

TOWN OF PHILADELPHIA
SUBDIVISION CONTROL LAW

Amended August, 2014

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ARTICLE 1: ENACTMENT, AUTHORIZATION, PURPOSE, WAIVER

Section 110 Enactment and Authorization

Pursuant to the authority granted to the town in Articles 2 and 3 of the Municipal Home Rule Law and Article 16 of the town law, the Town Board of the Town of Philadelphia authorizes and empowers the Planning Board of the Town of Philadelphia: to approve plats within that part of the Town of Philadelphia outside the limits of any incorporated city or village; and to pass and approve the development of plats already filed in the office of the Clerk of Jefferson County if such plats are entirely or partially undeveloped.

Section 120 Title

This law shall be known as the Town of Philadelphia "Subdivision Control Law".

Section 130 Purpose

The purpose of this law is to provide for orderly efficient and economical growth within the community, in conformance with the Town Comprehensive Plan, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.

Section 140 Administration

This Subdivision Control Law shall be administered by the Planning Board.

Section 150 Waiver

The Planning Board may waive requirements and standards contained in Articles 5 and 6 of this law when, in its judgment, the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

Section 160 Fees

Application fees shall be set by town board resolution.

ARTICLE 2: DEFINITIONS

For the purpose of this law words and terms used herein are defined as follows:

Cluster	A development of residential dwelling units on lots which may be smaller than permitted within the existing zone, but where the number of dwelling units shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Town of Philadelphia Zoning Law, applicable to the district or districts in which such land is situated and conforming to all other applicable requirements.
Conditional Approval of Final Plat	The approval of a final plat subject to conditions set forth by the planning board in a resolution conditionally approving the plat. The conditional approval of a plat does not qualify a final plat for recording nor authorize issuance of building permits prior to the signing of the plat by a duly authorized officer of the planning board and recording of the plat in the office of the county clerk in accordance with town law.
Final Plat	Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.
Final Plat Approval	The signing to a final plat by a duly authorized officer of the planning board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the county clerk's office in accordance with town law.
General Plan	Means a comprehensive or master plan for the development of the town.
Lot Line Adjustment	An alteration is a means by which a boundary line dividing two lots is adjusted or moved. This is not considered a subdivision.
Official Submission Date	Means the date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board.
Planning Board	The Town of Philadelphia Planning Board.
Preliminary Plat	Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, 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.
Preliminary Plat Approval	The approval of the layout of a proposed subdivision as set forth in a preliminary plat, but subject to approval of the plat in final form.

Road, Major	Means a road intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties.
Road, Minor	Means a road intended to serve primarily as an access to abutting residential properties.
SEQR	Means the State Environmental Quality Review Act (Part 617 of Title 6 of NYSCRR).
Sketch Plan	Means a sketch of a proposed subdivision 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 this law.
Subdivision	The division of any parcel of land into two or more lots or parcels, including any remainder of the original parcel, with or without roads. A re-allotment or a re-subdivision shall be considered a subdivision.
Subdivision, Major	A subdivision containing five (5) or more lots, or any subdivision requiring public improvements.
Subdivision, Minor	A subdivision containing two (2) three (3) or four (4) lots, fronting on an existing road; or, at the discretion of the planning board, may include a subdivision of twenty (20) lots or less, fronting on an existing road, and that is not complex in nature (i.e., not involving improvements such as water and sewerage facilities).
Undeveloped Plat	Those plats where twenty (20) percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.
Zoning Law	Zoning Law of the Town of Philadelphia.

ARTICLE 3: REVIEW AND APPROVAL PROCEDURE

Section 305 Review Procedure for Minor Subdivisions

Minor subdivisions shall be processed in the following steps:

1. Sketch plan conference. (optional)
2. Application for final plat approval.
3. Planning Board review.
4. Public hearing
5. Planning Board action on final plat.

Section 310 Review Procedure for Major Subdivisions

Major subdivisions shall be processed in the following steps:

1. Sketch plan conference. (optional)
2. Application for preliminary plat approval.
3. Planning Board review.
4. Public hearing.
5. Planning Board action on preliminary plat.
6. Review of construction drawings.
7. Application for final plat approval.
8. Planning Board review.
9. Public hearing. (optional)
10. Planning Board action on final plat.

Section 315 Sketch Plan Conference

The subdivider may request an appointment with the Planning Board for the purpose of reviewing a sketch plan. The Planning Board Chairman shall notify the subdivider of time, date, and the place that the Planning Board will meet to consider and review the sketch plan as it relates to the General Plan, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision by the Planning Board as defined by this law. Subdivisions classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat.

This step does not require formal application, fee or filing with the Planning Board. Information helpful to the planning board includes: an accurate map of the entire property showing existing streets, structures,

significant physical features; adjacent property owners; the tax map numbers; proposed pattern of lots (including depth and width), street layout; and intended provisions for water and sewerage.

Section 317 Agricultural Subdivision Waiver

If, at the sketch plan conference, the planning board determines that the subdivision is for agricultural purposes only, does not involve creating a new road, and does not include more than one lot of less than five (5) acres in area, the planning board may waive the subdivision review procedures and exempt the subdivision from these regulations.

Section 320 New York State Department of Health

New York State Department of Health approval may be required for the sale, rental or offer for sale or lease of any tract of land, under one ownership or common scheme, which has been subdivided into five (5) or more residential lots, designated by metes and bounds, each comprising of five (5) acres or less within any three (3) year period. Residential lots also include temporary, seasonal and permanent use. The realty subdivision laws are generally intended to regulate the division of a tract of land for transfer of "ownership". Early contact by the subdivider with this department is advised.

Section 325 Application for Preliminary Plat Approval – Major Subdivision

All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available from the town clerk accompanied by all documents specified in Article 4 herein. The application shall be filed at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board.

Section 330 Public Hearing for Preliminary Plat

Following the review of the Preliminary Plat and supplementary material submitted for conformity to this law, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall hold a public hearing. This hearing shall be held within sixty-two (62) days of the official submission date of the plat. The subdivider shall attend the hearing. This hearing may also fulfill the requirements of the SEQRA act on the draft environmental impact. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before the hearing. In addition, notice of the Hearing will be mailed to the owners of all properties within five hundred (500) feet of the subdivided property at least five (5) days before the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate.

Section 335 Action on Preliminary Plat

Within sixty-two (62) days from the public hearing, the Planning Board shall approve with or without modifications, or disapprove the preliminary plat and state, in the planning board records, its reasons for disapproval. The time in which the Planning Board must take action on the plat may be extended by mutual consent of the subdivider and the Planning Board. Within five (5) days of the planning board's action, the decision shall be noted on three (3) copies of the Preliminary Plat and reference made to any modifications determined. One (1) copy shall be returned by mail to the subdivider and the other two (2) copies retained by the Planning Board.

Section 340 Effect of Preliminary Plat Approval

Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with this law and all requirements set forth by the Planning Board in their review of the preliminary plat, and any other State Health Department requirements.

Section 345 Application for Final Plat Approval

All major and minor subdivisions shall require Final Plat approval by the Planning Board.

The subdivider shall file an application for Final Plat approval on forms available from the town clerk, and accompanied by documentation as specified in Article 4 herein, to the Planning Board. The application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, and no later than six (6) months after the date of the preliminary plat approval, unless this is waived by the Planning Board.

Section 350 Public Hearing for Final Plat

A public hearing shall be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within sixty-two (62) days of the official submission date of the plat. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before the hearing. Notice of the hearing may be mailed to the owners of all adjoining properties within five hundred (500) feet of the subdivided property at least five (5) days before the hearing.

Section 355 Waiver of Public Hearing for Final Plat

The public hearing for major subdivisions may be waived if the final plat is in substantial agreement with the preliminary plat.

Section 357 Required Improvements

- A. If the subdivider is intending to deed any improvements over to the Town, all public improvements required pursuant to the approval of subdivision plats shall be constructed and completed to the standards required by state and local laws, rules, and regulations.
- B. Before the planning board grants final plat approval, the subdivider shall follow the procedure set forth in either (a) or be below, in a manner mutually agreeable to the town and the subdivider. The selected procedure must be in accordance with Article 6 of this law.
 - a. The subdivider shall furnish the town with a bond, certified check, or letter of credit to cover the full cost of the required improvements.

Concurrent with establishing the financial guarantee, the subdivider shall submit detailed construction documents and final plans for review to the planning board, NYS Department of Health, and NYS Department of Environmental Conservation, as appropriate.

- b. The subdivider shall complete all required improvements to the satisfaction of the town's engineer, who shall file a letter with the planning board stating that all improvements required by the board have been completed satisfactorily.

For an required improvements not completed to the satisfaction of the town's engineer, the subdivider shall file with the town, a bond, certified check or letter of credit to cover the complete costs of providing such improvements to the satisfaction of the town. The financial guarantee shall be in accordance with Article 6 of this law.

- c. Upon acceptance of the required public improvements, a maintenance guarantee shall be established in accordance with Article 6 of this law.

C. Modification of Design of Improvements

If, at any time before or during construction of the improvements, it is demonstrated to the satisfaction of the town's engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such improvements, the town's engineer may, upon approval by the planning board chairman, authorize modification, provided these modifications are within the spirit and intent of the planning board's approval and do not substantially alter the function of any improvement required by the board. Any authorization issued under this section shall be in writing.

D. Inspection of Improvements

At least five (5) days prior to beginning construction of required improvements, the subdivider shall pay to the town clerk the inspection fee required by the town board, and notify the town board in writing of the time when construction or improvements will begin. This enables the town board to arrange for inspections to assure the satisfactory completion of improvements as required by the planning board.

- E. The required improvements shall not be considered complete until their installation has been approved by the town engineer and a map satisfactory to the planning board has been submitted indicating the location of all underground utilities as actually installed.

If the subdivider completes all improvements according to (b) above, then the map shall be submitted prior to the endorsement of the plat by the planning board. However, if the subdivider elects to provide a financial guarantee as in (a) above, the bond, certified check or letter of credit shall not be released until such a map is submitted.

F. Proper Installation of Improvements

If, before the expiration of the bond, certified check, or letter of credit, the town engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the town board and the planning board. The town board shall then notify the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the town's rights under the guarantee.

Section 360 Action on Final Plat

The Planning Board shall, by resolution, conditionally approve, with or without modifications, disapprove, or grant final approval to the final plat within sixty-two (62) days of the public hearing. If the public hearing has been waived pursuant to Section 355 above, the Planning Board shall act within sixty-two (62) days of the official submission date of the final plat. 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. The subdivider shall be notified of the final action of the Planning Board by mail within five (5) days. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board. All approved plats must be filed with the County Clerk within sixty days.

Section 365 Conditional Approval of Final Plat

Upon resolution of conditional approval of the 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 conditional approval resolution. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the planning board as conditionally approved, and a certified copy mailed to the subdivider, including a statement of the requirements which, when completed, will authorize the final signing of the conditionally approved plat. Upon completion of the 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 conditional approval. The Planning Board may, however, extend the expiration time not to exceed two additional periods of ninety (90) days each.

Section 370 Filing of Plats in Sections

Prior to granting conditional or final approval of a plat in final form the planning board may permit the plat to be subdivided into two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized office of the planning board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the board, shall be granted concurrently with conditional or final approval of the plat.

In the event the owner shall file only a section of such approved plat in the office of the county clerk, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the town clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Section 265-a of the town law.

Section 375 Recording of Plat

The subdivider shall record the Final Plat, or section thereof, in the Office of the Clerk of Jefferson County, NY within sixty (60) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Jefferson County, NY.

The building inspector shall not issue a building permit or Certificate of Occupancy for any structure on any lot in the subdivision, unless the approved plat is filed in the office of the county clerk.

ARTICLE 4: DOCUMENTS TO BE SUBMITTED

Section 410 Information required for all Plat Submissions

1. Name and address of subdivider and professional advisers, including license numbers and seals.
2. Map of property, drawn to scale, at a scale of one (1) inch to fifty (50) feet, one (1) inch to one hundred (100) feet, or one (1) inch to two hundred (200) feet, showing:
 - a. Subdivision name, scale, north arrow and date.
 - b. Subdivision boundaries.
 - c. Properties and names of owners within five hundred (500) feet in any direction.
 - d. Existing and proposed roads, sidewalks, utilities, structures, culverts and drains, including pipe sizes, grades and direction of flow.
 - e. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
 - f. Proposed lighting.
 - g. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, water supply, and sewage disposal facilities.
 - h. Land contours at ten (10) feet intervals, or other suitable indicators of slope.
 - i. Proposed alterations of existing topography.
 - j. Soils information
 - i. Major soil types as shown on soil survey maps.
 - ii. A thorough description of the site's subsurface conditions, as required by the planning board:
 - Results of percolation and deep hole tests, as required, to ascertain subsurface soil, depth to bedrock and depth to groundwater.

The number and location of perc tests and deep hole tests required by the planning board is dependent upon factors such as general soil conditions in the area, the dimensions of lots, topography and other physical conditions of the site, and the proposed methods of obtaining water supply and sewage disposal.

3. Copy of tax map(s).
4. Existing restrictions on the use of land including easements, covenants and zoning.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost.
7. An Environmental Assessment Form (EAF).
8. Evidence of legal ownership of property.

Section 420 Minor Subdivisions

The following shall be submitted with all applications for approval of a Final Plat for a minor subdivision:

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on appropriate material, plus two (2) paper copies.
2. Information specified under Section 410, updated and accurate.
3. An actual field survey of the boundary lines of the tract, giving complete descriptions by bearings and distances made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of size and type as approved by the planning board and shall be shown on the plat.
4. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
5. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
6. Additional information as deemed necessary by the Planning Board.
7. Any required fees.

Section 430 Preliminary Plat, Major Subdivision

The following shall be submitted with all applications for approval of a Preliminary Plat for a major subdivision:

1. Three (3) copies of the plat map, drawn to scale. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. All information specified under Section 410, updated and accurate.
3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading and landscaping plans.
5. The width and location of any roads or public ways, and the width, location, grades and profiles of all roads or public ways proposed by the developer.
6. The approximate location, size and profiles of all proposed sewer and water lines showing connection to existing lines; or if applicable, similar details for alternate means of water supply or sewage disposal or treatment, as provided in the public health law; location of hydrants.
7. Storm drainage plan indicating the location, size, and profiles of lines or ditches and drainage easements on adjoining properties.
8. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and subbase, the location of any manholes, basins, and underground conduits and cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with approximate dimensions and area of each lot.
11. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor.
12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
13. A draft Environmental Impact Statement, if required.
14. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
15. Additional information as deemed necessary by the Planning Board.
16. Any required fees.

Section 440 Final Plat, Major Subdivision

The following shall be submitted with all applications for approval of a Flat Plat for a major subdivision:

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on suitable material, plus two (2) copies. One (1) original Mylar, plus two (2) copies to be submitted to the County Clerk, following the standards currently required by the Jefferson County Clerk's Office. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. All information specified under Section 410, updated as appropriate.
3. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
4. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
5. 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 of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
6. All offers of cession and any covenants governing the maintenance of un-ceded open space shall bear the certificate of approval of the town attorney as to their legal sufficiency.
7. State Health Department approval of water supply and sewage disposal systems.
8. An approved Environmental Impact Statement, if required.
9. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drainage facilities, pavements and subbase and other facilities. This information must be reviewed and approved by the planning board, the town's engineer, State Department of Health and Department of Environmental Conservation, as appropriate, prior to any construction.
10. Deed restrictions, existing and proposed in form for recording.
11. Documentation regarding compliance with provisions of Article 6 – Financial Guarantees.
12. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this law.

Section 450 Waiver of Submission Requirements

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

ARTICLE 5: DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS

Section 505 Road Design Standards

Conformity with General Plan. The arrangement width, location and extent of all roads should conform to the town's Comprehensive Plan, and Official Map and meet road construction standards adopted by the town. Roads not in the General Plan or Official Map should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of land. The town highway superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.

Arrangement. Residential minor roads shall be designed to discourage through traffic, whose origin and destination is not within the subdivision. Two separate entrances will be required. Subdivisions containing twenty (20) or more lots shall have at least two (2) connections with existing roads, with roads shown on the Town's Official Map may be developed in accordance with Section 270 of the Town Law, or roads shown on an approved Subdivision Plat, or for which a performance bond or similar performance guarantee has been posted. Both road connections should conform to major road specifications.

Location. When a proposed subdivision is adjacent to or contains a State highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction. The Planning Board may require a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential districts, or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation. Railroad right-of-way shall receive similar consideration.

Intersections. Roads shall intersect one another at angles as near to a right angle as possible, and no intersections of roads at angles less than sixty (60) degrees shall be approved. Road intersections shall be rounded with a radius of twenty-five (25) feet measured at right-of-way line when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Planning Board. Road jogs with center line offsets of less than two hundred (200) feet shall be avoided.

Dead End Roads. Each dead end road shall be provided with a turnaround deemed sufficient by the town highway superintendent for snow plowing. Dead end roads designed to be so permanently shall not be permitted unless provided with a turn around. The "T" portion of the turnaround shall be paved to a width of thirty (30) feet and shall have a minimum overall length of one-hundred- twenty (120) feet. Where the end of the road meets the turnaround, flares of thirty (30) feet in radius shall be provided on each side of the road to facilitate turning into the "T" portion.

Half Roads. Dedication of a half road shall be prohibited.

Access. In commercial and industrial districts, definite and assured provision shall be made for service access such as off road parking, loading and unloading consistent with and adequate for the uses proposed.

Name and Numbers. All new roads, whether public or private, shall be named. Proposed names shall minimize repetition of or similarity to existing roads in the Town, surrounding communities or nearby zip code areas. Preferably, road names should be based on local history, culture or nearby land forms. No names that are simply numbers or letters shall be permitted. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the house numbering system corresponding to the Jefferson County 911 emergency numbering system.

Road Signs. The subdivider shall provide and erect road signs of a type to be approved by the town board at all road intersections prior to acceptance of the constructed roads.

Trees. If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.

Section 510 Sidewalks

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
2. Sidewalks shall be constructed to comply with the detailed specifications of the Town of Philadelphia Zoning Law.
3. Sidewalks shall be concrete or other approved material, and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas.

Section 515 Utilities

Public utility improvements may be required and shall be installed as follows:

1. Fire Protection: Hydrants to be of size, type and location specified by the Insurance Services Organization.
2. Street Lighting: Poles, brackets and light shall all be dark sky compliant.
3. Public Utilities: Power lines shall be placed underground and shall be placed in the road right-of-way between the road paving and the right-of-way line.

Where topography makes such placement impracticable, perpetual unobstructed easements at least twenty (20) feet in width shall be provided along lot frontages abutting the road lines, with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and their layout shall be as regular as possible. Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the Town or by a special district may be installed by the Town in a private road, provided a public easement of satisfactory size is obtained for such improvement or utility. Before the road is paved, the subdivider shall install underground service connections for all required improvements and utilities to the property line of each lot within subdivision.

Section 520 Water Supply

1. All individual wells shall be designed in accordance with Appendix 5-B of the State Sanitary Code, entitled Rural Water Supply. They shall be approved by the planning board and installed at the expense of the subdivider. Test well data may be required by the planning board.
2. If, in the opinion of the planning board, it is feasible and desirable to require a public water supply system, the system shall receive approval of the New York State Department of Health and the planning board, and be installed at the expense of the subdivider.

Section 525 Sewage Disposal

1. Individual septic systems shall be installed in accordance with Appendix 75-A of the State Sanitary Code, entitled Waste Treatment – Individual Household Systems. The subdivider shall provide deep hole and perc test data as required by the planning board.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board in accordance with plans approved by the NYS Department of Environmental Conservation.
3. All sanitary sewage disposal systems shall meet the requirements of the NYS Department of Health and Department of Environmental Conservation to the satisfaction of the Planning Board.

Section 530 Lots

Location. All lots shall abut by their full frontage on approved roads to ensure suitable access.

Dimensions. The lot size, width, depth, shape and area shall comply with the town zoning law. T

Double Frontage Lots. Frontings on two roads other than corner lots, shall be discouraged.

Pedestrian Easements. In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may be required. In heavy traffic areas, sidewalks may be required in addition.

Setback. The provisions of the town's zoning law shall apply regarding setback lines.

Lot Lines. Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots and except when indicated by topography, lot lines shall be straight.

Corner Lots. Lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

Location. All lots shall abut by their full frontage on approved roads to ensure suitable access.

Buildability. The lot arrangement shall be such that in constructing a building in compliance with the Town of Philadelphia Zoning Law, there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unsuitable soils.

Lot depth to width. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be prohibited.

Section 535 Unique and Natural Features

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

Section 540 Public Open Spaces and Sites

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the General Plan and be made available by one of the following methods:

1. Dedication to the town.
2. Reservation of land for the use of property owners by deed or covenant.
 - a. Where an owner's association or similar arrangement fails to properly maintain any required open space, the Town shall be authorized to enter and repair or maintain such areas and assess said owners or the cost thereof. For the purpose of this subsection, "proper maintenance" may include the removal of brush and weeds, mowing of grass, repair of any safety hazards related to equipment, removal of waste, refuse, or garbage, or maintenance of workable drainage facilities.

3. Reservation for acquisition by the town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the town does not proceed with the purchase.
4. If the Planning Board determines that suitable park or parks of adequate size cannot be properly located in the plat or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the town of a sum to be determined by the town board, which sum shall constitute a trust fund to be used by the town exclusively for neighborhood park, playground or recreational purposes including the acquisition of property.

The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the town as water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

Section 545 Unsuitable Land for Subdivisions

As a safety measure for the protection of the health and welfare of the people of the town, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g., drainage problems), shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board.

Section 550 Cluster Development

All proposed lots shall be laid out in harmony with the prevailing pattern of development, with development following the contour of the land as much as possible. Developers of large subdivisions are encouraged to consider the use of clustering in their designs. Clustering may permit a flexibility in the development and use of land. Clustering results in a concentration of occupancy and use in a particular area of land and space. The increased use of the cluster provisions of Town Law may encourage the preservation of available open space within residential communities and reduce the cost and maintenance of public improvements.

This procedure may be followed at the discretion of the planning board if, in said board's judgment, its application would benefit the town. The Planning Board may modify applicable provisions of the Zoning Law, simultaneously with the approval of a subdivision plat, subject to the following conditions:

1. The subdivider desiring this modification shall notify the Planning Board of their intent when applying to sketch plan approval under Article 5 of these regulations;
2. The subdivder shall present a sketch plan consistent with all of the criteria established by these regulations and the Town of Philadelphia Zoning Law. The Planning Board, before modifying these requirements, shall find that such modifications would be consistent with the intent of these regulations, and, in the Planning Board's judgment, beneficial to the interest of the Town and the neighborhood in which the subdivisions is located;

3. The Planning Board, in reviewing any sketch for which modifications are not requested, may determine that the proposed subdivision should be considered a cluster development pursuant to the design standards of these regulations;
4. The application of this procedure shall result in a permitted number of lots or dwelling units which, in the Planning Board's judgment, could be permitted if the land were subdivided in strict conformance with the zoning district in which the subdivision is to be located;
5. The application of this procedure shall be consistent with the design standards of these regulations. Subdivisions plate for cluster developments shall be approved in the same manner and subject to the same procedural requirements as any other subdivision.

ARTICLE 6: FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 610 Required Public Improvements

- A. The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this Article shall be completed within one (1) year from the date of the posting of the financial guarantee. Road improvements shall be completed within two (2) years from the date of approval of the subdivision plat.
- B. The applicant may request an extension of time to perform required public improvements provided he can show reasonable cause for inability to construct and install said improvements within the required time. Such extension of time shall not exceed six (6) months. At the end of such extension of time, if the required public improvements are not completed and accepted by the town, the town may use as much of the financial security required by this Article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

Section 620 Required Financial Security

If a financial guarantee is determined necessary, applicants for subdivision plat approvals shall provide the town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public improvements commonly required of applicants for subdivision plat approvals.

Acceptable financial security shall be provided to the town in one of the following ways:

- A. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.
- B. The applicant shall present to the town clerk a certified check in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

- C. The applicant shall present to the town clerk an irrevocable letter of credit drawn in favor of the town in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

Section 630 Review of Proposed Financial Security

For each of the above options, the required public improvements shall be shown on subdivision plats, and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the town board for financial adequacy as a guarantee of construction and of reasonable performance during a warrantee period. The town board and the town attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

Section 640 Schedule of Improvements

When a guarantee agreement has been approved by the town board and the required surety bond, certified check, or letter of credit has been received by the town clerk, the town and the applicant shall enter into a written agreements itemizing the required public improvements, establishing a schedule for the construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 650 Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements.

The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate municipal inspectors, and by the town fiscal officer. If the statement is approved by the town fiscal officer, the statement shall be forwarded promptly to the town clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the town clerk will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

Section 660 Acceptance of Required Public Improvements

When the project inspector, following final inspection of the project, certifies to the Planning Board and the town board that all required public improvements have been completed in accordance with all applicable requirements, the town board may act by resolution to accept the public improvements.

Section 670 Required Maintenance Guarantee

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for ten percent (10%) of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Section 620 of this Article, but no maintenance bond shall be for less than five thousand dollars (\$5000) (face value). All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two (2) years therefrom or for two (2) years from the June first next succeeding the acceptance of the required public improvements, whichever period is longer.

ARTICLE 7: MISCELLANEOUS PROVISIONS

Section 710 Penalty Provisions

- A. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resist the enforcement of any of the provisions of the Town of Philadelphia Subdivision Control Law shall, upon conviction, be deemed a separate violation of this law, and be fined up to \$350.
- B. In addition to the penalties provided by statute, the town board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

Section 720 Certification and Filing with County

The town clerk is hereby directed to forthwith file a certified copy of this local law with the Clerk of Jefferson County.

Section 730 Severability

If any clause, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section, or part of this local law.

Section 740 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.