

SUBDIVISION OF LAND

Chapter 76

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[HISTORY: Adopted by the Town Board of the Town of Frankfort 8-64. Section 76-6C added and §§ 76-6D, 76-7D, 76-16 and 76-24B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 28.

Flood damage prevention — See Ch. 43.

Streets and sidewalks — See Ch. 73.

Zoning — See Ch. 88.

§ 76-1. Authorization to approve plat.

By authority of the Resolution duly adopted by the Town Board on July 23, 1962, pursuant to the provisions of Article 16 of the Town Law, and acts amendatory thereto, the Town Board authorized and empowered the Planning Board of the Town of Frankfort to approve or disapprove:

- A. Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the County Clerk's office.
- B. The laying out of, closing off or abandonment of such streets, highways or public areas under and subject to the provisions of the town and highway laws.
- C. All plats showing lots, blocks or sites with or without streets or highways; and to pass and approve the development of plats already filed in the County Clerk's office if such plats are entirely or partially undeveloped; and to control subdivisions.

§ 76-2. Purpose.

These regulations are enacted for the following purposes and for such other or further purposes as may be authorized by law to:

- A. Provide for the future growth and development of the town.
- B. Afford adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare.
- C. Show, in proper cases, a park or parks suitably located for playground or other recreational purposes.
- D. Require that the streets and highways shall be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access of fire-fighting equipment to buildings.
- E. Assure that the subdivision streets and highways shall be coordinated so as to compose a convenient system conforming to the Official Map and properly related to the Master Plan and Zoning Ordinance.¹
- F. Find that the land shown on such plats shall be of such character that it can be used safely for building purposes without danger to health or peril from flood, fire or other menace.

§ 76-3. Definitions.

For the purpose of these regulations, which shall be known as and may be cited as the "Town of Frankfort Subdivision Regulations," certain words used herein are defined as follows:

BOARD — The duly appointed Planning Board of the Town of Frankfort.

FINAL PLAT — The final map or drawing on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the County Clerk for filing.

MASTER PLAN — A comprehensive plan prepared for and by the Board pursuant to Article 16, which plan in-

¹ Editor's Note: See Ch. 88, Zoning.

icates the general locations recommended for the various public works, places and structures and for the general physical development of the Town of Frankfort, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

OFFICIAL MAP — The map established by the Town of Frankfort pursuant to § 270 of the Town Law showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town of Frankfort or additions thereto resulting from the approval of subdivision plats by the Board and the subsequent filing of such approved plats. Streets not accepted by the Town Board as public streets may be shown thereon but shall be marked as private streets.

PRELIMINARY LAYOUT — The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision and width of proposed streets to be submitted to the Board for its consideration.

STREET — A public or private way for vehicular traffic.

- A. Arterial streets and highways are those which are used primarily for traffic with limited access.
- B. Major streets are those which carry traffic from minor streets to the business and industrial districts.
- C. Minor streets are those which are used primarily for access to abutting residential properties. A cul-de-sac is a minor street with only one (1) outlet and having a turning loop or Y at the closed end.
- D. Frontage roads are generally parallel with and adjacent to arterial streets and highways; and provide access to abutting properties and protection from through traffic.
- E. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

SUBDIVISION — The division of any parcel of land into three (3) or more lots, plots, sites or other division of land, for the purpose, whether immediate or future, of transfer of ownership or building development, and shall include resubdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped.

§ 76-4. Application required.

Whenever any subdivision of land as herein before defined is proposed to be made, the subdividing owner thereof, or his agent, shall apply in writing to the Board for approval of such subdivision. There shall first be filed with the Board a preliminary plan or layout of the entire property for conditional approval and subsequently thereto a final plat, as hereinafter specified.

§ 76-5. Preapplication procedure.

Prior to the filing of an application for conditional approval of a preliminary layout, the subdivider, his agent or engineer, may appear and submit general site information and data regarding existing conditions, a location map and a sketch plan with a request for informal consideration by the Board and for an expression of its views. No formal application is thereby required. The purpose of such appearance and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Board with the view toward conserving the time and expense of the subdivider and creating mutual opportunities of the parties for the achievement of a desirable subdivision in the public interest.

§ 76-6. Preliminary layout.

- A. On reaching conclusions regarding the general program and objective following the preapplication appearances, if any, the subdivider shall cause to be prepared a preliminary layout, together with the following supplementary or supporting material:

- (1) Topographic data on the tract and existing drainageways.
 - (2) Tract boundary lines, tract area and street layout.
 - (3) Name and right-of-way width of each street or other right-of-way.
 - (4) Utilities on and adjacent to the tract.
 - (5) Location, dimensions and purpose of any easements.
 - (6) Number to identify each lot and letter to identify each block.
 - (7) Purpose for which sites, other than residential lots, are dedicated or reserved.
 - (8) Minimum setback line on all lots and other sites.
 - (9) Names of owners of record of adjoining unplatted land.
 - (10) Site data, including number of residential lots, typical lot size, linear feet of streets, acres in parks, etc.
 - (11) Title, scale, North arrow and date.
- B. Four (4) copies of the preliminary layout and supplementary material so required shall be submitted to the Board with written application for conditional approval not less than seven (7) days prior to a regularly scheduled meeting.
- C. Within forty-five (45) days after the receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing.²
- D. The Board shall, within forty-five (45) days after such hearing conditionally approve or disapprove the preliminary layout and other material as submitted or

² Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

modified; and the Board shall notify the subdivider, in writing, of its action. If conditionally approved, the Board shall state the conditions of such approval; or if disapproved, shall notify the subdivider of the reasons thereof.³

§ 76-7. Final plat.

- A. The final plat shall conform substantially to the preliminary plan as conditionally approved. If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plan which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- B. Application for approval of the final plat and other material required for approval shall be submitted to the Board by filing the plat and such other material with the Secretary of the Board at least ten (10) days prior to the regular monthly meeting, at which time it is to be considered.
- C. Four (4) copies of the final plat and other material required for approval shall be submitted to the Board within six (6) months after conditional approval of the preliminary layout; otherwise such conditional approval shall become null and void unless an extension of time is applied for and granted by the Board.
- D. The Board shall within forty-five (45) days from and after the time of filing hold a public hearing as described in § 76-24B of these subdivision regulations for the approval, modification and approval or disapproval of the final plat. The Board shall approve or disapprove the final plat as submitted or modified within forty-five (45) days from and after the hearing and the Board shall notify the subdivider, in writing, of its action. Approval, however, shall not be deemed final until the subdivider has complied with § 76-

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

23B(3) with respect to certifications that required improvements have been completed or bond or other security satisfactory to the Board has been posted in lieu thereof in accordance with the provisions of § 277 of the Town Law and shall have filed the final plat with the County Clerk within sixty (60) days after approval; otherwise such approval shall expire as provided by § 276 of the Town Law, and shall become null and void unless an extension of time is applied for and granted by the Board, pursuant to law.⁴

- E. The subdivider will be required to tender offers of cession in form approved as satisfactory by the Attorney of all sewers, drains, surface drains, waterlines and all land included in streets, parks or other public areas, not specifically reserved as shown on the final plat, but approval of the final plat shall not constitute acceptance by the Town Board of the dedication of such facilities without formal acceptance by the Town Board. This subsection shall not apply to corporations operating under the Transportation Act.

§ 76-8. Filing fees.

A filing fee of one dollar (\$1.) per lot, with a minimum of twenty dollars (\$20.) per plat shall be paid to the Town Clerk for credit to the account of the Planning Board in the general fund when the final plat is filed with the Board for final approval.

§ 76-9. Street design standards.

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and to the Official Map, if any, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- B. The arrangement of streets in a subdivision shall either:
- (1) Provide for the continuation, if appropriate, of major streets in the surrounding area; or
 - (2) Conform to a plan for the neighborhood approved by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- C. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Where a subdivision abuts or contains an existing or proposed arterial street or railroad, the Board may require a frontage street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Reserve strips controlling access to streets, water mains, sewage mains, lines or treatment plants or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed in the town under conditions approved by the Town Board.
- F. Street jogs with center-line offsets of less than one hundred fifty (150) feet shall be avoided.
- G. A tangent between reverse curves on arterial and major streets shall be one hundred (100) feet minimum; on minor streets, fifty (50) feet minimum, in length.
- H. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five degrees (75°).
- I. Street right-of-way width shall not be less than sixty (60) feet, except that a minor residential street right-of-way width may be not less than fifty (50) feet.
- J. Cul-de-sac streets shall not be longer than five hundred (500) feet and shall be provided at the closed end with a

turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred fifty (150) feet. A Y may be used, provided that a turning area sixty (60) feet wide and sixty (60) feet deep shall be provided. Dead-end streets shall not be permitted except as provided herein.

- K. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the village or town. Street names shall be subject to the approval of the Board.
- L. Street grades shall be not less than five-tenths percent (0.5%), nor more than ten percent (10%).

§ 76-10. Alleys.

The minimum width of an alley shall be twenty (20) feet, if provided.

§ 76-11. Easements.

- A. Adequate easements centered on rear or side lot lines shall be provided for utilities where necessary. An easement width of fifteen (15) feet is required.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose and as determined by the Town Board.

§ 76-12. Blocks; pedestrian right-of-way.

A. Blocks.

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:

- (a) The type of development proposed.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress or egress.
 - (d) Limitations and opportunities of topography.
- (2) Block lengths shall not exceed one thousand two hundred (1,200) feet, nor be less than six hundred (600) feet.
- B. A pedestrian right-of-way, not less than twelve (12) feet wide, in addition to any street, shall be provided where deemed essential by the Board to provide safe circulation, or access to schools, playgrounds, parks, shopping centers, transportation and other community facilities.

§ 76-13. Lots.

- A. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated.
- B. All lots shall have area and width equal to minimum requirements of the zoning regulations applying to the district in which they are located.
- C. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- D. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street.
- E. Every street shown on the plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally

offered for cession to the public and formally accepted as a public street by resolution of the Town Board; or alternatively until it has been condemned by the municipality for use as a public street.

- F. Double frontage lots should be avoided.
- G. Side lot lines shall be substantially at right angles or radial to street lines.
- H. Off-street parking space shall be required for all uses. In the case of dwellings, at least one hundred eighty (180) square feet of off-street parking space per dwelling unit shall be provided back of the building setback line, plus access drive and maneuvering space.

§ 76-14. Grading and drainage.

- A. Street layout, block grading, and lot grading data shall be shown. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, appeal, use and drainage. The developer shall allow no holes, depressions or other undrained areas to remain.
- B. Storm and surface water drainage shall be designed for the tract in relation to drainage area above the tract and drainage outlets into adjacent tracts. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract and drainage easements shall be provided where necessary.

§ 76-15. Public open space.

Where a proposed park, playground, school or other public use shown in the Master Plan, or not anticipated in such Master Plan, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public agency; or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered

into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof. If the Planning Board determines that a suitable park or parks of adequate size cannot be located in any such plat or is otherwise not practical, the Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law.

§ 76-16. Installation of required improvements.⁵

Prior to or not later than one hundred eighty (180) days after the date of the resolution granting conditional approval, the subdivider shall have installed or shall have furnished adequate bond or other security for the installation within a specified time of the required improvements listed and described in this section. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work, as required by the municipality, or the state and county health authorities, according to the nature of the improvements.

§ 76-17. Monuments.

The tract boundary lines, and the lines of all streets or roads shall be monumented with concrete, stone or iron monuments with monument caps. Individual properties shall be monumented with iron pins or pipe.

§ 76-18. Street improvements.

A. Subgrade by developer.

- (1) All topsoil shall be removed from the area eighteen (18) feet on each side of the center line, unless a fill of three (3) feet or more is required. Fills must be made with material approved by the Engineer or Highway Superintendent and shall be placed in layers not over

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

six (6) inches thick and each layer shall be properly rolled. All muck, quicksand, spongy material and any other objectionable material shall be removed.

- (2) The subgrade of all streets and roads shall be graded as follows: The center portion, eighteen (18) feet on each side of the center line shall be fourteen (14) inches below the finished grade, as shown on the street profile. After it has been properly shaped, it shall be thoroughly rolled and compacted. Drainage ditches shall be provided on each side of the road, the center line of which shall be twenty-one (21) feet from the center of the road. Ditches shall be at least eighteen (18) inches deep, one (1) foot wide at the base, with slopes one (1) foot vertical to one and five-tenths (1.5) feet horizontal. The grade of the outside area or sidewalk and planting strip section shall in no case be lower than the crown of the pavement nor more than eight (8) inches above the crown. No gravel or stone is to be placed on the subgrade until the subgrade is approved by the Engineer or Highway Superintendent.

B. Base course by developer.

- (1) The thickness and method of constructing the base course may vary, depending upon the amount of traffic anticipated, the type of material used and the condition of the subgrade. All materials and construction procedure shall be subject to the approval of the Town Board, and shall comply with current construction and material specifications of the New York State Department of Public Works.
- (2) A base course, consisting of not less than twelve (12) inches of compacted stone or gravel approved by the Engineer or Highway Superintendent shall be installed. Street and road culverts shall be installed by the developer where necessary. Driveway culverts shall not be less than twelve (12) inches in diameter and twenty (20) feet in length and shall be corrugated metal or reinforced concrete; installation to be ap-

proved by the Engineer or Highway Superintendent. Where there is no natural stream or watercourse for the drainage of surface water from the proposed street or road, the developer shall secure rights-of-way and construct ditches or install stormwater sewers to a natural waterway or as the Town Board directs.

C. Surface course. The surface course shall be as specified by the Town Board. The developer shall pay to the town general fund the sum of two dollars (\$2.) per linear foot toward the cost of applying a hard surface pavement thereon.

D. Curbs and gutters.

- (1) Where curbs exist on abutting properties, their extension by the developer will ordinarily be required throughout the proposed subdivision.
- (2) Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing by the developer.
- (3) Concrete curbs shall be wall-type, six by eight by eighteen (6 x 8 x 18) inches and shall comply with current construction and material specifications of the New York State Department of Public Works, Item 97.
- (4) Asphaltic concrete curbs shall be approved by the Town Board.

E. Sidewalks. The Town Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks, at least four (4) feet wide and four (4) inches thick, shall comply with the current construction and material specifications of the New York State Department of Public Works, Item 105.

§ 76-19. Water supply.

The developer shall connect each lot at the property line with the public water supply, if available. Neighborhood water supply

systems, where provided, must conform to standards and inspection by the New York State Department of Health.

§ 76-20. Sewage disposal system.

If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a neighborhood system, the developer shall provide sanitary sewers and laterals for each lot for such service. Where public or neighborhood sanitary sewers are not feasible, the developer shall provide and install an individual system for each lot in accordance with state and local requirements upon specific approval by the Town Board.

§ 76-21. Utilities.

Electrical service, gas mains, water and sewer mains and other available utilities shall be provided by the developer within each subdivision prior to acceptance of the gravel base and surface course by the Street Superintendent. No cuts shall be made in the gravel thereafter without permission from the Town Board, and whenever such permission is given, the developer shall restore the surface of the road to its previous condition to the satisfaction of the Superintendent of Highways. In all cases where possible, the developer shall first install any necessary sewer laterals, gas and water laterals to the edge of the road for each lot on the plan before gravel is applied.

§ 76-22. Street trees; planting strips; street name signs; planting screen easement.

- A. Street trees shall be planted by the developer. The location and type of trees shall be approved by the Board.
- B. Planting strips. The area between the gutter and the property line shall be seeded by the developer, maintained by the owner.
- C. Street name signs shall be installed by the municipality.

- D. When so required by the Board, a planting screen easement not less than ten (10) feet wide, across which there shall be no right of access, may be required along the line of lots between the subdivision and industrial, commercial, major street, railroad and other similar uses.

§ 76-23. Information required.

- A. The final plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger [preferred scale of forty (40) feet to one (1) inch]. The final plat shall show the following:
- (1) Topographic data on the tract, related to bench mark approved by the Engineer or Highway Superintendent.
 - (2) Tract boundary lines with bearings and distances, tract area, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, radii and central angles of all curves.
 - (3) Name and right-of-way width of each street or other right-of-way.
 - (4) Utilities on and adjacent to the tract; location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles.
 - (5) Location, dimensions and purpose of any easements.
 - (6) Number to identify each lot and letter to identify each block.
 - (7) Purpose for which sites, other than residential lots, are dedicated or reserved.
 - (8) Minimum setback line on all lots and other sites.
 - (9) Location and description of monuments.
 - (10) Names of owners of record of adjoining unplatted land.

- (11) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- (12) Certification by surveyor or engineer as to accuracy of survey and plat.
- (13) Certification of title showing that the applicant is the landowner.
- (14) Statement by owner as to dedicating streets, rights-of-way and any sites for public uses.
- (15) Site data, including number of residential lots, typical lot size, linear feet of streets, acres in parks, etc.
- (16) Title, scale, North arrow and date.
- (17) Cross sections and profiles of streets showing approved grades shall be provided.

B. The following shall also be submitted to the Board:

- (1) Offers of cession for dedicating streets, easements, right-of-way and any sites for public uses; agreements covering the improvements and maintenance of uncaded public open spaces and the conditions and limitations, if any, which offers and agreements, if any, shall be subject to the prior approval of the Town Attorney.
- (2) Protective covenants in form for recording.
- (3) Written statement by the Town Attorney:
 - (a) Certifying that the required improvements have been completed or bond satisfactory in form and sufficiency to the town has been posted in lieu thereof in accordance with the provisions of Section 277 of the Town Law, and that the applicant or subdivider is the landowner; and
 - (b) Approving as to legal sufficiency all offers of cession, agreements regarding improvements and maintenance of public open spaces, if any.

- (4) Other data. Such other certificates, affidavits or other agreements as may be required by the Board in the enforcement of these regulations.

§ 76-24. Variances; hearings.

A. Variances.

- (1) Hardship. Where the Board finds that practical difficulty or extraordinary hardship, because of exceptional narrowness, shallowness or shape of the specific parcel, or because of unusual topographic conditions or other unusual physical conditions of the specific parcel may result from strict compliance with these regulations, it may grant a variance from the regulations in the specific case, so that substantial justice may be done and the public interest is secured, provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or these regulations. In granting a variance, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the subdivision regulations.
- (2) Large scale development. The standards and requirements of these regulations may be modified by the Board in the case of a plan and program for a complete new community, planned neighborhood, or cluster development, which in the judgment of the Board provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

- B. Public hearing. A public hearing shall be held by the Board within forty-five (45) days after the time of submission of such plat for approval, which hearing shall be advertised in the official newspaper at least five (5) days before such hearing.⁶

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

