board's action on the Final Plat shall include either a negative declaration or the Final EIS and a statement of findings on the subdivision as required by Article 8 of the New York State Environmental Conservation Law.

Within five (5) days of the Planning Board resolution of conditional approval, the Final Subdivision Plat shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the applicant.

307. Final Approval and Filing

The approved Plat shall be filed with the Delaware County Clerk and the Delaware County Real Property Tax Office within sixty-two (62) days of the date of the Planning Board endorsement. Any subdivision plat not so filed or recorded within sixty-two (62) days of the date which such Plat is approved, or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of sixty-two (62) days each.

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the Plat is resubmitted to the Planning Board for approval of such modifications. In the event that any altered subdivision plat is recorded without resubmission and approval, it shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

The applicant shall submit one (1) print copy of the Final Plat showing the endorsement and file number of the County Clerk to the Planning Board Secretary within thirty (30) days of the date of filing.

308. Status of Roads, Parks and Easements

A) Acceptance by Town

Acceptance of any offer of cession of roads or parks shall rest with the Town Board. The approval by the Planning Board of a Subdivision Plat shall not be deemed to

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constitute nor imply the acceptance by the Town of any road, utility, recreation area, easement, park or other open space shown on such Subdivision Plat. The Planning Board shall require the addition of appropriate notes to this effect on the Plat.

B) Maintenance

In the event that no offer of cession to the public is made for the roads, parks and required easements shown on the Plat, the applicant shall submit with the Final Plat copies of agreements or other documents fixing responsibility for suitable maintenance of such facilities and statements of all rights which exist with respect to the use of such property(ies). The adequacy of such documents shall be subject to Planning Board approval, based upon recommendations of the Town Attorney.

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ARTICLE 400. REQUIRED IMPROVEMENTS

401. General

After adoption of a resolution approving a Final Subdivision Plat and before the Plat is endorsed by the Planning Board, the applicant shall be required to complete, at its expense and without reimbursement by the Town or any special district, all road, sanitary, storm drainage, and other improvements, including lot improvements as shown on the approved Construction Plans or as otherwise specified in the approval resolution. The Planning Board may, in a special or peculiar circumstance of a particular case, modify or waive a requirement only by specific resolution.

402. Financial Guarantee and Completion of Improvements

Before the Planning Board grants Final Approval of the Subdivision Plat, the applicant shall follow the procedure set forth in either subparagraph A) **OR** subparagraph B) below:

- A) In an amount set by the Planning Board from an estimate proposed by the Town Highway Superintendent or other duly designated officer, the applicant shall file with the Town Clerk a financial guarantee to cover the full cost of the required improvements plus an estimate for enforcement costs. A period of one year, or other such period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the guarantee within which time required improvements must be completed.
- B) The applicant shall complete all required improvements to the satisfaction of the Road Review Committee or designee, who shall file with the Planning Board a letter signifying the satisfactory completion of improvements required by the Board. For any required improvements not so completed and approved, the applicant shall file with the Town Clerk a financial guarantee covering the costs of satisfactorily installing said required improvements.

C) Modification of Financial Guarantee

1) Extension of Financial Guarantee

The time period specified for the completion of all required improvements, as set forth in the financial guarantee, may be extended only by resolution of the Planning Board upon request in writing by the applicant. Said request must set forth in detail the amount of work which has been completed, reasons for failure to complete the remainder of the work within the specified period, the maximum estimated time required to complete the remainder of the work, and the length of time for which the extension is requested.

2) Reduction of Financial Guarantee

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An applicant may request in writing that the Planning Board authorize a reduction in the amount of the financial guarantee. Such request shall itemize the extent of required improvements remaining to be completed and the reduction requested. Upon approval of the Town Board, and after due notice and public hearing, the Planning Board may, if it determines that such action is warranted, reduce the face amount of the guarantee, leaving an amount adequate to cover the cost in full of all remaining uncompleted required improvements.

403. Modification of Required Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Road Review Committee that unforeseen conditions make it necessary or preferable to modify the location or design of said improvements, the Road Review Committee shall, upon approval by the Planning Board, authorize such modifications, as are within the spirit and intent of the Planning Board's approval and are not tantamount to the waiver or substantial alteration of the function of any improvements required by the Planning Board. If such modification affects the scope of work covered by a financial guarantee, the Planning Board may require or allow appropriate modification of such guarantee.

404. Temporary Improvements

The applicant shall build or pay for all costs of temporary improvements required by the Planning Board. Prior to the construction of any temporary facility or improvement, the applicant shall file with the Town Clerk a separate financial guarantee for temporary facilities, which shall insure that the temporary facilities will be properly constructed, maintained and removed to the Planning Board's satisfaction.

405. Inspection of Improvements

A) Inspection Fee

At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk an inspection fee required by the Planning Board. The applicant shall also notify the Road Review Committee in writing of the proposed time construction of such improvements is to commence. Neither Final Plat approval nor building permits or certificates of occupancy shall be granted or issued until all required inspection fees are paid.

B) Routine Inspection

All improvements shall be inspected by the Road Review Committee at the completion of each stage of construction. To facilitate these inspections, the subdivider shall notify the Road Review Committee at least five (5) working days before reaching each of the following stages of construction:

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- clearing and grubbing
- initial placement of fill or initial excavation or earth cutting
- rough grading completed
- drainage pipe and other drainage structures installed prior to backfilling
- all underground utilities installed, as required, prior to backfilling
- after road sub-base is completed and ready for base course and when each course is applied

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The applicant shall not proceed to any subsequent stage of construction until each previous stage has been inspected and approved by the the Road Review Committee. After inspection of each stage, the Committee shall certify in writing to the Planning Board that the work was inspected and found to be in accordance with the approved plans and specifications, and that the work meets with the Committee's approval.

The Committee shall inspect all other improvements at such progressive stages as shall be specified.

Failure of the Road Review Committee to carry out any or all of the required inspections shall in no way relieve the subdivider of his/her responsibilities.

C) Final Inspection

A final inspection of all improvements shall be made to determine whether the work as a whole is satisfactory and in agreement with the approved Final Plat and construction drawings, and the Road Review Committee shall also notify the Planning Board that all work has been completed to its satisfaction. Upon a satisfactory final inspection report, the Planning Board shall act to release the financial guarantee covering such improvements and utilities (if a guarantee was filed).

406. Proper Installation of Improvements

If the Road Review Committee finds, upon inspection, that either the required improvements have not been completed in accordance with the plans and specifications filed by the applicant, or that the required improvements have not been completed within the period specified in the Planning Board resolution of approval or the expiration date of the financial guarantee (if one exists), such approval shall be deemed to have expired, unless, upon request of the applicant, the period has been extended by resolution of the Planning Board.

If a guarantee has been filed, and if no application for the extension of such period has been made by the applicant, the Town Board may declare said guarantee to be in default. The Town Board shall then notify the applicant and, if necessary, the company issuing the guarantee, and shall take all necessary steps to apply the funds guaranteed

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to the infrastructure and preserve the Town's rights under the guarantee. No plat shall be approved by the Planning Board as long as the applicant is in default on any financial guarantee.

407. Cash Deposits for Lot Improvements

A) Acceptance

Whenever seasonal or other valid constraints prevent the timely completion of any lot improvements required by these Regulations, the Road Review Committee may permit the issuance of a Certificate of Occupancy, provided there is no danger to health, safety or general welfare, upon receipt of a separate cash deposit in an amount determined by the Road Review Committee to be adequate to cover the cost of said improvements and the necessary enforcement guarantee. The financial guarantee covering such lot improvements shall remain in full force and effect.

B) Procedures

All required improvements for which cash deposits have been accepted by the Town of Meredith at the time of issuance of a Certificate of Occupancy shall be completed by the developer within a period of nine (9) months from the date of deposit and issuance of the Certificate of Occupancy. In the event that the improvements have not been properly installed at the end of that time, the Road Review Committee shall give written notice to the applicant providing two (2) additional weeks to complete the improvements. In the event the improvements are not completed properly, at the discretion of the Road Review Committee, the Meredith Town Board may authorize the Town of Meredith to contract out the work for a sum not to exceed the amount of the cash deposit. The applicant shall obtain and file with the Town of Meredith, prior to obtaining the Certificate of Occupancy, a notarized statement from the purchaser or purchasers of the premises authorizing the Town of Meredith to install the improvements at the end of the nine (9)-month period, if said improvements have not been completed by the applicant.

408. Certificate of Occupancy

A Certificate of Occupancy shall not be issued for a structure within a subdivision where the improvements are subject to a financial guarantee unless it is determined by the Planning Board that the following conditions have been complied with:

A) Status of Road Improvements

The improvement of the road(s) giving access to the structure has progressed to a stage deemed adequate by the Planning Board to render safe all-weather vehicular access for both routine and emergency purposes.

B) Maintenance Agreements

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Written agreements have been filed providing for the maintenance of the road or streets in such all-weather passable condition, including snow removal and sanding, during the period between the issuance of the Certificate of Occupancy and the acceptance of the fully completed road by the Town Board. If the road is not to be offered for dedication to the Town, maintenance agreements shall be required in accordance with Section 308 (B) Maintenance, of these Regulations.

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ARTICLE 500. GENERAL IMPROVEMENTS and DESIGN STANDARDS

The Planning Board, in considering an application for the subdivision of land, shall be guided, but not bound, by the following considerations and standards, upon which the Planning Board shall be the determining agent. In general, these standards shall be deemed to be the minimum requirements for the convenience, health, safety and welfare of the town and shall be waived by the Planning Board only under circumstances set forth in Article 100, Section 107 herein.

501. General Considerations

A) Conformance with Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules and regulations.

- 1) All applicable statutory provisions;
- 2) All local government laws, ordinances, rules, regulations and orders as applicable in the town;
- 3) Town Comprehensive Plan or Capital Improvement Plan, as they may exist;
- 4) The rules and regulations of the New York State Department of Health, the Department of Environmental Conservation, the New York City Department of Environmental Protection, and other appropriate agencies as may be applicable;
- 5) The rules of the New York State Department of Transportation, if the subdivision abuts a State Highway or connecting road;
- 6) All required improvements shall be constructed or installed to the Town's specifications;
- 7) Plat approval may be withheld if a subdivision is not in conformity with the above guidelines or with the policies established in Article 100 of these Regulations.

B) Self-Imposed Restrictions

The applicant may place restrictions on any of the land contained within the subdivision which are greater than those required by the Planning Board and these Regulations. Such restrictions shall be indicated on the final subdivision plat.

C) Plats Straddling Municipal Boundaries

In general, a lot as permitted by these Regulations shall not be divided by a municipal boundary. However, should an intermunicipal lot be deemed necessary

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for access or safety, the Planning Board may require suitable legal agreements to assure that the portions of the lot shall not be separated in the future and the portion(s) of the lot in the adjoining municipality shall not be used for any purpose that would make it nonconforming if the entire lot were located within the town. Whenever a subdivision includes land in two or more municipalities, the location of the municipal boundary line shall be shown on the plat.

Whenever access to a proposed subdivision can be obtained only across land in another municipality, the applicant shall furnish proof, satisfactory to the Planning Board, that such access has been legally established and that such access has been adequately improved or that suitable financial guarantee has been duly executed and is sufficient in amount to assure the adequate construction of an access road. However, the Planning Board may condition its approval of those parts of a subdivision which have access only across land in another municipality by providing that no Building Permit shall be issued on lots within the town until such access to them has been properly established.

Approval by the Planning Board shall be granted only for that portion of the subdivision lying within the town. Approval shall be contingent upon notification and/or approval by the Planning Board (or other authorized approval entity) having jurisdiction over that portion within the adjacent municipality.

D) Monuments

Permanent monuments, to the minimum standard of one-half inch (1/2") steel rod, shall be required wherever deemed necessary by the Planning Board to enable all lines to be reproduced on the ground.

In general, monuments shall be located no more than 500 feet (500') apart on road lines and are required at all lot corners or at points of curvature or tangency on curved roads, and spaced to be within sight of one another along lines entirely within the road right-of-way.

Monuments three inches (3") or higher shall be set vertically in solid ground with accurate reference to a permanently identifiable fixed point and shall meet or exceed the construction requirements specified in town construction codes and specifications.

E) Character of Land

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 natural hazard. If land subject to such hazards is proposed for subdivision, the Planning Board may condition plat approval on the incorporation of mitigation techniques designed to minimize impact of the development in such a way that the proposed development shall not increase danger to health, life or property, or aggravate a

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flood hazard. As an alternative, the Planning Board may require that such land, or portions thereof, be set aside from future subdivision or development and placed into a reservation or easement.

F) Reservations and Easements

All reservations and easements shall be clearly indicated on the Final Subdivision Plat. The Plat shall also indicate all appropriate notations of the rights which exist with respect to each such reservation and/or easement title. If the easement or reservation is held by an organization other than the developer, the holder shall be clearly indicated on the Plat.

G) Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these Regulations.

H) Natural Features

Wherever possible, the Planning Board shall require preservation of all natural features which add value to residential developments and to the community, such as large trees or woodlands, watercourses, historic resources or vistas, and similar irreplaceable assets.

I) Plats Within 500 Feet of a Municipal Boundary

Subdivisions occurring within 500 feet of the Town of Meredith boundary must be brought to the attention of the adjoining municipality through the notification procedures set forth in General Municipal Law Section 239-nn.

502. Lot Improvements

A) Lots to be Buildable

The lot size, width, depth, shape and arrangement shall be such that there shall be no foreseeable difficulty for reasons of topography, soil character or other natural conditions in securing permits to build on all lots in compliance with these Regulations, the New York State Fire Prevention and Building Code, the New York State Health Department, the New York City Department of Environmental Protection, Town Law 280(a), or any future zoning ordinance. Lots may not be of such depth as to encourage the later creation of a second building site in the front or rear of the lot.

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The Planning Board may require placement of building envelope(s) on the survey map indicating the developable portions of land to be subdivided. Buildable land shall not include areas exceeding 15% slope, wetlands or any floodway.

B) Side Lines

Side lines of lots shall generally be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot arrangement or if open space or other critical resources can be better preserved.

C) Corner Lots

In general, corner lots should be larger than interior lots to provide for proper building setback from each road and to provide a desirable building site.

D) Lot Dimensions

Lots shall be of sufficient size to accommodate water supply, buildings and individual sanitary sewage disposal systems designed in accordance with minimum specifications of any applicable State (Table 2, NYSDOH Appendix 75-A), County, Town or New York City agencies having jurisdiction. Lots should not be less than two (2) acres and should have a minimum road frontage of at least one hundred and fifty feet (150'), including frontage on turn-arounds. All lots should be of sufficient width and depth to accommodate a residence with setbacks of at least twenty-five feet (25') from side and rear lot lines and one hundred feet (100') from the road centerline.

E) Driveways

For driveways with steep grades [any portion of a driveway with grade of twelve per cent (12%) or more], the Planning Board may require one or more off-road parking spaces at the base of the driveway to facilitate parking in inclement weather.

Driveway access shall conform to the standards of the Town, County and State Highway Departments.

F) Access from Private Roads

The area proposed to be subdivided and all proposed lots shall have frontage on and direct access to a public road or private road which conforms to Town Law and construction specifications as prescribed in this Regulation. Such required improvements to a private road shall be a condition of subdivision approval.

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G) Debris and Waste

No cut trees, timber, debris, junk, rubbish or other waste materials of any kind shall be buried under any proposed right-of-way. Such material shall be disposed of in a manner approved by the Planning Board.

H) Soil Preservation

1) Soil Preservation and Final Grading

Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill; to retain the natural contours; to limit storm water runoff; and to conserve the natural vegetative cover and soil. No tree, top soil or excavated material shall be removed from its natural position except where necessary to the improvement of lots and the construction of roads and related facilities in accordance with the approved plan. Topsoil shall be restored to its original depth and properly seeded, fertilized and mulched in those disturbed areas not occupied by buildings or structures.

2) Lot Drainage

Subdivisions shall be designed to minimize off-site stormwater by minimizing grading, cutting and filling; minimizing the use of impermeable surface materials on roads, driveways and other improved areas; retaining existing vegetation; using gently sloped vegetated swales; and employing other non-structural or structural measures including retention or detention basins. All requirements of the New York State Phase II Stormwater Permit and the New York City Department of Environmental Protection shall be met.

Where stormwater cannot be retained on-site through appropriate design measures, the applicant may be required to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

All subdivisions involving wetlands shall comply with the New York State Department of Environmental Conservation or U.S. Army Corps of Engineers regulations governing wetlands, as applicable.

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I) Water Bodies

No more than twenty-five per cent (25%) of a lot may be under water; part of a pond or part of a stream, river or seasonally flooded wetland.

J) Financial Guarantee to Include Lot Improvement

The financial guarantee shall include an amount to guarantee completion of all requirements contained in Article 400 of these Regulations including, but not limited to, soil preservation, final grading, lot drainage, lawn grass, seeding, removal of debris and waste, and all other lot improvements required by the Planning Board.

Whether or not a Certificate of Occupancy has been issued, at the expiration of the financial guarantee, the local government may enforce the provisions of the guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been fully complied with.

503. Roads

A. Road Layout

1) Location, Width and Construction

Roads shall be at least 18 feet in width, with a minimum 5 foot shoulder and 4 foot ditch on each side, suitably located and adequately constructed to conform with the Town's Comprehensive Plan, to accommodate the prospective traffic and to afford satisfactory access to police, fire fighting, snow removal and other road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system, and shall be designed to protect rural character, the environment, and scenic views. For more information on road construction standards, refer to Charts A and B in the Appendices.

2) Continuation of Roads into Adjacent Properties Arrangement

The arrangement of roads shall provide for their continuation between adjacent properties where such continuation is deemed necessary for proper traffic movement, effective fire protection, efficient provision of utilities, and/or where such continuation is in accordance with a proposal shown in the Town Comprehensive Plan. Alternatively, if a road continuation is not determined to be warranted by the circumstances, or would result in unsafe traffic conditions or otherwise jeopardize the public safety and welfare, the Planning Board may require such road to be terminated short of the boundary lines of the subdivision.

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3) Minor Roads

Minor roads shall be laid out so that their use by through traffic will be discouraged.

4) Special Treatment along Major Roads

When a subdivision abuts or contains an existing or proposed major road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation between through and local traffic.

5) Provision for Future Resubdivision

Where a tract is subdivided into lots substantially larger than the minimum size and frontage recommendations in these Regulations, the Planning Board may require that roads and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these Regulations.

6) Dead End Roads

The creation of a dead-end road or cul-de-sac shall be considered by the Planning Board whenever it finds that such an arrangement is necessary. The Planning Board may require, where needed or desirable, the reservation of a twenty foot (20') wide easement to the subdivision boundary to provide for the continuation of pedestrian traffic, utilities, and/or drainage facilities to the next road. The entrance at a dead-end road shall bear a "Dead End" sign.

7) Intersections with Collector or Major Road

Minor or secondary road openings into such roads shall, in general, be at least five hundred feet (500) apart.

8) Road Jogs

Road jogs with center line offsets of less than one hundred twenty-five feet (125') shall be avoided.

9) Angle of Intersection

In general, all roads shall join each other so that for a distance of at least one hundred feet (100') the road is approximately at right angles to the road it joins. No road shall intersect with another at an angle of less than eighty (80) degrees.

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10) Relation to Topography

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography. In addition, a combination of steep grades and curves shall be avoided.

11) Road Names

All road names shown on the Preliminary Plat and Final Plat shall be approved by the Planning Board in coordination with the Delaware County Department of Emergency Services E-911 office. Proposed road names shall be substantially different in sound and spelling from present names in the town so as not to cause confusion. A road which is continuation of an existing road shall bear the same name.

B) Road Design Standards

1) General

In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, emergency vehicles, fire fighting, snow removal, sanitation and road maintenance equipment and school buses, the following design standards are hereby required. All roadway and related construction, whether to be offered for dedication or not, shall be the responsibility of the applicant unless otherwise indicated, and shall be in accord with the standards of this Section, summary charts A and B as found in the Appendix of these Regulations, and other relevant road standards as may be developed by the Town of Meredith.

2) Other Improvements

The Planning Board may require the following improvements: sidewalks, curbs, gutters, road lighting, road signs, road trees, school bus pickup areas, water mains, sanitary sewers, storm drains, fire alarm signal devices, fire hydrants or fire ponds and other utilities. The Planning Board may also require such improvements as it considers necessary in the interest of the public health, safety and welfare.

3) Changes in Grade

All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Road Review Committee so as to provide clear visibility for safe distance. A combination of steep grades and curves shall be avoided.

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4) Watercourses and Bridges

Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of a design approved by the Road Review Committee.

Where a subdivision is traversed by a watercourse, and access to any of the lots is only across the watercourse, a bridge meeting the standards, as set forth in the Road Standards chart, shall be provided.

5) Road Lighting Standards

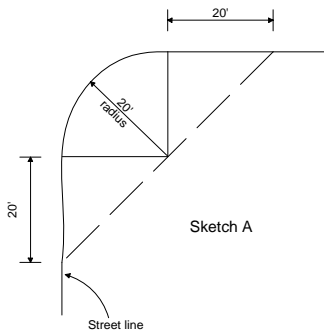
Where required by the Planning Board, road lighting of a design and location approved by the appropriate utility company and the Planning Board shall be provided and installed by the applicant. The cost of forming a lighting district shall be borne by the applicant.

6) Road Signs

Road signs meeting standards established by the NYS Department of Transportation, including highway warning and directional signs, shall be provided by the applicant and placed within the road right-of-way as approved by the Road Review Committee.

7) Visibility of Intersections

In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is shown shaded on Sketch A, shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the road. If so directed by the Road Review Committee or the Planning Board, the ground shall be excavated to achieve visibility. An easement for the enforcement of this provision shall be granted to the owner of the road and notation to this effect made on the Final Plat.



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8) Slope Easements

Where steep slopes beyond the road right-of-way may require maintenance, an easement may be required for such purpose. Where the embankment slope is located on private land outside the subdivision, such easement shall be permitted only where the appropriate rights have been secured in a form satisfactory to the Town Attorney and suitable for recording in the office of the County Clerk.

C) Commercial Roads

1) Service Roads or Loading Space in Commercial Development

Paved rear service roads of not less than twenty feet (20') in width, or in lieu thereof, adequate off-road loading space, suitably surfaced, shall be provided for lots designed for commercial use.

2) Free Flow of Vehicular Traffic Abutting Commercial Developments

In front of areas designed for commercial use, or where commercial use is contemplated, the road width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. Where commercial use is proposed, the Planning Board may require a traffic impact study in order to determine if traffic generated by the proposed development shall cause a decrease in service or safety of the road.

D) Road Dedications and Reservations

1) New Perimeter Roads

Road systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-roads. Where an existing half-road is adjacent to a new subdivision, the other half of the road shall be improved and dedicated by the applicant. The Planning Board may authorize a new perimeter road where the applicant improves and dedicates the entire required road right-of-way width within his own subdivision.

2) Widening and Realignment of Existing Roads

Where a subdivision borders on an existing road which is narrower than the recommended right-of-way width as specified for such roads in these Regulations, or where a subdivision borders an existing road planned for widening or realignment in such a way as to require the use of some land in the subdivision, the Planning Board may require the subdivision plat to show such

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areas which shall be marked "Reserved for Road Realignment (or Widening) Purposes". Land reserved for such purposes may not be counted in satisfying yard or lot area requirements.

3) School Bus Pickup Areas

Where a subdivision contains or abuts a major or collector road, the Planning Board may require that the applicant reserve, clear, grade, pave or otherwise improve an area of such size and location as shall provide a safe and suitable place for use by children awaiting school buses. In general, the size of such area shall not be less than one hundred (100) square feet, and no dimensions shall be less than ten feet (10'). Such area shall be included within the road right-of-way and shall be maintained by the holder of fee title to the road. The layout and design shall be subject to Planning Board approval.

504. Drainage Improvements

The Planning Board may require that the applicant make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system and shall meet all requirements of the State and City of New York, as appropriate.

A) Removal of Spring and Surface Water

The applicant may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with applicable standards and specifications.

B) Accommodation of Upstream Drainage Areas

Drainage facilities shall in each case be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside the subdivision, based on NYSDEC design requirements assuming conditions of maximum potential development within the watershed. The applicant shall be responsible for submitting such computations to the Planning Board in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage installations. Concentrated drainage from lots onto the road right-of-way shall not be permitted.

C) Effect on Downstream Drainage Area

The Planning Board may also require a study of the effects of the subdivision on existing downstream drainage facilities. Where it is anticipated that the additional runoff incident to the development of the subdivision shall overload an existing

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downstream drainage facility, the Planning Board shall notify the owner of such downstream facility and the Town Board of such potential condition and may withhold approval of the subdivision until provision has been made for the correction of said potential condition.

D) Wetlands

Areas shown on DEC maps or Federal National Wetlands Inventory maps as official freshwater wetlands shall be regulated according to the provisions contained in Article 24 of the NYS Environmental Conservation Law and by the federal Army Corps of Engineers wetland regulatory process, including subsequent amendments, which is adopted herein by reference.

E) Flood Plain Areas

Flood plain areas shall be those defined on the official Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). These flood areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the Code Enforcement Officer.

F) Drainage Easements

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as shall be adequate for the purpose as required by the Road Review Committee, and in no case less than twenty feet (20') in width.

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements shall be provided for such across properties outside the road lines and with satisfactory access to the road.

A note to this effect shall be shown on the Final Plat.

505. Water Facilities

A) General Requirements

Where a public water system is not available, the Planning Board may require the use of individual wells or a central water system to provide an adequate supply of potable water shall be available to every lot in the subdivision.

B) Wells and Central Water Systems

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Wells and central water systems must conform to Part 75 of New York State Department of Health Regulations and other applicable regulations governing community water systems.

C) Water Mains, Fire Hydrants and Fire Ponds

Where required by the Planning Board, the applicant shall install water mains and fire hydrants of the type and in a manner prescribed by the regulations of the appropriate water or fire district or other municipal agency having jurisdiction. Where the installation of water mains and fire hydrants is not immediately required, the Planning Board may require the installation of dry hydrants where it is determined that such hydrants are desirable and a satisfactory source of water supply can be made available in a reasonable future period of time.

In situations determined appropriate by the Planning Board, it may require the construction or enlargement of a pond or other water body for the purpose of providing such a water supply.

506. Sewerage Facilities

A) Community Systems

If the applicant is proposing to install a community sanitary sewer facility, it shall be installed in a manner prescribed by the Town of Meredith, any instituted sewer district, and in accordance with the regulations of the New York State Health Department and the New York City Department of Environmental Protection, where applicable.

B) Individual Systems

All lots shall be of sufficient size, width and depth to ensure that an individual on-site sewage disposal system may be installed in compliance with New York State Department of Health standards. Deep test pits and percolation tests shall be required on all new parcels to assure compliance with NYSDOH standards for individual septic systems. If the on-site system will be located within the New York City Watershed, the Watershed Rules and Regulations for individual septic systems must also be observed.

507. Sidewalks or Walkways

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A) General

The Planning Board may require sidewalks or walkways as it deems necessary to provide for the safety of pedestrians. The construction of a walkway or sidewalk shall be of suitable materials approved by the Planning Board.

B) Easements for Pedestrian Access

The Planning Board may require, in order to facilitate pedestrian access from roads to schools, parks, public areas, and roads to neighboring areas, the reservation of perpetual unobstructed easements for such purposes.

508. Utility Improvements

A) General

In order to ensure greater safety and improved appearance, all utility lines and related equipment for providing electric power and communication services shall be installed underground in the manner prescribed by the regulations of the utility company having jurisdiction. Underground utilities shall be located outside of the traveled way of roads but, except in unusual circumstances, within the road right-of-way. The applicant shall install underground service connections to the property line of each lot for such required utilities before the road is paved. All utilities shall be shown on the construction drawings.

B) Easements

Where topography or other conditions are such as to make impractical the inclusion of utilities within road rights-of-way, perpetual unobstructed easement shall be provided for such utilities across properties outside the road lines and with satisfactory access to road.

509. Park Reservations

A) General Standards

Land shall be reserved for parks, playground or other recreation purposes in locations designated in the Town Comprehensive Plan or otherwise where the Planning Board shall deem such reservation to be appropriate. Each reservation shall be of suitable size, location, dimension, topography and general character for park, playground or other recreational purposes, and shall be shown and marked on the Plat as "Reserved for Park or Playground or Other Recreation Purposes". In no case shall the Planning Board require that more than fifteen per cent (15%) of the gross area of the subdivision be dedicated or reserved for recreation purposes. In calculating such percentage, the Board may give due credit for open areas reserved,

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by covenants in all deeds, for the common use of all property owners in the proposed subdivision.

B) Minimum Size

Except for parcels considered by the Planning Board to be ecologically significant, land in subdivisions dedicated or reserved for park and recreation purposes generally shall have an area, which the Planning Board deems adequate and suitable, of at least three (3) acres. When a proposed subdivision is too small to require such an area, the Planning Board may require that the recreation area be located on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.

C) Ownership of Park Areas

The ownership of reservations for park purposes shall be clearly indicated on the Plat and established in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.

D) Cash Payment in Lieu of Reservation

Where the Planning Board determines that a suitable park(s) of adequate size cannot be properly located in a subdivision, or where such a reservation is otherwise not practical, the Board may require, as a condition to approval of any such plat, a payment to the Town of a sum determined for such cases by the Town Board. Such payments shall be deposited in a trust fund to be used by the Town Board exclusively for the acquisition of land for park purposes.

510. Non Residential Subdivisions

A) General

The applicant must submit a plan of the proposed development that meets all requirements in these Regulations, as well as any other local, state and federal standards and requirements applicable to the development.

B) Standards

1) Vehicular Access

Each lot shall have adequate width of space between the road frontage giving it vehicular access and the portion or portions of the lot where parking and loading areas can be located, allowing for the location of a building or buildings on the lot. Such width of access to such parking and loading areas shall be adequate for two directions of vehicular travel, unless a one-way traffic flow is planned, in

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which case a notation to that effect shall be placed on the Subdivision Plat in a form satisfactory to the Planning Board and Town Attorney.

2) Traffic Flow

Areas planned for off-road parking and loading on adjoining lots in the subdivision shall be located to facilitate movement of traffic between adjoining lots, thereby minimizing the number of vehicular entrances and exits crossing the road sidewalk in the subdivision, and increasing pedestrian safety as well as the convenience to those using business or industrial lots in the subdivision. An easement or easements, in form satisfactory to the Town Attorney, permitting such flow of traffic between parking areas on adjoining lots, shall be indicated on the Plat.

3) Sidewalks

Sidewalks, if deemed necessary and required, shall be at least four feet (4') in width, with a tree planting area of at least six feet (6') in width along the road curb.

4) Buffer Planting Areas

An area at least ten feet (10') in width, or more if required by the Planning Board as part of a development plan, shall be reserved along all boundaries of a lot adjoining residential areas. Where this part of the lot is on a slope, the buffer area shall be located at the top of each slope and shall be reasonably level to accommodate the buffer planting.

5) Parking Requirements

The Planning Board may require that paved off-road parking areas be provided for each dwelling and/or commercial unit in the subdivision to meet the needs of the occupants and their guests without interference with normal traffic.

511. Environmental Considerations

A) Preservation of Natural Features

Existing natural features which are of ecological, aesthetic or scenic value to residential development or to the Town as a whole, such as wetlands, water courses, water bodies, rock formations, stands of trees, historic spots, views and vistas, man made features indigenous to the area, such as stone walls, and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision. Where appropriate, the Planning Board may require the inclusion of such features in permanent reservations.

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1) Trees

A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site. On individual lots or parcels, care shall be taken to preserve selected trees to enhance the landscape treatment of the development. No tree with a diameter of eight inches (8") or more as measured three feet (3') above the base of the trunk shall be removed unless such tree is within the right-of-way of a road as shown on the Final Subdivision Plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of eight inches (8") or more as measured three feet (3') above the base of the trunk be removed without prior approval by the Planning Board.

The Planning Board may require the planting of road trees in subdivisions which are lacking in trees or in which a substantial loss of trees shall occur in the process of road construction. Such trees shall be of a hardwood variety indigenous to the neighborhood, and shall be at least two inches (2") caliper at a height of six inches (6") above ground planting level. Where they are required by the Planning Board, such trees shall be planted along both sides of the road, within the road right-of-way, and spaced approximately sixty feet (60') on center and maintained for two years by the applicant.

2) Soil

Natural fertility of the soil shall be preserved by disturbing it as little as possible, and no topsoil shall be removed from the site. At the discretion of the Planning Board, a plan shall be filed with the Town showing the location for stockpiling soil and the method of its protection.

3) Flood Areas

Land subject to serious or regular flooding shall not be subdivided for residential occupancy or for other uses that may increase the danger to life or property or aggravate the flood hazard. Such land may be used for recreational open space or a similar nonintensive use so that the flood danger to this property and other upstream or downstream properties shall not be increased and periodic or occasional inundation shall not be a substantial threat to life or property. The provisions of this section shall apply to all land falling within the 100 year flood limit as shown on maps prepared by the Town and FEMA, as periodically amended.

Development of steep slope sites [over fifteen per cent (15%)] shall be conditionally acceptable only if there is no prudent or feasible alternative site, and erosion and sediment control measures are incorporated in the design, construction and operation of the development according to standards set by the NYSDEC.

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B) Erosion and Sediment Control

The applicant shall provide effective erosion and sediment control measures during the development, construction and operation of subdivisions in accordance with those put forth by the NYSDEC in the Standards and Specification for Erosion and Sediment Control. If the land disturbing activity resulting from the applicant's project totals more than one (1) acre, the applicant must obtain a Phase II permit for construction from the NYSDEC. This activity could include building a driveway, clearing a home site, and laying septic trenches. As part of the Phase II permit process for construction activity, the applicant must also produce a Stormwater Pollution Prevention Plan (SPPP), describing how stormwater is to be managed on-site. For further information, please consult the appropriate New York State (Phase II/NYS Bluebook standards) or New York City (WR&R Section 18-39) requirements.

For those projects not disturbing more than one acre, the following general guidelines should be followed:

- 1) The smallest practical area of land shall be exposed at any one time during the development.
- 2) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- 3) Temporary vegetation and/or emulsion shall be used to protect areas exposed during development.
- 4) Sediment basins or silt traps shall be installed and maintained to remove sediment from runoff waters on land undergoing development.
- 5) Provision shall be made to effectively accommodate the increased runoff caused by changing soil and surface conditions during and after development.
- 6) Permanent final vegetation and structures should be installed as soon as practical in the development and maintained thereafter.
- 7) The development plan should be fitted to the topography and soils so as to create the least erosion potential.
- 8) Wherever feasible, natural vegetation should be retained and protected.

C) Performance Standards

The interpretation of these Subdivision Regulations shall be guided by the following performance criteria such that projects:

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- 1) Shall not result in undue water or air pollution;
- 2) Have sufficient water available for the reasonable foreseeable needs of the subdivision or development;
- 3) Shall not cause unreasonable burden on an existing water supply, if one is to be utilized;
- 4) Shall not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- 5) Shall not cause unreasonable highway congestion or unsafe condition with respect to use of the highway, existing or proposed.

512. Soil Profile Analysis

A) Intent

It is the intent of this section to ensure that all proposed lots of a subdivision have at least one buildable site for an onsite septic system. This section is to be used in conjunction with other sections of this Local Law in approving subdivision lots.

B) When Required

The planning board shall require the submission of soil profile analysis information for each proposed lot.

C) Standards

- 1) The soil profile analysis shall include the following information derived from deep test pits and percolation tests:
 - (a) depth to seasonal high water table;
 - (b) depth to fragipan (hardpan);
 - (c) depth to bedrock where present;
 - (d) depth to loose sand and gravel;
 - (e) slope of the land through the location of the deep test pit;
 - (f) estimate of the area having similar soil characteristics; and
 - (g) percolation rate.
- 2) The soil profile analysis information shall be documented in accordance with standards set forth by the Delaware County Soil and Water Conservation District (as described in "Criteria for Identifying Soil Characteristics Which Restrict Onsite Wastewater Treatment Systems in Delaware County, New York.")

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- 3) The deep test pits shall be performed according to New York State Department of Health Standards, as described in the "Waste Treatment Handbook -- Individual Household Systems."
- 4) The soil profile analysis shall be conducted by one of the following qualified professionals:
 - (a) a licensed engineer, accompanied by the engineer's stamp and a certified statement attesting that the criteria were identified according to Soil and Water Conservation District standards; or
 - (b) a soil scientist as defined by the Soil and Water Conservation District, accompanied by a certified statement attesting that the criteria were identified according to Soil and Water Conservation District standards.
- 5) The information obtained from the soil profile analysis shall be submitted to the Planning Board with:
 - (a) the preliminary plat application for a major subdivision; or
 - (b) the final plat application for a minor subdivision.
- 6) The Planning Board shall review the soil profile analysis information for compliance with the Minimum Site Requirements for Onsite Septic Systems in All Subdivisions, Table 1 of this Local Law.
 - (a) If the soil profile analysis information for a lot satisfies the minimum criteria for a conventional or alternative onsite septic system, the lot shall be considered by the Planning Board to be suitable for subdivision approval.
 - (b) If the soil profile information for a lot does not satisfy the minimum criteria for a conventional or alternative onsite septic system, the lot shall be considered by the Planning Board to be unsuitable for subdivision approval.

The following options are available to the applicant:

- (1) locate and test another site on the proposed lot; or
 - (2) redesign the lot configuration, incorporating unsuitable lots with those that are considered suitable; or
 - (3) obtain written approval or recommendation for the septic system design by the Department of Health .
- (c) All lots on a subdivision plat shall show the location of the deep pit tests and the percolation tests.

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If the soil profile analysis information for any lot within a subdivision indicates the need for an alternative onsite septic system, a note beside the identified test site(s) shall be made on the final plat stating, "This lot may require an alternative onsite septic system."

D) Procedure

1) Subdivisions

- (a) Onsite inspection may be conducted by the Planning Board
- (b) Analysis of Soils Maps
- (c) One (1) deep test pit analysis per lot shall be conducted
- (d) One (1) percolation rate test per lot shall be conducted
- (e) Further testing shall be determined by the characteristics of the lots proposed for subdivision.
- (f) A reserve leachfield at least 50% of the size of the primary leachfield is to be located on each lot

2) General Considerations to Determine Further Testing

- (a) Evidence of wetlands (standing water, evergreen growth, fallen trees with roots exposed, wetland plant growth)
- (b) Evidence of bedrock
- (c) Swale - wet weather runoff
- (d) Steep slope
- (e) Lots under ten (10) acres in size

E) Notes

- 1) If any subdivision lot requires an alternative system and is proposed for commercial or industrial use, it may be necessary to obtain permits from the NYS Department of Health or the NYS Department of Environmental Conservation prior to or simultaneous with subdivision review by the Planning Board.
- 2) The soil profile analysis may be waived in any subdivision lot where an applicant can show proof of an adequate existing on-site waste water treatment system or proof that an adequate wastewater treatment facility that is in compliance with all other local and state requirements, shall be provided.

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TABLE 1: MINIMUM SITE REQUIREMENTS FOR ON-SITE SEPTIC SYSTEMS IN ANY DEVELOPMENT (SUBDIVISION)¹

	CONVENTIONAL SYSTEM	ALTERNATIVE SYSTEM
Percolation Rate (minutes)	1 to 60	1 to 45
Usable Soil (inches)	24 or more	12 to 24
Slope (maximum)	15%	15%
Sewerage Area	3,000 s.f.	5,000 s.f.to 8,000 s.f.
Usable Lot Size (minimum)	20,000 s.f.	2 - 5 acres
Distance from a well, spring, waterbody, or wet area (minimum)	100 ft.(see below)	200 ft.

When sewage treatment systems are located in coarse gravel or upgrade and in the general path of drainage to a well, the closest part of the treatment system shall be at least 200 feet away from the well, although a greater distance is preferable.

* If less than 30 inches, more than two (2) test pits may be required to verify soil conditions throughout leach field and reserve area.

** If less than 18 inches, more than two (2) test pits may be required to verify soil conditions throughout leach field and reserve area.

*** Some conventional or alternative septic system designs will have varying criteria within the range given in this table.

If you would like more information on septic systems and requirements you can refer to the "Septic System Bulletin, Delaware County Planning Department December 1998" A copy of this is available at the County Planning Department in Delhi.

¹Minimum site requirements for onsite septic systems in any development (subdivision) shall be compatible with Department of Health Standards.

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Town of Meredith, New York - Fee Schedule

Subdivision	Fee
Sketch Plan Review	None
Boundary Line Adjustment	\$20
Minor Subdivision Plat	\$50, plus \$10 per newly created lot
Major Subdivision (Preliminary)	\$250
Major Subdivision (Final)	\$250, plus \$100 per newly created lot
Inspection Fee (as required)	1% of estimated cost of project improvements
<p>General Professional Fees</p> <p>The Applicant is responsible for the expenses incurred when the Town of Meredith seeks outside expertise from professional consultants to review the Applicant's project. Professional fees include, but are not limited to, the fees of architects, engineers, planning and traffic consultants, together with certain fees of the Town Attorney rendered in connection with the Application. For further information, see Section 113 (Professional Fees) of these Subdivision Regulations.</p>	
<p>All fees are payable at the time of application, unless otherwise required.</p>	

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