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## **TOWN OF LEXINGTON ZONING LAW**

### **ARTICLE I - TITLE AND PURPOSE**

#### **§ 1.01. Title**

This local law shall be known and may be cited as the "Subdivision Law of the Town of Lexington."

#### **§ 1.02. Enacting Clause and Purposes**

Pursuant to Town Law of the State of New York, the Planning Board of the Town of Lexington is authorized and empowered to approve Plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped Plats now approved by the New York State Department of Health since January, 1952, and to approve Preliminary Plats within the Town of Lexington. It is declared to be the policy of the Planning Board to consider land Subdivision Plats as part of a plan for the orderly, efficient and economic 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 danger to health, or peril from fire, flood or other menace;
- B. That proper provision shall be made for drainage, water supply, sewerage and other needed improvements;
- C. That all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of neighboring properties and the Zoning and Flood Hazard Regulations;
- D. That the proposed roads shall be properly related to the proposals shown on the Comprehensive Plan, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings;
- E. That valuable assets such as streams, ponds, trees, historic sites and scenic areas shall be preserved, sedimentation and erosion prevented, and flora and fauna protected; and
- F. That variety and flexibility in residential development including clustering of lots pursuant to Town Law §281 shall be encouraged.

### **ARTICLE II - DEFINITIONS**

#### **§ 2.01. Use of Words**

- A. Words not specifically defined shall have their ordinary dictionary meaning. The terms "building" and "structure" include any part thereof. The word "land"

includes all ground within the Town of Lexington, including surface water bodies overlying such ground. Unless otherwise specified, all distances shall be measured horizontally.

- B. The word “shall” is used in its mandatory sense. The word “should” is used in its recommending sense and is used in connection with guidelines, which are not mandatory but recommended. The word “may” is permissive.
- C. The word “Town” means the Town of Lexington. The term “Town Board” means the Town Board of the Town of Lexington; the term “Zoning Board of Appeals” means the Zoning Board of Appeals of the Town of Lexington; and the term “Planning Board” means the Planning Board of the Town of Lexington.

## **§ 2.02. Definition of Terms**

**ACCESSORY USE OR STRUCTURE.** A use or building on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

**AGRICULTURE.** Raising of crops, animals, and animal products; forestry; other commonly accepted agricultural operations for commercial purposes including the sale of products grown on the premises.

**AUTOMOBILE SERVICE STATION.** A building or place of business where gasoline, oil and grease, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered.

**BED AND BREAKFAST.** An owner-occupied one-family dwelling offering from one to five bedrooms without kitchens for transient guests for which compensation is paid. A Bed & Breakfast is not deemed a home occupation.

**BUILDING.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or other real property.

**CLERK OF THE PLANNING BOARD.** The person designated to perform the duties of the clerk of the Planning Board for all purposes of these regulations.

**CODE ENFORCEMENT OFFICER.** The duly designated Code Enforcement Officer of Town.

**COMPREHENSIVE PLAN.** The Comprehensive Plan of the Town of Lexington adopted by the Town Board on December 3, 2003.

**CUL-DE-SAC.** A dead end road with a circular turn-around at its terminus having a minimum right-of-way radius of sixty (60) feet and a pavement radius of fifty (50) feet.

**DWELLING.** A building designed or used principally as the living quarters for one or more families.

**DWELLING, ONE FAMILY.** A building designed for or occupied exclusively by one family.

**DWELLING, TWO FAMILY.** A building designed for or occupied exclusively by two families living

independently of each other.

**DWELLING, MULTI-FAMILY.** A dwelling or group of dwellings on one lot containing separate living units for three or more families living independently of each other.

**EAF.** An environmental assessment form prepared pursuant to the requirements of SEQRA.

**EASEMENT.** The authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**EIS.** An environmental impact statement prepared in accordance with the requirements of SEQRA.

**ENGINEER OR LICENSED PROFESSIONAL ENGINEER.** A person licensed as a Professional Engineer by the State of New York.

**FAMILY.** A 'family' consists of (a) one person, or two or more persons related by blood, marriage or adoption, or (b) not more than five (5) persons not necessarily related by blood, marriage or adoption, and in addition any domestic servants or gratuitous guests, who live together in a single dwelling and maintain a common household.

**FINAL SUBDIVISION PLAT OR SUBDIVISION PLAT.** The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be filed or recorded with the County Clerk.

**HOME OCCUPATION.** Any commercial use customarily conducted entirely within a dwelling or accessory structure which is clearly incidental and secondary to the use of the lot; does not change the character of the dwelling; has no external evidence of such use or exterior storage of materials or equipment; and is carried on by residents of the dwelling, or dwellings, except that no more than two persons, not residents of the dwelling, may be employed.

**HOTEL.** A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

**LOT.** Parcel of land occupied, or designed to be occupied, by one building and the accessory buildings or customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may not be the land shown on a duly recorded plat. If more than one lot of record is held in common ownership and said lots are contiguous and substandard in size to the minimum lot size in the zoning district, they shall, for purpose of this local law, be held as one lot or as many lots as shall leave no lot substandard.

**LOT WIDTH.** The average distance between side lot lines taken at the front yard or building line and measured at right angles to the side lot lines along a parallel to the street.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, ventilating and electrical systems contained therein. The term "manufactured home" does not include a

modular home.

**MODULAR HOME.** Also known as a "Factory manufactured home" and means a structure designed primarily for residential occupancy constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site.

**MOTEL.** A building or group of buildings having individual sleeping units for hire which are designed primarily for transient automobile travelers. The term "motel" includes, but is not limited to, hotel, motor hotel, motor court, motor inn, motor lodge and tourist court.

**NON-CONFORMING LOT.** A lot of record which does not comply with the area, shape, frontage, or location provisions of this local law for the district in which it is located, but which was conforming at the time it was created.

**NON-CONFORMING STRUCTURE.** A structure which does not satisfy the dimensional requirements of this local law for the district in which it is located, but which was not in violation of applicable requirements when constructed.

**NON-CONFORMING USE.** The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the district in which the building or land is situated.

**NURSING OR CONVALESCENT HOME.** A building where persons are housed or lodged and furnished with meals and nursing care for hire.

**OFFICIAL NEWSPAPER.** The newspaper or newspapers designated by the Town Board for the publication of official notices of meetings and public hearings.

**PARCEL.** A tract or plot of land.

**PRELIMINARY SUBDIVISION OR PRELIMINARY PLAT.** A drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article V, Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**PRIVATE MULTIPLE-USE DRIVEWAYS.** Private driveways serving more than two (2) but not more than four (4) residences or residential units in which all lots have easements and cross-easements for ingress and egress and a maintenance agreement, signed and recorded in the County Clerk's Office defining the rights and responsibilities of the lot owners and approved by the Planning Board, prohibiting parking on the easement and incorporating other standards acceptable to the Planning Board and its attorneys.

**PROFESSIONAL OFFICE.** One used by a duly licensed architect, attorney, dentist, optometrist, engineer, insurance broker or salesman, physician or surgeon, real estate broker or salesman, or surveyor.

**RELIGIOUS INSTITUTIONS.** All uses dedicated to religious objectives, including churches, synagogues, retreat houses, resorts and the like.

**RESORT.** A building or group of buildings having individual sleeping units for hire that includes a restaurant on the premises, offers the inclusion of the cost of meals in the room rates, has outdoor

recreation facilities and entertainment. The lot shall be of sufficient size as to provide at least .5 acre per individual sleeping unit.

RE-SUBDIVISION. Any change in the recorded subdivision plat if such change affects any street layout shown on such plat, or area reserved thereon for public use or creates any new lot or any such change if it affects any map or plan legally recorded.

ROAD. Streets, roads, avenues, lanes or other traffic ways, between right-of-way lines. The term "road" does not include driveways. ROAD PAVEMENT. The wearing or exposed surface of the roadway used by vehicular traffic.

ROAD WIDTH. The width of right-of-way, measured at right angles to the center line of the road.

PARCEL-PUBLIC ROAD. A public or municipal road or highway shall refer to a road which has been dedicated and accepted as a road or highway by the Town, County, or State.

PRIVATE ROAD. Any road that is not a public road. All private roads must meet town specifications and be maintained as provided herein.

SEQRA. The State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, as amended from time to time.

SKETCH PLAN. A sketch of the proposed subdivision showing information specified in Article V, 5.1 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 subdivision and objectives and requirements of these regulations.

SPECIAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to the number, area, location or relation to the town, would promote the public health, safety, order, comfort, convenience, appearance, prosperity and general welfare. Such uses shall be permitted when the Planning Board finds that they meet the specific criteria provided in this local law for them.

SHED. A temporary or permanent structure for accessory storage or animal husbandry, not to exceed 100 square feet of floor space and eight feet in height, and not to be used as a residence. The term "shed" does not include a shipping container or truck body.

STREET WIDTH. The width of right-of-way, measured at right angles to the center line of the road.

SUBDIVIDER OR APPLICANT. Any person, firm, corporation, partnership, association, who shall layout for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION. The division of any parcel of land with or without streets into two (2) or more lots, plots, or any other legal division of land for immediate or future transfer of ownership.

SUBDIVISION, MAJOR. Any subdivision containing more than four (4) lots, or any subdivision requiring any new public road extension, or the extension of municipal facilities.

**SUBDIVISION, MINOR.** A subdivision containing not more than four (4) lots which has frontage on an existing public street, and which does not require any new municipal road, road extension or extension of municipal facilities.

**SUPERINTENDENT.** The Superintendent of Highways of the Town.

**SURVEYOR.** A person licensed as a land surveyor by the state of New York.

**VARIANCE.** A relaxation of the terms of this local law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this local law would result in unnecessary and undue hardship.

**YARD.** An area on the same lot with a building or group of buildings, which lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as may be specifically authorized by this local law. In measuring a yard, the depth of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building measured at right angles to the lot line.

**YARD, FRONT.** A yard extending across the full width of the lot and lying between the center line of the road on which the lot fronts and the nearest line of the building. If the lot abuts a state highway, the front yard will be on the side abutting the state highway.

**YARD, REAR.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

**YARD, SIDE.** A yard between the side line of the lot and the nearest line of a building and extending from the front yard to the rear yard, or, in the absence of either of such yards, extending from the front lot line to the rear lot line, as the case may be.

### **ARTICLE III – PROCEDURE FOR REVIEW OF SUBDIVISION APPLICATIONS**

#### **§ 3.01. Applicability**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures. 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.

#### **§3.02. Sketch Plan**

- A. **Submission of Sketch Plan.** Any owner of land shall, prior to subdividing or re-subdividing land, shall submit to the Clerk of the Planning Board at least ten (10) days prior to the regular meeting of the Planning Board, two (2) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article V, §5.1, for the purpose of preliminary discussion.
- B. **Pre-Application Discussion.** The subdivider, or his duly authorized representative, shall attend the

meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, the locations and number of deep hole and soil percolation tests required, and similar aspects, as well as the availability of existing services and other pertinent information.

- C. Study of Sketch Plan. The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission of the Planning Board.
- D. Determination as Minor or Major Subdivision. At this meeting the Planning Board will classify the Sketch Plan as either a "Minor Subdivision" in which case the subdivider shall comply with the provisions of Article III, §3.2, a "Major Subdivision" in which case the subdivider shall comply with the provisions of Article III, §3.3, 3.4 and 3.5 or as not constituting a subdivision or re-subdivision as defined herein.
- E. SEQRA Determination. After reviewing the Sketch Plan, the Planning Board will have the subdivider complete a preliminary SEQRA document. This document is either an Environmental Assessment Short Form or an Environmental Assessment Long Form. General guidelines to decide which document should be completed are:
  - 1. Environmental Assessment Short Form: Use if the subdivision is four (4) or less lots and if no unusual environmental circumstances exists such as freshwater wetlands, agricultural districts, sites which are on or eligible to be on the National Register of Historic Places, and land adjacent to public lands.
  - 2. Environmental Assessment Long Form: Use if the subdivision involves five (5) or more lots or has special environmental concerns. These special environmental concerns include the examples mentioned above and any other concerns that the Planning Board considers special.

### **§ 3.03. Review and Approval of Minor Subdivision**

- A. Application and Fee. Within six (6) months after classification of the Sketch Plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for re-classification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article V, §5.2(A). The appropriate EAF shall accompany the application. All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee as indicated on the Fee Schedule listed in Article VII, §7.7.
- B. Number of Copies. Six (6) copies of the Subdivision Plat shall be presented to the Clerk of the Planning Board at least ten (10) days prior to a scheduled monthly meeting of the Planning Board.
- C. Subdivider to Attend Planning Board Meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the Subdivision Plat.



- D. When Officially Submitted. The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board following the submission of the application for plat approval to the Clerk of the Planning Board, complete and accompanied by the required fee and all data required by Article V, §5.2 of these regulations, as long as such submission has occurred at least ten (10) days prior to such regular meeting.
- E. Public Hearing. A public hearing shall be held by the Planning Board within forty-five (45) days from the time of official submission of the Subdivision Plat for approval. Said hearing shall be advertised in the official Town newspaper at least five (5) days before such hearing and notice of said hearing shall be posted by certified mail to the owners of the property abutting the proposed subdivision and directly across an adjoining street and to any other person that the Planning Board may feel to be particularly affected.
- F. Action on Subdivision Plat. The Planning Board shall, within forty-five (45) days from the date of the public hearing, approve, modify and approve or disapprove the Subdivision Plat. The Board shall specify in writing its reasons for any such disapproval. In the event that a hearing is not held or if the Board fails to disapprove the Minor Subdivision within the forty-five (45) days as specified above, the plan shall be deemed approved.
- G. The Planning Board may require, where it deems it necessary for the protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.

#### **§ 3.04. Preliminary Plan for Major Subdivision**

- A. Application and Fee. Prior to the filing of an application for the approval of a Subdivision Plat, the subdivider shall file an application for the consideration of a Preliminary Plat of the proposed subdivision, in the form described in Article V, §5.3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of §276, and 277 of the Town Law, and Article V, §5.3 of these regulations, except where a waiver may be specifically authorized by the Planning Board. The application for a conditional approval of the Preliminary Plat shall be accompanied by a fee as indicated on the Fee Schedule listed in Article VII, §7.7.
- B. Number of Copies. Six (6) copies of the Preliminary Plat shall be presented to the Clerk of the Planning Board at least ten (10) days prior to a regular meeting of the Planning Board. The appropriate EAF shall accompany the Preliminary Plat.
- C. Subdivider to Attend Planning Board Meeting. The subdivider or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.
- D. Study of Preliminary Plat. The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, tentative written recommendations of any other agencies whose review may be required and the requirements of the

## Master Plan and Zoning Regulations.

- E. When Officially Submitted. The time of submission of the Preliminary Plat shall be considered to be the date of the regular monthly meeting of the Planning Board following the submission of the application for plat approval to the Clerk of the Planning Board, complete and accompanied by the required fee and all data required by Article V, §5.3 of these regulations, as long as such submission has occurred at least ten (10) days prior to such regular meeting.
- F. Conditional Approval Of The Preliminary Plat. Within forty-five (45) days after the Preliminary Plat is officially submitted, the Planning Board shall hold a public hearing. Said hearing shall be advertised at least once in the official Town newspaper at least five (5) days before such hearing and notice of said hearing shall be made by certified mail to the owners of property abutting the proposed subdivision and directly across an adjoining street and to any other person that the Planning Board may feel to be particularly affected. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat. Within forty-five (45) days after the date of such hearing, the Planning Board shall conditionally approve with or without modifications, if any, or disapprove the Preliminary Plat and the ground for any modifications or disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such Plat, may be extended by mutual consent of the subdivider and the Planning Board. When so approving a Preliminary Plat, the Planning Board shall state, in writing, modifications, if any, as it deems necessary for submission of the Plat in final form. Within five (5) days of conditional approval of such Preliminary Plat it shall be certified by the Clerk of the Planning Board as granting conditional preliminary approval and a copy filed with his office, a certified copy mailed to the owner, and a copy forwarded to the Town Board.
- G. Failure of the Planning Board to act within such forty-five (45) day period shall constitute conditional approval of the Preliminary Plat. When granting conditional approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Subdivision Plat. Conditional approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but 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 Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result new information obtained at the public hearing.

### **§ 3.05. Final Subdivision Plat for Major Subdivision.**

- A. Application For Approval And Fee. The subdivider shall, within six (6) months after the conditional approval of the Preliminary Plat, file with the Planning Board an application for approval of the Subdivision Plat in final form, using the approved application blank available from the Clerk of the Planning Board. All applications for Plat approval for a Major Subdivision shall be

accompanied by a filing fee as indicated on the Fee Schedule listed in Article VII, §7.7. If the Final Plat is not submitted within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Plat and require re-submission of the Preliminary Plat.

- B. **Number Of Copies.** A subdivider intending to submit a proposed Subdivision plat for the approval of the Planning Board shall provide the Clerk of the Board with a copy of the application and five (5) copies (one copy printed in ink on Mylar or an acceptable equal) of the Plat, the original and one (1) true copy of all offers of cession, covenants, and agreements and two (2) prints of all construction drawings.
- C. **When Officially Submitted.** The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board following the submission of the application for plat approval to the Clerk of the Planning Board, complete and accompanied by the required fee and all data required by Article V, §5.4 of these regulations, as long as such submission has occurred at least ten (10) days prior to such regular meeting.
- D. **Endorsement Of State, County And NYC Agencies.** Water and sewer facility proposals contained in the Major Subdivision Plat shall be properly endorsed and approved by the New York City Department of Environmental Protection, New York State Department of Health, New York State Department of Environmental Conservation and other agencies if required. Applications for approval of plans for sewer or water facilities shall be filed by the subdivider with all necessary Town, County, and State agencies. Endorsement and approval by the New York City Department of Environmental Protection, New York State Department of Health, New York State Department of Environmental Conservation and other agencies, when necessary shall be secured by the subdivider before official submission of the Subdivision Plat.
- E. **Public Hearing (Optional).** Within forty-five (45) days of the submission of a Plat in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in the official Town newspaper at least five (5) days before such hearing and notice of said hearing shall be posted by certified mail to the owners of property abutting the proposed subdivision and directly across an adjoining street and to any other person that the Planning Board may feel to be particularly affected, provided, however, that when the Planning Board deems the final Plat to be in substantial agreement with a Preliminary Plat approved under §3.3 of this Article, and modified in accordance with requirements of such approval if such Preliminary Plat has been approved with modification, the Planning board may waive the requirement for such public hearing.
- F. **Action On Proposed Subdivision Plat.** The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such Plat, within forty-five (45) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to take action on a final Plat within the time prescribed therefore shall be deemed approval of the Plat. Upon a resolution of conditional approval of such final Plat, the Planning Board shall empower a duly authorized officer to sign the Plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution the Plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in

his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the Plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a Final Plat shall expire one hundred eighty (180) days after the date of the resolution granting final approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

### **§ 3.06. Required Improvements.**

- A. **Costs Of Improvements.** Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:
  - 1. In an amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check or bond or bank letter of credit to cover the full cost of the required improvements OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of §277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year (or such other as the Planning Board may determine appropriate, not to exceed three (3) years) shall be set forth in the bond within which required improvements must be completed.
  - 2. The subdivider shall complete all required improvements to the satisfaction of the licensed engineer who shall be retained at the expense of the subdivider and who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a certified check or bond or bank letter of credit covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the licensed engineer. Any performance bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.
- B. **Map Of Improvements.** The required improvements shall not be considered to be complete until the installation of the improvements has been approved by the Planning Board and a map satisfactory the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to §3.5A(2), the map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. If the subdivider elects to provide a bond or certified check for all required improvements as specified in §3.5A(1), such bond shall not be released until such a map is submitted.
- C. **Modification Of Design Of Improvements.** If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Superintendent of Highways

that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Superintendent of Highways may, upon approval by a previously delegated member of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Superintendent of Highways shall issue any authorization this section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

- D. **Inspection Of Improvements.** At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Planning Board and shall notify the Superintendent of Highways in writing of the time when he proposes to commence construction of such improvements so that the Superintendent of Highways may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- E. **Proper Installation Of Improvements.** If the Superintendent of Highways shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report the Town Board and the Planning Board. The Town Board shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond or other security. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

### **§ 3.07. Filing of Approved Subdivision Plan**

- A. **Final Approval And Filing.** Upon completion of the requirements in §3.4 above and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within thirty (30) days of that date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.
- B. **Plat Void If Revised After Approval.** No changes, erasures, modifications or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

### **§ 3.08. Status of Roads and Easements**

- A. **Public Acceptance Of Roads.** The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the town of any road, easement or other open space shown on such Subdivision Plat.
- B. **Offers Of Cession.** In accordance with §278 of the Town Law, the subdivider may add a notation

on the Final Plat that no offer of roads, parks, or easements, shown on the Plat is made to the public. Failure to make such notation will constitute a continuing offer of cession to the Town, which may be accepted by the Town Board at any time prior to revocation of said offer by the owner of the land or his agent. Formal offers of cession to the public of all roads, parks, and easements, not marked with such notation on the Plat, shall be filed with the Planning Board prior to approval of the Plat.

- C. Maintenance Of Roads And Other Facilities. In those cases where no offer of cession to the public is made for the roads, parks, and required easements shown on the Plat, there shall be submitted with the Plat copies of agreements or other documents providing for and fixing responsibility for their suitable maintenance and statements of all rights which exist with respect to the use of such property or properties. Such documents shall be reviewed by the Town Attorney for legal adequacy and competency.

### **§ 3.09. Cluster Subdivision**

- A. Pursuant to the resolution of the Town Board, the Planning Board has been empowered to modify applicable provisions of the Zoning Law in accordance with the provisions of §281 of the Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands.
- B. Procedure. The following shall be the procedure and standards for cluster subdivision:
1. Request By Subdivider. A subdivider may request the use of Article V of the Lexington Zoning Law subsequent to presentation of the Sketch Plan as per procedure described in Article III. Any submission subsequent to preliminary approval of a Plat shall require a re-application for Sketch Plan review.
  2. Sketch Plan. A subdivider shall present along with a proposal in accordance with the provisions of Article V of the Lexington Zoning Law, a standard Sketch Plan which is consistent with all the criteria established by these Subdivision Regulations including, but not limited to, streets being consistent with the Town Highway Specification, and lots being consistent with the Zoning Law/ Ordinance.
  3. Plat Submission. Upon determination that such Sketch Plan is suitable for the procedures under Article V of the Lexington Zoning Law, and subsequent to the resolution authorizing the Planning Board to proceed, a Preliminary Plat meeting all of the requirements of the resolution shall be presented to the Planning Board and, thereafter, the Planning Board shall proceed with the required public hearings and all other requirements of these Regulations.
  4. Filing, Notation on Zoning Map. On the filing of a Plat in the Office of the County Clerk in which Article V of the Lexington Zoning Law has been used, the subdivider shall file a copy, including the date and filing information, with the Town Clerk who shall make appropriate notation and reference thereto, if any, in the Town Zoning Law/Ordinance map. The Town Clerk shall notify the Building Inspector when such a Plat is filed.

### **ARTICLE IV - GENERAL REQUIREMENTS AND DESIGN STANDARDS**

#### **§ 4.01 Applicability**

In considering application for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

#### **§ 4.02. General Standards**

- A. 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 menace.
- B. Conformity To Comprehensive Plan. Subdivision shall be in harmony with the Comprehensive Plan.
- C. Specifications For Required Improvements. All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Code Enforcement Officer.
- D. Preservation Of Existing Features. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading, cutting and filling, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil. Existing features which would enhance the attractiveness of the site or the community as a whole, such as wooded areas, water courses, ponds, historic places and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the subdivision.

#### **§ 4.03. Road Layout**

- A. Width, Location, And Construction. Roads shall be of sufficient width, suitably located, and adequately constructed to conform with the then applicable Town Highway Construction Specifications and to accommodate the prospective traffic and afford access for 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.
- B. Arrangement. The arrangement of roads in the subdivision shall provide for the continuation of principal roads of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic and other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- C. Minor Roads. Minor roads shall be so laid out that their use by through traffic will be discouraged.
- D. Special Treatment Along Major Arterial Roads. When a subdivision abuts or contains an existing or proposed major arterial road, the Board may require marginal access road, reverse frontage with

screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- E. Provision For Future Re-subdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.
- F. Dead-End Roads. The creation of dead-end or loop residential roads will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two (2) road connections with existing public streets, or streets on an approved Subdivision Plat for which a bond has been filed.
- G. Intersections With Collector Or Major Arterial Roads. Minor or secondary road openings into such road shall, in general, be at least 500 feet apart.
- H. Road Jogs. Road jogs with center line offsets of less than 125 feet shall be avoided.
- I. 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 road. Grades of roads shall conform as closely as possible to the original topography.
- J. Visibility at Intersections. Within the triangular area formed at corners by the intersecting street pavement lines, for a distance of twenty-five (25) feet from their intersection and diagonally connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping, shall be permitted to obstruct such 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 Subdivision Plat as set forth at Article V, §5.3(15).

#### **§ 4.04. Road Design**

- A. Conformance To Highway Code. In general, all roads and easements intended to provide the primary vehicular access to subdivision lot(s) whether or not they are being offered for dedication to the Town, shall conform to the regulations contained in the local regulations regulating standards for the dedication of Town roads. Such standards shall include width of right-of-way, improvements, grades and changes in grade and turn-around and other such requirements as are specified in the applicable local regulations or laws of the Town.
- B. Private Multiple-Use Driveways. On approval of the Planning Board, private multiple-use driveways may be permitted. Private multiple-use driveways shall be driveways serving more than two (2) but not more than four (4) residences or residential units in which all lots have easements



and cross-easements for ingress and egress and a maintenance agreement, signed and recorded in the County Clerk's Office, defining the rights and responsibilities of the lot owners and approved by the Planning Board, prohibiting parking on the easement and incorporating other standards acceptable to the Planning Board and its attorneys. These multiple-use driveways shall, in general, conform to the regulations contained in the local regulations regulating standards for the dedication of Town roads with the following exceptions: (1) roadway width may be reduced to 20 feet, (2) grades of up to fifteen (15) percent (maximum) may be allowed if it can be demonstrated to the Planning Board that a lesser grade would be a physical hardship or create a panoramic eyesore, and (3) the subdivider shall not be required to tar and chip the finished road. Multiple-use driveways shall not be offered to the township and a note to this effect shall be stated on the approved Mylar.

- C. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other satisfactory structures. Where a subdivision is transversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Superintendent of Highways and in no case less than twenty (20) feet in width.
- D. Service streets or Loading Space in Commercial Development. Rear service streets, or in lieu thereof, adequate off-street loading space suitably surfaced, shall be provided in connection with lots designed for commercial use, in conformance with the provisions of the Zoning Law/Ordinance.
- E. Free Flow of Vehicular Traffic Abutting Commercial Developments. In front of area zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street 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 through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

#### **§ 4.05. Road Names**

- A. Type of Name. All road names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters.
- B. Names to be Substantially Different. Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with roads of an abutting or neighboring property shall bear the same name.

#### **§ 4.06. Lots**

- A. Lots to be Buildable. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Law/Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions.
- B. Sidelines. All sidelines of lots shall 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 plan as determined by the Planning Board.

- C. Corner Lots. Corner lots should be of sufficient dimension to provide for proper building setback from each road and provide a desirable building site.
- D. Driveway Grade. Driveway grades within twenty-five (25) feet of the road, right-of-way should not incline more than ten (10) percent from the road and culverts must comply with the requirements of the Planning Board and Superintendent of Highways.
- E. Access from Private Roads. Access from private roads shall be deemed acceptable only if such access is designed and improved in accordance with these regulations.
- F. Monuments and Lot Corner Markers. Permanent monuments meeting specifications approved by the Planning Board and Superintendent of Highways as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Planning Board may require, and their location shall be shown on the Subdivision Plat.

#### **§ 4.07. Drainage Improvements**

- A. Removal of Spring and Surface Water. The subdivider 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 street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- B. Drainage Structure to Accommodate Potential Development Upstream. For a Major Subdivision a culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Superintendent of Highways shall approve the design and size of the facility based on anticipated run-off from a "ten year" storm under conditions of total potential development permitted by the Zoning Law/Ordinance in the Watershed.
- C. Responsibility for Drainage Downstream. For a Major Subdivision, the subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Superintendent of Highways. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "five year" storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- D. Land Subject to Flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, not for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

#### **§ 4.08. Easements and Reservations**

- A. Widening or Realignment of Existing Streets. Where the subdivision borders an existing street and

additional land is required for realignment or widening of such street as indicated on the Official Map, or Comprehensive Plan, if such exist, or where the Planning Board deems such reservation necessary, the Planning Board may require that such area be indicated on the Plat and marked "Reserved for Street Realignment (or widening) purposes."

- B. Easements for Utilities and Drainage. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.
- C. Easements for Pedestrian Access. The Planning Board may require in order to facilitate pedestrian access from streets to schools, parks, playgrounds, public fishing areas, state lands or other nearby streets or public facilities, perpetual unobstructed easements up to twenty (20) feet in width.
- D. Easements for Maintenance Of Slopes. Where steep slopes beyond the street right-of-way may require maintenance, an easement may be required for such a purpose.
- E. Responsibility for Ownership Of Reservations. Title to all reservations, if vested in interests other than the subdivider shall be clearly indicated on the Plat.

#### **ARTICLE V - DOCUMENTS TO BE SUBMITTED**

All documents mentioned below must be submitted to the Clerk of the Planning Board at least ten (10) days prior to the regular meeting of the Planning Board (unless waived by the Planning Board).

##### **§ 5.01. Sketch Plan**

- A. The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferable not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:
  - 1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
  - 2. All existing structures, wetlands, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
  - 3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
  - 4. All the utilities available, and all roads which are either proposed, mapped or built.
  - 5. The proposed pattern of lots (including lot width and depth) street layout, recreation areas, systems of drainage, sewerage, and water supply (see Article V, §5.2A(2) within the subdivided area.
  - 6. All existing restrictions on the use of land including easements, covenants or zoning lines.

## **§ 5.02 - Minor Subdivision Plat**

- A. In the case of a Minor Subdivision, the Subdivision Plat application shall include the following information:
1. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments approved by the Superintendent of Highways and shall be referenced as shown on the Plat.
  3. Any proposed on-site sanitation and water supply facilities shall be shown designed to meet the minimum specifications of any applicable State, County, Town or New York City Agencies having jurisdiction.
  4. Proposed name of the subdivision or identifying title and name of the Town and County in which it is located.
  5. The date, north point, map scale, name and address of record owner and subdivider and the names of adjoining property owners.
  6. The plat to be filed with the County Clerk shall be printed or be clearly drawn in ink on Mylar.

## **§ 5.03 - Major Subdivision Preliminary Plat and Accompanying Data**

The following documents shall be submitted for approval:

- A. Six (6) copies of the Preliminary Plat prepared at a scale of not more than 100 feet but preferably not less than fifty (50) feet to the inch, showing:
1. Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
  2. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  3. Zoning District, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the Zoning Law/Ordinance text applicable to the area to be subdivided.
  4. Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, wetlands and other significant existing features for the proposed subdivision and adjacent property.
  5. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
  6. Contours with intervals of five (5) feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.
  7. The width and location of any road or public ways or places shown on the Comprehensive Plan, if such exists, within the area to be subdivided, and the width, location, grades and profiles of all roads or public ways proposed by the developer.

8. The approximate location and size of all means of supplying water and disposing of sewage, proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines of alternate means of water supply or sewage disposal and the treatment as provided in the Public Health Law and Environmental Conservation Law. Profiles of all proposed water and sewer lines.
9. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal. Temporary measures to control erosion shall also be shown.
10. Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and undercount conduits.
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. An actual field survey of the boundary lines of the area to be subdivided, giving complete descriptive data by bearings and distances, made and certified to by a licensed Land Surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Highway Superintendent and shall be referenced and shown on the Plat.
14. Offers of cession of all land offered or to be offered for dedication for streets, highways, easements, parks or other public facilities.
15. The following notations shall be shown on the Plat:
  - a. Explanation of Drainage Easements as follows: "The drainage easements (or the drainage discharge points) show hereon establish the perpetual right to discharge storm water runoff from the highway and from the surrounding area onto and over the effected premises by means of pipes, culverts or ditches, or a combination thereof, together with the right to the holder of fee title to the highway, or his authorized representatives, to enter said premises for purposes of making such installations and doing such maintenance work as said holder of fee title may deem necessary to adequately drain the highway and surrounding area."
  - b. Explanation of Sight Easements as follows: "The sight easements shown hereon establish the perpetual right of the holder of fee title of the highway, or his authorized representative, to clear, regrade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the area between an observer's eye at an elevation of three and one-half (3.5) feet above the surface at the nearest edge of the road and object one (1) foot above the nearest edge of pavement on the intersecting road."
  - c. Explanation of Reservations as follows: "Reserved for highway purposes (or recreational purposes, or other approved purpose)."

- B. If the application covers only a part of the subdivider's entire holding, a sketch map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed nineteen (19) streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire holding submitted shall be considered in the light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

#### **§ 5.04. Final Subdivision Plat and Accompanying Data**

The following documents shall be submitted for Plat approval:

- A. The Plat to be filed with the County Clerk shall be clearly drawn on permanent reproducible material. The Plat shall be drawn at a scale of not more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The Plat shall show:
1. Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.
  2. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
  3. Sufficient data acceptable to 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. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
  4. The length and bearing of all straight lines, radii, length of curves, and central angles of all curves, tangent bearings shall be given for each road. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.
  5. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing town practice.
  6. Permanent reference monuments shall be shown, and shall be constructed in accordance with specifications of the Highway Superintendent. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the state Department of Transportation. They shall be placed as required by the Highway Superintendent and their location noted and referenced upon the Plat.
  7. All lot corner markers shall be permanently located satisfactorily to the Highway Superintendent, at least three-quarter (3/4) inches (if metal) in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.
  8. Monuments of a type approved by the Highway Superintendent shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Highway Superintendent.
- B. All offers of cession and covenants governing the maintenance of encoded open space bearing a certificate of approval as to their legal sufficiency by an Attorney representing the Town shall be submitted with the Plat.
- C. Construction drawings including plans, profiles and typical cross-sections as required, showing the proposed location, size and type of roads, sidewalks, road lighting standards, road trees, curbs, watermains, sanitary and storm drains, pavements and sub-base, manholes, catchbasins and other facilities.

## **ARTICLE VI - VARIANCES AND WAIVERS**

### **§ 6.01. Variances**

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular Plat, it may vary these regulations so that substantial justice may be done and the public interest secure, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Law/Ordinance, where such exists.

### **§ 6.02. Waivers**

Where the Planning Board finds that, due to special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

### **§ 6.03. Conditions**

In granting variances and waivers the Planning Board shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so varied or modified. Any waivers or variances do not apply to subsequent subdivisions unless so specified by the Board.

## **ARTICLE VII - GENERAL PROVISIONS**

### **§ 7.01. Inconsistency with Town Law**

Should any of these regulations conflict or be inconsistent with any provision of the Town Law, such provision of the Town Law shall apply.

### **§ 7.02. Compliance with SEQRA**

Notwithstanding any provisions of this Local Law or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, §8-0113, Part 617, hereinafter referred to as "SEQRA" regulations, shall be complied with.

### **§ 7.03. Partial Invalidity**

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

### **§ 7.04. Building Permits**

A building permit for erection of a structure in a development laid out subsequent to the adoption of these regulations or otherwise subject to these regulations shall not be issued unless the road giving access

to proposed building appears on a plat approved by the Planning Board duly filed with the County Clerk, suitably improved or bonded or secured to cover the cost of such improvement.

#### **§ 7.05. Plats Straddling Municipal Boundaries**

Whenever access to the subdivision is required across land in another municipality, the Planning Board may request assurance from the Town Attorney that access is legally established and from the Superintendent of Highways that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amounts to assure the construction of the access road. In general, lot lines should be laid out so as not to cross Town boundary lines.

#### **§ 7.06. Resubdivision**

For a re-subdivision, the same procedure, rules and regulations shall apply as for a subdivision.

#### **§ 7.07. Fees**

The following fees apply to applications for subdivision made to the Town Planning Board.

- A. Sketch plan: \$250.
- B. Minor subdivision: \$75 per lot.
- C. Major subdivision:
  - 1. Preliminary: \$300
  - 2. Final: \$100.
- D. Lot line Alteration, no new lots created: \$150.
- E. Recreation fee: \$500 per new lot created, payable to the Town of Lexington Recreation Trust Fund.

#### **§ 7.08. Effective Date**

This local law shall take effect upon being filed with the Secretary of State.