

TOWN OF NANTICOKE, NEW YORK  
LAND SUBDIVISION REGULATIONS

prepared by  
Town of Nanticoke Planning Board  
and  
Broome County Department of Planning

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TOWN OF NANTICOKE  
LAND SUBDIVISION REGULATION

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DRAWINGS

TOWN OF NANTICOKE  
LAND SUBDIVISION REGULATIONS

SECTION 1. DECLARATION OF POLICY

By the authority of Resolution No. of the Town Board of the Town of Nanticoke, adopted on April 13, 1978, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Nanticoke (hereinafter called the Board) 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 already filed in the office of the Clerk of the County of Broome and to approve preliminary plats, within the Town of Nanticoke outside the limits of any incorporated city or village.

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 economical development of the Town of Nanticoke (hereinafter called Town). This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Comprehensive Plan, if such exists, 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; and that proper provision shall be made for preserving and developing open spaces for parks and playgrounds. The purpose of regulations, standards and procedures contained herein are to ensure that subdivision activities in the Town are consistent with the Comprehensive Plan for the Town, if such exists. Streets and highways must meet the minimum Town standards and must accommodate the expected volume of traffic. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Town of Nanticoke Land Subdivision Regulations" have been adopted by the Planning Board on \_\_\_\_\_, and approved by the Town Board on \_\_\_\_\_.

## SECTION 2. DEFINITIONS

For the purpose of these Subdivision Regulations, words used in the present tense include the future; the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; the word "street" shall include the word "road"; and the word "occupied" includes the words "designed for occupancy" or "intended to be occupied". The words "Law, Regulation, and Ordinance," include all subsequent revisions and/or amendments.

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

Area Regulations: The regulation of building size, setbacks or yards, parking and loading requirements, and similar regulations which are not related to a specific land use, but excluding performance standards. Performance standards are specified in zoning regulations, if such exists.

Basement: That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building. (See also Cellar)

Building: Any structure covered by a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.

Central Private Utility: A sewage or water system which serves a subdivision and which is paid for with non-public funds and without special district taxation.

Cellar: That space of a building that is partly below grade which has more than half its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

Cluster Development: A planned development in which lots are plotted with less than the minimum lot size and dimension requirements, but which have access to common open space that is a part of the overall development plan, and the overall density is not greater than that normally allowed.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water designed and intended for the private or public use or enjoyment of the space and may include such appurtenant structures that are necessary to allow the enjoyment of the space.

Comprehensive, or Master Plan: An overall plan for the future growth and development of the Town established to ensure adequate housing, transportation, recreation, public health, safety, and the general welfare of the population pursuant to Section 272-a of the Town Law.

Crosswalk or Walkway: An accessway designed for pedestrian traffic and dedicated to public use.

Cul-de-sac or dead-end street: See "Street".

Easement: Authorization by a property owner for the use by another party, and for a specified purpose, of any designated part of his property.

Engineer or Licensed Professional Engineer: A person licensed as a professional engineer by the State of New York.

Highway: See "Street".

Landscaping: The act of changing or enhancing the natural features of a plot of ground so as to make it more attractive, as by adding lawns, trees, bushes, and other related improvements.

Lot or Plot: A parcel of land occupied or capable of being occupied by a building or buildings, and for accessory buildings and/or uses, including such open spaces as are required by the Town Zoning Ordinance, if such exists, or these subdivision regulations.

Major/Minor Subdivision: See "Subdivision".

Master Plan: See "Comprehensive Plan".

Mobile Home Park: Any parcel of land which is planned and improved for the placement of two (2) or more mobile homes which are used as dwellings and for occupancy for more than ninety (90) consecutive days.

Mobile Home, Mobile Home Park and Travel Trailer Ordinance: The Mobile Home, Mobile Home Park and Travel Trailer Ordinance of the Town of Nanticoke, if such exists.

Official Map: If such exists, the map established by the Town Board pursuant to Section 270 of the Town Law, showing streets, highways, and parks and drainage, both existing and proposed.

Performance Bond: A written agreement issued by a qualified bonding company and approved by the Town Board which guarantees either the performance of a certain agreed upon activity or an equivalent consideration if the activity is not completed as required.

Planning Board or Board: The Planning Board of the Town of Nanticoke.

Plat: A plan for developing a piece of undeveloped property, in accordance with these Subdivision Regulations.

Plat, Final or Subdivision Plat: A drawing in final form, prepared in a manner prescribed by these subdivision regulations, showing a proposed subdivision and containing in such additional detail as shall be provided by these subdivision regulations all information required to appear on a preliminary plat and the modifications if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision.

Plat, Final Approval: Approval of a plat is the signing of final plat documents by a duly authorized officer of the planning board after a resolution granting final approval to the plat, or after conditions specified in the resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording by the subdivider in the office of the Broome County Clerk and Town Clerk.

Conditional Approval of a Final Plat: The approval of a final plat subject to conditions set forth by the Planning Board in a resolution approving such plat. Such conditional approval 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 Broome County Clerk in accordance with provisions of this article.

Plat, Preliminary: A drawing prepared in a manner prescribed by these subdivision regulations, showing the layout of a proposed subdivision including but not restricted to, road and lot layout and approximate dimensions, key map, topography and drainage, all proposed facilities, unsized, including preliminary plans and profiles, at suitable scale and in such detail as these subdivision regulations may require. Such preliminary plat shall be clearly marked "Preliminary Plat", shall contain sufficient detail to apprise the Planning Board of the layout of the proposed subdivision, and shall be submitted to the Planning Board for approval prior to submission of the final plat.

Plat, Preliminary Approval: The approval of the layout of proposed subdivision as set forth in a preliminary plat, but subject to approval of the plat in final form in accordance with the provisions of Section 276 of the Town Law.



Residential Lot or Residential Building Plot: Any parcel of land of five acres or less, any point on the boundary line of which is less than one-half mile from any point on the boundary line of another such lot in the same tract, unless any such lot may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term "residential" shall include temporary, seasonal and permanent residential use.

Road: See 'Street'.

Secretary of the Planning Board: That person who shall be designated to perform the duties of the Secretary of the Planning Board for all purposes of these regulations.

Sewage: Any substance, solid or liquid that contains waste products or excrementitious or other wastes or washings from the bodies of human beings or animals.

Sketch Plan: A sketch of a proposed subdivision showing the information specified in these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

Street: Street means and includes streets, roads, avenues, lanes, or other traffic ways, between right-of-way lines.

Street, Arterial or Major: A street designated by the Town which serves or is designed for heavy traffic flows or high speed movement and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street, Collector: A street designated by the Town which serves or is designed for the movement of traffic between arterial streets and local streets as well as service to adjacent land uses.

Street, Dead-end or Cul-de-sac: A street or a portion of a street designated by the Town with only one (1) vehicular outlet and a designed turn-around area for vehicles at the dead-end of the street.

Street, Local or Minor: A street designated by the Town which serves or is designed to serve adjoining land uses.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width: The width of right-of-way, measured at right angles to the center line of the street.

Subdivider: Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision: The division of any tract or parcel of land into five (5) or more lots, blocks, or sites, with or without streets or highways and includes re-subdivision. The word "subdivision" shall mean any tract of land which is divided into five or more parcels, after the effective date of these subdivision regulations, along any existing or proposed street(s), highway(s), easement(s) or right(s)-of-way for sale or for rent as residential lots or residential building plots, regardless of whether the lots or plots to be sold or offered for sale, or leased for any period of time, are described by metes and bounds or by reference to a map or survey of the property or by any other method of description and regardless of whether the lots or plots are contiguous. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot or residential building plot therefrom within any consecutive five (5) year period, and at this time the provisions of these subdivision regulations shall apply to all such parcels thereof, including the first four parcels, regardless of whether said parcels have been sold, rented or offered for sale or lease singly or collectively. If a parcel is divided into lots having an area greater than 5 acres with frontage greater than five hundred (500) feet, and no new streets or extension of utilities are involved, it shall not be subject to these regulations.

Subdivision, Major: The division of a single tract or parcel of land into at least five (5) or more lots in such a way that it requires the construction of a new street, the expansion of an existing street, the extension of a public utility, or which involves the creation of thirteen (13) or more lots.

Subdivision, Minor: The division of a single tract or parcel of land into at least five but not more than twelve (12) lots in such a way that it does not require the construction of a new street, the expansion of an existing street, or the extension of a public utility. After two Minor Subdivisions have been developed in the same area (same parcel or adjacent parcel) any subsequent subdivision shall be considered a Major Subdivision.

Surveyor: A person licensed as a land surveyor by the State of New York.

Town: The Town of Nanticoke, a New York municipal corporation located in the County of Broome, State of New York and having its principal office at Nanticoke Town Hall, Cherry Hill Road, RD 2, Maine, New York.

Town Attorney: Includes the Town Attorney or the Attorney for the Town.

Town Board: The Town Board of the Town of Nanticoke.

Town Clerk: The Town Clerk of the Town of Nanticoke or duly assigned official.

Town Engineer: The duly assigned engineer of the Town.

Town Ordinance Administrator: The Enforcement Administrator of the Town of Nanticoke or duly assigned official.

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

Zoning Ordinance: The Town of Nanticoke Zoning Ordinance, if such exists.

### SECTION 3. APPLICATION OF REGULATIONS

Whenever any subdivision of land in the Town is proposed to be made, and before any contract for the sale of, or any offer to rent or sell any lots in such subdivision or any part thereof is made, and before any permit for the initiation of site work or 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 procedures set forth in these Subdivision Regulations. Such application shall conform to the specifications in these Subdivision Regulations.

In accordance with the provisions of Section 265-a of the Town Law, any subdivision for which site preparation has been started but which does not meet the standards for subdivisions as described in these Subdivision Regulations and which is not, as yet, developed, shall be exempt from complying with these subdivision regulations for a period of three (3) years after the filing date of the subdivision plat. After three (3) years following the filing date of the subdivision plat, any subdivision, construction or development taking place in such subdivisions shall be subject to these subdivision regulations set forth herein.

#### SECTION 4. ADMINISTRATION

The Subdivision Regulations for the Town shall be administered by the Town Planning Board in cooperation with the Town Board, the Town Ordinance Administrator and other Town agencies or designees. All requests for information, application forms or other related materials should be directed to the Town Ordinance Administrator, or designee of the Town.

It is recommended that any potential applicant for subdivision review contact the Planning Board or the Town Ordinance Administrator to discuss the nature of his proposal on an informal basis prior to initiating a formal request for review. Such an action may serve to save both the subdivider and the reviewing agencies a good deal of time in processing. Representatives from the Broome County Health Department, Broome County Department of Planning, the Soil Conservation Service of the United States Department of Agriculture and the New York State Department of Environmental Conservation may be requested to attend this informal meeting to express their respective views and to furnish their expertise.

## SECTION 5.0 PROCEDURE IN FILING SUBDIVISION PROPOSALS

The general procedure in filing subdivision proposals involve three (3) steps or less.

### 5.0.1 Sketch Plan and Pre-application

The subdivider submits a Sketch Plan and written application. The Board reviews and classifies the proposal as a Minor or Major Subdivision as specified in Section 5.3.

### 5.0.2 Preliminary Plat (Major Subdivision)

If the proposal is classified as a Major Subdivision, proposals shall comply with procedures specified in Section 7 for preliminary plat review prior to final plat submission.

### 5.0.3 Final Plat (Minor and Major Subdivisions)

Minor and Major Subdivision proposals shall comply with either Section 6 for a Minor Subdivision or Section 8 for a Major Subdivision and with all conditions or modifications the Planning Board may have recommended in prior steps.

## 5.1 SUBMISSION OF APPLICATION AND SKETCH PLAN

Any owner of land shall prior to subdividing or resubdividing land submit to the Town Clerk at least ten (10) days prior to the regular meeting of the Planning Board and at least two (2) copies of a Sketch Plan of the proposed subdivision.

## 5.2 DISTRIBUTION

Upon receiving the application dating and recording it the Town Clerk shall file two (2) copies of the Sketch Plan with the Planning Board and a copy with any interested agency(ies).

## 5.3 CLASSIFICATION

Classification of the Sketch Plan shall be made at the next regular meeting of the Planning Board as to whether it is a Minor Subdivision or Major Subdivision as defined in these regulations. The Planning Board may require, however, when it is in the interest of public health, safety or welfare that a Minor Subdivision comply with all or some of the the Major Subdivision requirements.

If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall comply with the procedures specified in Section 6. If it is classified as a Major Subdivision, Section 7 procedures shall be followed. Within thirty (30) days after its regular meeting, the Planning Board shall notify the subdivider in writing of the action that it has taken and the assigned classification. If the Planning Board disapproves the Sketch Plan, it shall move to direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval. The Planning Board may also move to accept the Sketch Plan and application with conditions or modifications. Such conditions or modifications shall be clearly stated in the written notification.

#### 5.4 REVIEW CONSIDERATIONS

The purpose of the Sketch Plan and application is to allow the subdivider to outline the general nature of his proposal so the Planning Board can advise him of the proper method of application, the general acceptability of his concept, the consistency (or inconsistency) of his proposal with the Comprehensive Plan, if such exists, or any special consideration he should make in the development of later plans.

The Planning Board shall take into consideration the following items in determining the suitability of a subdivision Sketch Plan and application:

- 5.4.1 Zoning requirements, adjustments, variances, and other related legal matters that may be applicable to the proposed subdivision concept;
- 5.4.2 Potential impact of the proposal on the cost and extent of public services to be required;
- 5.4.3 Impact of the proposed development on existing private and public development in the area;
- 5.3.4 Degree to which the proposal is consistent or inconsistent with the Comprehensive Plan;
- 5.3.5 Physical site features, impact on utility provision including water, sewer, and drainage, and methods to resolve problems, if any;
- 5.3.6 Other site problems or community interests that may effect the successful development of a subdivision.

## 5.5 DOCUMENTS TO BE SUBMITTED

Documents to be submitted for Sketch Plan review and classification shall comply with all requirements of Section 10.1.



## SECTION 6 FINAL PLAT: MINOR SUBDIVISION

### 6.1 SUBMISSION

- 6.1.1 At least ten (10) days prior to a regular Planning Board meeting, the subdivider shall submit four (4) copies and one (1) original of the Final Plat and all attendant documents to the Town Clerk. The time of submission of the Final Plat shall be considered to be the date on which the Final Plat, complete and accompanied by the required fee, has been submitted to the Town Clerk.
- 6.1.2 All submissions for Final Plat review shall be accompanied by a fee of twenty-five dollars (\$25.00) payable to the Town of Nanticoke.
- 6.1.3 All submissions for Final Plat review shall be filed with the Town Clerk within six (6) months after classification of the Sketch Plan as a Minor Subdivision and approval of the application. Failure to meet this time requirement shall require re-submission of the Sketch Plan for classification and review.

### 6.2 DISTRIBUTION

Upon receiving the application dating and recording it, the Town Clerk shall make the following distribution:

- 6.2.1 Two (2) copies to the Planning Board.
- 6.2.2 One (1) copy to the Ordinance Administrator, or the designee of the Town.
- 6.2.3 One (1) copy shall be retained for the Town Clerk's file after examination by the Town Board.

### 6.3 PLANNING BOARD MEETING

The Planning Board shall review the application as submitted by the subdivider at its next scheduled meeting after the date on which the application was filed with the Town Clerk. The subdivider, or his duly authorized agent or attorney shall attend the meeting of the Planning Board to discuss the Final Plat.

### 6.4 PUBLIC HEARING

A public hearing shall be held by the Planning Board within forty-five (45) days of the date of submission. At least five (5) days before such hearing, all adjacent property owners shall be notified, by registered or certified mail and the hearing advertised in the official newspaper of the Town.

## 6.5 ACTION ON FINAL PLAT

Within forty-five (45) days after the public hearing, the Planning Board shall by resolution act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the Final Plat. This time may be extended by mutual consent of the subdivider and the Planning Board for additional period of up to forty-five (45) days. Failure of the Planning Board to act within such time shall constitute approval of the plat.

- 6.5.1 Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Chairman or a duly authorized officer of the Planning Board as conditionally approved, a copy shall be 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 plat. Upon completion of such requirements, the plat shall be signed by the Chairman or duly designated officer of the Planning Board. Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such 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 additional periods of ninety (90) days each.
- 6.5.2 In the event of disapproval of a Final Plat, the Planning Board shall fully set forth the reasons for such disapproval in its resolution and formally notify the applicant, in writing of the reason(s) for disapproval.
- 6.5.3 If the Final Plat is approved, approval shall be subject to all provisions of these Regulations and applicable State and County laws including the following conditions:

- (1) All required corrections and modifications shall be made or a sufficient guarantee shall have been accepted by the Planning Board for such corrections or modifications.
- (2) Any performance bonds requested by the Planning Board shall be approved by the Town Board.
- (3) Any other conditions the Planning Board deems necessary to ensure proper development, public health, safety, and welfare.
- (4) Within thirty (30) days after the Planning Board grants final approval, one (1) copy of the Final Plat shall be filed in the office of the Broome County Clerk on a media and in a format specified in Section 10.3. Failure to make such a timely filing shall result in a revocation of Planning Board approval.
- (5) No building permits may be issued prior to the time that such a filing is made with the Broome County Clerk.

6.5.4 No building permits shall be issued to the subdivider until the requirements have been certified as completed within the proper time limitations.

6.5.5 Planning Board approval of a final Plat shall not be deemed an acceptance by the Town of any street or lands shown as offered for dedication to public use.

## 6.6 REVIEW CONSIDERATIONS

The Planning Board shall review the Final Plat and attendant documents taking into consideration the general nature of the proposal and the extent to which the public health, safety, and welfare is preserved and enhanced, the requirements of these regulations and Town Zoning Ordinance, consistency with an approved or conditionally approved Sketch Plan, consistency with the Comprehensive Plan and whether the proposed subdivision meets applicable County and State requirements.

## 6.7 DOCUMENTS TO BE SUBMITTED

Documents to be submitted for Final Plat review of a Minor Subdivision shall comply with all requirements of Section 10.3.

## SECTION 7 PRELIMINARY PLAT: MAJOR SUBDIVISION

A Preliminary Plat for a Major Subdivision is intended to fully apprise the Planning Board of the nature, details, and problems which may occur in the development of the subdivision and provide the subdivider with substantive review and recommendations in order that a Final Plat may later be filed with little or no alterations needed. Thus, a Preliminary Plat shall be submitted within six (6) months of the date of Sketch Plan approval.

### 7.1 SUBMISSION

7.1.1 At least ten (10) days prior to a regular Planning Board meeting the subdivider shall submit at least five (5) copies of the Preliminary Plat, completed and with all attendant documents and fee to the Town Clerk. Such Preliminary Plat shall comply with Sections 276 and 277 of the Town Law and these regulations.

7.1.2 Submission of this information shall be accompanied by a fee of one-hundred dollars (\$100.00) payable to the Town of Nanticoke. The time of submission shall be considered to be the date on which the Preliminary Plat, complete with attendant documents and fee has been submitted to the Town Clerk.

### 7.2 DISTRIBUTION

The Town Clerk shall distribute copies of the Preliminary Plat in the following manner:

7.2.1 At least three (3) copies to the Town Planning Board.

7.2.2 One (1) copy shall be placed on file with the Ordinance Administrator or the designee of the Town.

7.2.3 One (1) copy shall be retained for the Town Clerk's file after examination by the Town Board.

### 7.3 PLANNING BOARD MEETING

The Planning Board shall review the Preliminary Plat at its next regular meeting at which the subdivider, or his duly authorized agent, is required to attend. The Board shall formally notify the subdivider giving at least five (5) days prior notice in writing of the meeting. Representatives of the Broome County Health Department, Broome County Planning Department, the Soil Conservation Service of the United States Department of Agriculture and the New York State Department of Environmental Conservation may be requested to attend this meeting to supply their respective comments and to furnish their expertise.

Furthermore, at the discretion of the Planning Board, affected or other interested parties from the Town may be directly notified.

#### 7.4 PUBLIC HEARING

Within forty-five (45) days after the receipt of such preliminary plat by the Town Clerk, the Planning Board shall hold a public hearing. The hearing shall be advertised at least once in the official newspaper of the Town or other newspaper of general circulation in the Town and adjoining property owners notified by registered or certified mail at least five (5) days before such hearing. 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.

#### 7.5 ACTION ON PRELIMINARY PLAT

Within forty-five (45) days after the date of such hearing, the Planning Board shall by resolution approve with or without modification or disapprove such preliminary plat. The ground(s) of a modification, if any, or the ground(s) for disapproval shall be clearly 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 for an additional period of up to forty-five (45) days. Failure of the Planning Board to act within such time shall constitute approval of the plat.

7.5.1 If the Preliminary Plat is approved, the Planning Board shall move to direct its Chairman to formally notify the subdivider, in writing, to proceed with the development of a final plat for the proposed subdivision. The Board may also move to accept the Preliminary Plat subject to certain conditions or modifications. Such conditions or modifications should be clearly stated in and shall be contained in the letter of conditional approval from the Chairman of the Planning Board.

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

7.5.3 Approval of a Preliminary Plat shall not constitute approval of the final 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 a final plat which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations.

## 7.6 REVIEW CONSIDERATIONS

7.6.1 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 streets, 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, and the requirements of the Official Map, Comprehensive Plan and Zoning Ordinance.

7.6.2 The Planning Board shall make its review after consideration of comments received from appropriate parties, which may include, the Town Board or other public agencies or officers with a specific interest in the proposed subdivision, the Broome County Health Department; Broome County Department of Planning; the Soil Conservation Service of the United States Department of Agriculture; and the New York State Department of Environmental Conservation.

## 7.7 DOCUMENTS TO BE SUBMITTED

Documents to be submitted for preliminary plat review of a major subdivision shall comply with all requirements of Section 10.2.

## SECTION 8 FINAL PLAT: MAJOR SUBDIVISION

### 8.1 SUBMISSION

- 8.1.1 At least ten (10) days prior to a regular Planning Board meeting, the subdivider shall submit at least five (5) copies and one (1) original of a Final Plat, complete with all attendant documents and fee to the Town Clerk. The time of submission shall be considered to be the date on which the Final Plat, attendant documents and fee has been submitted to the Town Clerk.
- 8.1.2 The Final Plat, in completed form, shall be based exclusively on the design features presented in the preliminary plat, subject to those changes which had been agreed upon at the time of the preliminary plat review.
- 8.1.3 All submissions for Final Plat review shall be accompanied by a fee of fifty dollars (\$50.00) payable to the Town of Nanticoke.
- 8.1.4 All submissions for Final Plat review of Major Subdivision shall be filed with the Town Clerk within six (6) months after the approval of the Preliminary Plat. Failure to meet this requirement shall require re-submission of the Preliminary Plat for review.

### 8.2 DISTRIBUTION

Upon receiving, dating and recording the submitted documents, the Town Clerk shall make the following distribution:

- 8.2.1 Three (3) copies to the Town Planning Board.
- 8.2.2 One (1) copy to the Ordinance Administrator or the designee of the Town.
- 8.2.3 One (1) copy shall be retained for the Town Clerk's file after examination by the Town Board.

### 8.3 PLANNING BOARD MEETING

The Planning Board shall review the Final Plat at the next regular meeting after the date on which the Final Plat and attendant documents were submitted to the Town Clerk.

### 8.4 PUBLIC HEARING

A public hearing as provided in Section 7.4 shall be held within forty-five (45) days of the date of submission of the Final Plat, however, a public hearing may be waived if the Planning Board determines that the Final Plat is in substantial conformance with the approved or conditionally approved Preliminary Plat.

## 8.5 ACTION ON FINAL PLAT: MAJOR SUBDIVISION

8.5.1 The Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within forty-five (45) days of its receipt by the Town Clerk if no hearing is held, or in the event a hearing is held, 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 for an additional period of up to forty-five (45) days. Failure to take action on a final plat within the time prescribed shall be deemed approval of the plat.

8.5.2 Upon 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 Chairman or Secretary 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.

- (1) Upon satisfaction of these conditions the Final Plat must be signed by the Chairman of the Planning Board or said duly authorized officer before the plat may be filed.
- (2) Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed by the Chairman or duly authorized officer within that time. However, the Planning Board may extend the time within a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed one (1) additional period of one hundred-eighty (180) days.
- (3) Conditional approval does not entitle the subdivider to immediately file the plat with the Broome County Clerk, but is instead an approval subject to any conditions set forth by the Planning Board.



8.5.3 If the Final Plat is disapproved, the Planning Board shall fully set forth the reasons for such disapproval in its resolution and shall formally notify the applicant in writing of the reason(s) for disapproval.

8.5.4 When the Final Plat is approved, approval shall be subject to all applicable provisions of Town Law, Real Property Law, Public Health Law, these Subdivision Regulations, and the following conditions:

- (1) All of the requirements for final subdivision plat submission shall be met.
- (2) All required corrections and modifications shall be made or a sufficient guarantee shall have been accepted by the Planning Board for such corrections and modifications.
- (3) Any performance bonds requested by the Planning Board shall be obtained by the subdivider and thereafter approved by the Town Board.
- (4) A statement shall be received from the Town attorney approving as to legal sufficiency, all offers of cession, or covenants, governing the maintenance of unceded public open space.
- (5) Within thirty (30) days after the Planning Board has approved a Final Plat, one (1) copy of the Final Plat shall be filed in the office of the Broome County Clerk, on a media and in a format acceptable to the Broome County Clerk. Failure to make such a timely filing with the Broome County Clerk shall result in a revocation of Planning Board approval of the Final Plat.
- (6) No building permits may be issued prior to the time that such a filing is made with the Broome County Clerk.
- (7) Planning Board approval of a Final Plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for dedication to public use.

## 8.6 REVIEW CONSIDERATIONS

The Planning Board shall review the Final Plat as to its consistency with the Preliminary Plat and its compatibility with the Town Comprehensive Plan and development policies and its effects on surrounding land uses and existing and proposed public facilities.

## 8.7 DOCUMENTS TO BE SUBMITTED

Documents to be submitted for Final Plat review of a Major Subdivision shall comply with all requirements of Section 10.3.

## SECTION 9: FILING OF APPROVED SUBDIVISION PLAT

### 9.1 FINAL APPROVAL AND FILING

Upon completion of the requirements of these Subdivision Regulations and conditions specified by the Planning Board a Final Plat 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 Broome County Clerk. Any Subdivision Plat not so filed or recorded within thirty (30) days of the date upon which such Plat is signed shall become null and void.

### 9.2 PLAT VOID IF REVISED AFTER APPROVAL

No changes, erasures, modifications, or revisions shall be made in any Final Plat after approval has been given by the Planning Board and endorsed in writing on the Plat unless the Final Plat is first resubmitted to the Planning Board and such Planning 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 Planning Board shall institute proceedings to have the Plat stricken from the records of the Broome County Clerk.

### 9.3 FAILURE TO BEGIN CONSTRUCTION

In the event that the subdivider shall fail to apply for a building permit and shall fail to actually start construction of the subdivision within five (5) years from the date of approval of the Subdivision Plat, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the Plat stricken from the records of the Broome County Clerk.

## SECTION 10: DOCUMENTS AND STANDARDS OF SUBMISSION

### 10.1 SKETCH PLAN AND APPLICATION

10.1.1 A written application indicating the name and address of the subdivider, name and address of participating engineers, land surveyors or architects, location and Tax Map designation of the land to be subdivided, the general intent of the subdivider, and any additional information which will contribute to Planning Board understanding of the initial proposal shall be submitted by the subdivider or his duly authorized agent.

10.1.2 Sketch Plan shall be submitted which is based on tax map information or some other similarly accurate base map at a scale to enable the entire tract to be shown on one sheet and preferably, not less than 200 feet to the inch and showing the following information:

- (1) Location of the tract(s) to be subdivided and surrounding lands and roads.
- (2) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within two-hundred (200) feet thereof.
- (3) The name and address of the owner of the tract(s) to be subdivided and of all adjoining owners as disclosed by the most recent municipal tax records.
- (4) Name of subdivision and address, north arrow, scale.
- (5) All proposed, mapped or built utilities and streets which are available.
- (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage and utilities - unsized.
- (7) All existing restrictions on the use of land including easements, covenants or zoning district boundaries.
- (8) Topographic contours from U.S. Geological Survey - USGS.
- (9) Map of soils interpretation indicating type, percolation, and soil bearings, if any.

10.1.3 A key map or location map shall show the location of the proposed subdivision within the Town.

10.1.4 Preliminary review in writing of general sewer and water supply system(s) by the Broome County Department of Health is highly recommended.

## 10.2 PRELIMINARY PLAT

The submission of the Preliminary Plat shall include the following:

- 10.2.1 A written application indicating the name and address of the subdivider, name and address of participating engineers, and land surveyors or architects, location and Tax Map designation of the land to be subdivided, the general intent of the subdivider, and any additional information which will contribute to Planning Board understanding of the initial proposal shall be submitted by the subdivider or his duly authorized agent.
- 10.2.2 Broome County Health Department approval, in writing, of proposed sewage treatment system(s) and water supply system(s).
- 10.2.3 A preliminary plat. Such preliminary plat shall be clearly marked 'preliminary' and shall include the following:
- (1) Five (5) copies of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:
    - a. 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.
    - b. The name of all adjacent subdivisions and the names, addresses of the owners of record of all adjacent property.
    - c. 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 ordinance text applicable to the area to be subdivided.
    - d. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
    - e. Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk, and other significant features for the proposed subdivision and adjacent property.
    - f. Location of existing sewers, water mains, culverts and drains (including field tiles) on the property, and any that drain out and/or flow through the property.

- g. Contours with intervals of five(5) feet or less as required by the Planning Board including elevations of existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.
- h. The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- i. The approximate location and size of all proposed water lines, valves, hydrants, and sewer lines. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- j. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles along with connections to existing lines or alternate means of disposal. The plat shall clearly show that no existing natural drainage contours, field drain tiles, street drainage and/or other existing drainage features are removed or altered without adequate provision for diversion.
- k. 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 underground conduits.
- l. Preliminary designs of any bridges or culverts which may be required.
- m. The proposed lot lines with approximate dimensions and area of each lot.
- n. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements on private property and existing or proposed public streets.

- o. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract(s) shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the Plat.

10.2.4 If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four-hundred (400) feet to the inch showing an outline of the platted area with its proposed 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 tract shall be submitted.

10.2.5 A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

### 10.3 FINAL PLAT: MINOR AND MAJOR SUBDIVISIONS

The Final Plat, complete and with all attendant documents, shall conform to the previous submissions, conditions the Planning Board deemed necessary and requirements of these regulations. The Final Plat shall be submitted to the Planning Board and shall contain and be accompanied by the following:

10.3.1 A written application indicating the name, location, and Tax Map designation of the subdivision and identifying the names and addresses of the principals involved in the subdivision, along with the Preliminary Plat or Sketch Plan upon which the submission is based and indicating intent for Final Plat review.

10.3.2 A Key Map showing the location of the subdivision within the Town at a scale of one (1) inch to one thousand (1000) feet.

10.3.3 Four (4) copies and one (1) original Final Plat shall be submitted in the case of a Minor Subdivision. For a Major Subdivision, at least five (5) copies and one (1) original Final Plat shall be submitted. Final Plat submissions shall show the following:

- (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 or record owner and subdivider, name, license number and seal of the licensed land surveyor.
- (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- (3) 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 street. 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.
- (4) The Plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Final Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
- (5) Lots and blocks within a subdivision shall be numbered and lettered in sequence: North to South and East to West.
- (6) Permanent reference monuments shall be shown, and shall be in accordance with specifications of these regulations. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation.
- (7) All lot corner markers shall be shown to indicate location and type of marker which are satisfactory to the Town Engineer.
- (8) The drawing shall show where monuments are to be set at all corners and angle points of the boundaries of the original tract to be subdivided, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.
- (9) Existing and proposed man-made and natural features, Excluding Topographic Contours.

- 10.3.4 Five (5) copies of construction drawings including plans, profiles and typical cross-sections, prepared and certified by a licensed engineer, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewer and storm drains, pavements and sub-base, man-holes, catchbasins and other facilities.
- 10.3.5 Evidence that the boards of education and fire companies for the area in which the subdivision is to be built have been made aware of the nature and extent of the proposed project.
- 10.3.6 Copies of all easement agreements, deeds, offers of cession, right-of-way acquisitions, planting areas, covenants and any other legal instruments which may require review as part of the subdivision proposal shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- 10.3.7 Letters in appropriate cases directed to the Chairman of the Planning Board, signed by a responsible official of the State Department of Transportation or County Public Works Department, approving proposed construction on State, County, or Town rights-of-way and indicating that the necessary permits have been issued by their office; or copy of such permits shall be submitted with the application.
- 10.3.8 A copy of any and all performance bond estimates which have been requested by the Planning Board to insure that the subdivider will complete capital construction which may not be completed at the time of review.
- 10.3.9 Evidence that the proposed subdivision has been reviewed and approved by the Broome County Department of Health, the New York State Department of Environmental Conservation, as required, and any other public agency or officer having jurisdiction.
- 10.3.10 Letters in appropriate cases directed to the Chairman of the Planning Board, signed by a responsible official of the agency, utility company, government authority or special district which has jurisdiction in the area of gas, electric, telephone, public sewer or public water improvements, approving such proposed installation.
- 10.3.11 Written statement indicating that the subdivider agrees to pay for the installation of all underground trunk lines.



## 10.4 DRAWING STANDARDS FOR PLAT SUBMISSIONS

### 10.4.1 Plat Drawings

#### (1) Drawing Sheets

- a. Scale not less than 1 inch = 100 feet
- b. Maximum size of any drawing shall be 22 inches X 32 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. Any proposal requiring a larger space shall be prepared on two or more sheets.
- c. If the case should warrant more than one sheet, a clearly drawn "Match Line" shall be placed on both sheets.
- d. The Final Plat (original) to be filed with the County Clerk shall be printed upon linen, be clearly drawn in India ink upon tracing cloth, or be clearly drawn upon such material as is authorized by the New York Real Property Law.

#### (2) Title Block

- a. Name of subdivision.
- b. Post office address of subdivision.
- c. Name and address of subdivider.
- d. Name and address of owner.
- e. Name, address, license number, and seal of the professional engineer or land surveyor who prepared the drawing.
- f. Date of original submission and for each subsequent submission.
- g. Scale and true or magnetic north and date taken.

#### (3) Survey Data

- a. Accurate traverse of subdivision boundaries with true angles and distances.
- b. Survey tie-in with true angle distances to three nearest established street monuments or official monuments.
- c. Municipal, town, county and special district boundaries referenced to the subdivision survey by true angles and distances.

- d. Radii, internal angles, points of curvature, tangent distances and lengths of all lines.
- e. Accurate dimensions to nearest one-hundredth (1/100) foot.
- f. Accurate indication of all monument locations.
- g. Proposed new monuments or monuments to be reset shall be shown.

#### 10.4.2 Lots and Structures

Individual lot and structure dimensions shall be shown together with lot line setbacks.

#### 10.4.3 Public Improvement and Utilities Plan and Profile

This plan and profile are declared to be an integral part of the Final Plat submission and shall be submitted in a form consistent with standard engineering practice for review and approval by the Town Engineer. The Performance Bond and inspection shall be based on the Public Improvement and Utilities Plan and Profiles, Final Plat and the following municipal specifications for such public improvements and utilities.

#### 10.4.4 Drainage System Requirements

- (1) Complete drainage system for the entire subdivision with the appropriate development stages for each of the Final Plat sections, shall be shown graphically with all existing drainage features which are to be incorporated, properly identified as existing.
- (2) The boundaries and area in acres of storm water run-off. Watersheds shall be shown for each drainage structure.
- (3) All proposed drainage structures (e.g. valley gutters) shall be shown.
- (4) Identify all drainage structures by County, Town, Village or City Specification numbers.
- (5) The specific details and dimensions of proposed construction, including type of construction, material, size, pitch, and invert elevations, among other things, in accordance with standard engineering practice.
- (6) Required location of test pits, borings, and the description of soils condition and water table.

- (7) The ability of receiving waters or drains to accept anticipated flows, by use of notations and calculations.

#### 10.4.5 Utility Systems Requirements

- (1) Water Supply distribution
  - a. Ownership of water supply.
  - b. Location of water source.
  - c. Location and size of all distribution mains.
  - d. Location of fire hydrants and hydrant valves.
  - e. Location of all control valves.
- (2) Sanitary sewers
  - a. Location of treatment facilities or where discharged and size of receiving sewer.
  - b. All sanitary manholes.
  - c. Location, size and direction of flow for all sewers.
  - d. Location of structures and any mechanical equipment.
  - e. Detail sheets, manufacturers specifications, installation instructions, parts list for all mechanical equipment, and operation and maintenance manual.

#### 10.4.6 Profile Drawing Requirements

Drawings shall be made on standard profile paper with the following scales:

- (1) Horizontal scale of one (1) inch to fifty (50) feet.
- (2) Vertical scale of one (1) inch to ten (10) feet.
- (3) All profiles shall show the existing natural grades, the center lines of existing roads and a system of survey stations.
- (4) The center line profile of vertical curve notation as to gradient and critical elevations of proposed streets.
- (5) The invert profile and location of all drainage structures in street rights-of-way and drainage easements, and elevations of the top of structure(s).
- (6) The invert profile and location of all manholes for sanitary sewers in street rights-of-way and in sanitary sewer easements, top of structure elevations.