

Town of Richmondville Subdivision Regulations

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ARTICLE I – DECLARATON OF POLICY

By the authority of the resolution of the Town Board of the Town of Richmondville, adopted on April 2, 1992, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Richmondville 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 and to approve preliminary plats, within that part of the Town of Richmondville 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. This policy requires, but is not limited to, meeting the following general standards:

1. 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;
2. that proper provision shall be made for drainage, water supply, sewage and other needed improvements;
3. 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;
4. 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 Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective service and emergency traffic; and
5. the proper provision shall be made for open spaces for parks and playgrounds; in case of major subdivisions, determined by the Town Planning Board.

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 Richmondville Subdvision Regulations”, have been adopted by the Planning Board on March 30, 1992, and approved by the Town Board on April 2, 1992.

ARTICLE II – DEFINITIONS

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

Clerk – a person designated to perform the duties of the clerk of the Planning Board for the purposes of these regulations.

Easement – an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of this property.

Engineer or Licensed Professional Engineer – a person licensed as a professional architectural, civil or mechanical engineer by the State of New York.

Master Plan, Comprehensive Plan or Land Development Plan – The plan, prepared by the Planning Board pursuant to Section 272-a of the Town Law, which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

Monument – street sign.

Official Map – A 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.

Planning Board or Board – the Planning Board of the Town of Richmondville.

Preliminary Plat – A drawing or drawings clearly marked “Preliminary Plat” showing the layout of a proposed subdivision, as specified in Article V, Section 3, or these regulations, submitted to the Planning Board for approval prior to submission of the plat in the final and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Residential Lot or Residential Building Plot – Any parcel of land of five acres or less. Without limiting the generality of the foregoing, the term “residential” shall include temporary, seasonal and permanent residential use.

Shoulder – Either edge of a highway, specifically the part of a roadway outside the travelled way used to facilitate parking and travel, that are between the traveled way and roadside culvert or ditch.

Sketch Plan – A sketch of a proposed subdivision showing the information specified in Article V, Section 1, of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to form of the layout and objectives of these regulations.

Street – A public or private way which affords the principal vehicular access to abutting property. Public streets, roads, avenues, lanes, or other traffic ways, between right-of-way lines.

Street, Collector – A street which serves, or is designed to serve, as a traffic way for a neighborhood or as a feeder to a major street.

Street, Major – A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street, Minor – A street intended to serve primarily as an access to abutting properties.

Street, Dead-End or Cul-de-Sac – A street or a portion of a street with only one vehicular traffic outlet.

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 – Subdivision means the division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes re-subdivision, after the effective date of these regulations.

Subdivision Plan or Final Plat – A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations 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 or Register.

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

Town Enforcement Officer – the duly designated zoning enforcement officer of the Town of Richmondville.

ARTICLE III – PROCEDURE IN FILING SUBDIVISION APPLICATION

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

SECTION 1 – SKETCH PLAN

A. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Secretary of the Planning Board at least ten (10) days prior to the regular meeting of the Board two copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article V, Section 1, for the purpose of

classification and preliminary discussion therefore. No formal application is required for the initial submission.

B. Discussion of Requirements and Classification

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If it is classified as a minor subdivision, the subdivider shall then comply with the procedures outlined in Article iii, Section 3, Section 4, and Section 5.

C. Study of Sketch Plan

The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

SECTION 2 – PRELIMINARY PLAT FOR MAJOR SUBDIVISION - FIVE (5) OR MORE LOTS NO MATTER WHAT THE SIZE

A. Application and Fee

Prior to the filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked “Preliminary Plat” and shall be in the form described in Article V, Section 2, thereof. The Preliminary Plat shall in all respects comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law, and Article V, Section 3, of these regulations, except where a waiver may be specifically authorized by the Planning Board.

The application for approval of the preliminary plat shall be accompanied by a fee set by the Town Board of the Town of Richmondville.

B. Number of Copies

Five (5) copies of the Preliminary Plat shall be presented to the Town Clerk as the time of submission of the Preliminary Plat. The Town Clerk shall submit these to the Chairman of the Planning Board at least fifteen (15) days prior to a regular Planning Board meeting.

C. Subdivider to Attend Planning Board Meeting

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

D. Study of Preliminary Plat

The Planning Board shall study the practicability of the Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangements, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map, and Zoning Law, if such exist.

E. When Officially Submitted

The time of submission of the Preliminary Plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, Section 2, of these regulations, has been filed with the Town Clerk.

F. Referral and Response

1. Whenever any proposed subdivision is located within five hundred (500) feet from any boundary of an adjoining municipality or the boundary of any state or county property or easement, including right-of-ways, a copy of the application for Preliminary Plat approval will be referred to the Schoharie County office of Planning & Development Agency under the applicable provisions of Sections 239-h-n of the General Municipal Law where such is required by this Section.
2. In the instance of such referral, the County office of Planning & Development Agency shall have thirty (30) days in which to report its recommendations to the Board. Failure of the Schoharie County office of Planning & Development Agency to report within thirty (30) days may be construed to be approval by that Board.

G. Approval of the Preliminary Plat

Within thirty (30) 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. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Within thirty (30) days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove, such preliminary plat, and the grounds for a modification, if any, or the grounds for disapproval, shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing, modifications, if any, as it deems necessary for grounds for submission of the plat in final form. Within five (5) days of the approval and a copy file in his office, a certified copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute approval of the preliminary plat.

If the Schoharie County office of Planning & Development Agency recommends disapproval or modification on any matter referred to them, the Board shall not approve such application other than in accord with the recommendations, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. Whatever the final action of the Board, where referral under Section 239 of the General Municipal Law is called for, the Schoharie County office of Planning & Development Agency will be notified of the same within seven (7) days following such action.

When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modification to the preliminary plat, (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the subdivision plat, the Planning Board may require additional changes as of new information obtained at the public hearing.

SECTION 2.2 – MINOR SUBDIVISION

A. Application and Fee

Within three (3) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the Subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for re-classification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee set by the Town Board (Available on a separate fee schedule.)

B. Information Necessary With Application

In the case of Minor Subdivision ONLY, the Subdivision Plat application shall include the following information:

1. A copy of such covenants or deed restrictions as intended to cover all or part of the tract.
2. The date, north point, map scale, name and address of record owner and subdivider.
3. 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 tract shall also be located on the ground and marked by monuments as approved by the Town Zoning Enforcement Officer, and shall be referenced and shown on the Plat.
4. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State and Schoharie County Departments of Health, and a notation attesting to this shall be stated on the Plat and signed by a licensed engineer. Sanitary facilities shall be shown on the Plat.
5. Proposed subdivision name, name of Town (Richmondville) and County (Schoharie) in which it is located. Names of streets and roads shall be reviewed by the Planning Board and approved by the Town Board.
6. The Plat to be filed with the County Clerk shall be printed upon drafting film or be clearly drawn in permanent black ink upon tracing cloth. The size of the sheet shall be 36 by 42 inches.

C. Number of Copies

Five copies of the Subdivision Plat, prepared to a scale of not more than fifty (50) feet to the inch, shall be presented to the Planning Board at a regular meeting of the Planning Board.

D. Subdivider to Attend Planning Board Meeting

The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

E. Official Submission

The time of submission of the Subdivision Plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and all data required by Article III, Section 2.2 of these regulations, has been filed with Town Clerk.

F. Public Hearing

A public hearing shall be held by the Planning Board within forty-five (45) days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in the official newspaper designated by the Town Board at least five (5) days before such hearing.

G. Action on Subdivision Plat

The Planning Board shall within forty-five (45) days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

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 the conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Chairman of the Planning Board as conditionally approved, a copy shall be filed in his/her 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 duly designated officer of the Planning Board. Conditional approval of the 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.

SECTION 3 – FINAL PLAT FOR MAJOR SUBDIVISION

A. Application for Approval and Fee

The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application blank available from the Clerk of the Planning Board. All applications for plat approval for Major Subdivisions shall be accompanied by a fee set by the Town Board. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require re-submission of preliminary plat.

B. Number of Copies

A subdivider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Clerk of the Planning Board with a copy of the application and three copies (one copy in ink on linen or an acceptable equal) of the plat, the original and one true copy of all offers of cession, covenants, and agreements and town prints of all construction drawings.

C. When Officially Submitted

The time of submission of the Subdivision Plat shall be considered to be the date on which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V, Section 3, of these regulations, has been filed with the Clerk of the Planning Board.

D. Referral and Response

1. Whenever any proposed subdivision is located within five hundred (500) feet from any boundary of an adjoining municipality or the boundary of any state or county property or easement, including rights-of-way, a copy of the application for Preliminary Plat approval will be referred to the Schoharie County office of Planning & Development Agency under the applicable provision of Sections 239-h-n of the General Municipal Law where such is required by this Section.
2. In the instance of such referral, the Schoharie County office of Planning & Development Agency shall have thirty (30) days in which to report its recommendations to the Town Planning Board. Failure of the Schoharie County office of Planning & Development Agency to report within thirty (30) days may be construed to be approval by that Board.

E. Endorsement of State and County Agencies

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Schoharie County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State agencies. Department of Health shall be secured by the subdivider before official submission of final subdivision plat. The designated town official shall inspect all water and sewer facilities prior to being covered.

F. Public Hearing

Within thirty (30) days of the submission of a plat in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing, provided however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Section 3, this article, and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

G. Action on Proposed Subdivision Plat

The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within forty-five (45) days of its receipt by the Clerk of the Planning Board if no hearing is held, or in the event a hearing is held, within thirty (30) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

If the Schoharie County office of Planning & Development Agency recommends disapproval or modification on any matter referred to them, the Board shall not approve such application other than in accord with the recommendations, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. Whatever the final action of the Board, where referral under Section 239 of the General Municipal Law is called for, the Schoharie County office of Planning & Development Agency will be notified of the same within seven (7) days following such action.

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 Clerk of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the subdivided. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing

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 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.

SECTION 4 – REQUIRED IMPROVEMENTS

A. Improvements and Performance Bond

Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either subparagraph (1) OR subparagraph (2) below:

- (1) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law as the same now exists or may hereafter be amended and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three (3) years shall be set forth in the bond within which required improvements must be completed.
- (2) The subdivider shall complete all required improvements to the satisfaction of the Town Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location of design or such required improvements, the Town Enforcement Officer may, upon approval by a majority of the members of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Enforcement Officer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

B. Modification of Design Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location of design or such required improvements, the Town Enforcement Officer may, upon approval

by a majority of the members of the Planning board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Enforcement Officer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

C. Review of Improvements

At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause review to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper Installation of Improvements

If the Town Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivided, he shall so report to the Town Board building inspector and the Planning Board. The Town Board then shall notify the subdivider and, if necessary, steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

SECTION 5 – FILING OF APPROVED SUBDIVISION PLAT

A. Public Acceptance of Streets

The approval by the Planning Board of Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Recreation Areas

When a park, playground, or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect.

**ARTICLE IV
GENERAL REQUIREMENTS AND DESIGN STANDARDS**

Subdivision means the division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes re-subdivision.

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

SECTION 1 - GENERAL

A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

B. Conformity to Official Map and Master Plan

Subdivision shall conform to the Official Map of the Town and shall be in harmony with the Land Development Plan, if such exists.

C. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Town Clerk or Highway Superintendent.

SECTION 2 – STREET LAYOUT

A. Width, Location and Construction

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Master Plan, if such exists, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

B. Arrangement

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make

possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Minor Streets

Minor streets shall be curved or otherwise designed such that their use by through traffic will be discouraged.

D. Special Treatment along Major Arterial Streets

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

E. Provision for Future Re-subdivision

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district, if such exists, in which the subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

F. Dead-End Streets

The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more should have a least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

G. Walks

Within hamlet areas, as designated on the Land Development Plan, space for curbs and pedestrian walks shall be provided on both sides of major and minor streets as required by the Town Planning Board.

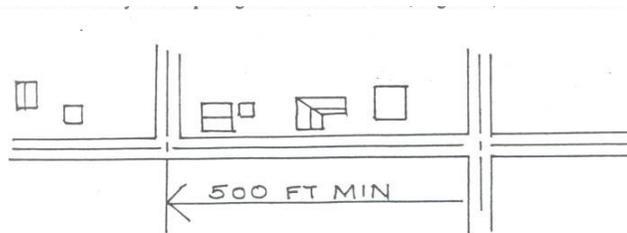
H. Block Size

Blocks generally shall not be less than 400 feet or more than 1200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty (20) feet wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4) foot wide paved walk be included.



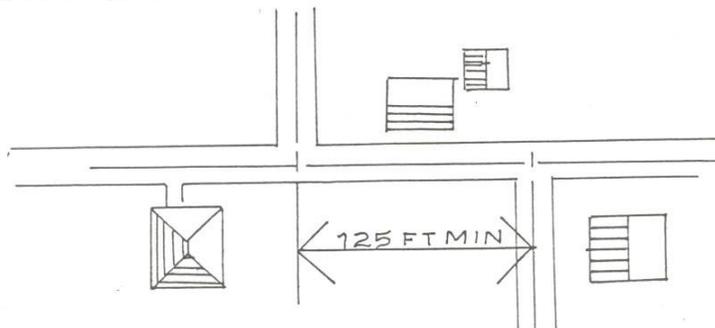
I. Intersections with Collector or Major Arterial Roads

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



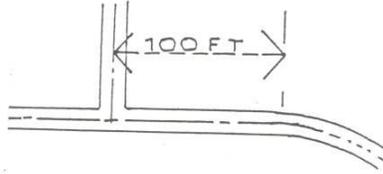
J. Street Jogs

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



K. Angle of Intersection

In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.



L. Relation to Topography

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged such that as many of the building sites as possible are at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

M. Other Required Streets

When a subdivision borders on or crosses by or divides a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land (as for park purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

SECTION 3 – STREET DESIGN

A. Widths of Right-Of-Way

Streets shall have the following widths. (When not indicated on the Land Development Plan or Official Map, if such exists, the classification of streets be determined by the Board).

	<u>Minimum Right-Of-Way</u>	<u>Minimum Width Improved Surface</u>
Major Streets	66 feet	40-44 feet
Collector Streets	60 feet	36-40 feet
Local Streets	60 feet	23 feet +5 feet shoulder each side

B. Improvements

Streets shall be graded and improved in accordance with Town specifications. Storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants shall be provided, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Enforcement Officer. Such grading and improvements shall be approved as to design and specifications by the Town Enforcement Officer.

- (1) **Fire Hydrants.** Spacing and installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York. An official from the local fire district shall review the plat design for proper fire protection facilities.
- (2) **Street Lighting Facilities.** Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town electrical inspector.

C. Utilities In Streets

The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

D. Utility Easements

Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

E. Grades

Grades of all streets shall conform in general to the terrain and shall not be less than one-half (1/2) nor more than 6 percent for major or collector streets or 8 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection.

F. Changes In Grade

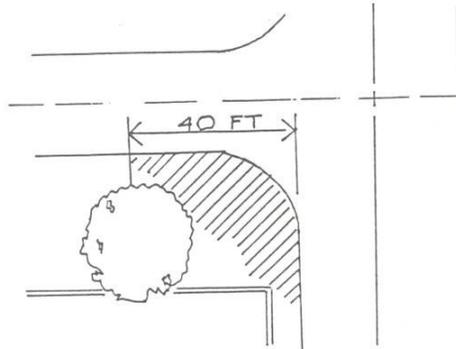
All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance. The minimum distance from any driveway will be 240 feet in each direction.

G. Curve Radii at Street Intersection

All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.

H. Steep Grades and Curves; Visibility of Intersection

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is within 40 ft. of the curbs (see diagram) shall be cleared of all growth and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.



I. Dead-End Streets (Cul-De-Sacs)

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 1200 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets, a temporary turn-around with a pavement radius of 50 feet shall be provided unless the Planning Board approves an alternate arrangement.

J. Watercourses

When a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts, bridges or other structures of design approved by the Planning Board.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Planning Board, and in no case less than 20 feet in width.

K. Curve Radii

In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of the street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

L. Service Streets or Loading Space in Commercial Development

Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connections with lots designed for commercial use.

M. Free Flow of Vehicular Traffic Abutting Commercial Developments

In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

SECTION 4 – STREET NAMES

A. Type of Name

All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.

B. Names to be Substantially Different

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same

name. Generally, no street should change direction by more than 90 degrees without a change in name.

C. Numbers

The Planning Board will assign location address numbers according to Resolution #25-1991.

SECTION 5 - LOTS

A. Lots to be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Law, if one exists, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such an arrangement, depth or otherwise, as to encourage the late creation of a second building lot at the front or rear.

B. Side Lines

All side lines of lots shall be at right angles to straight street lines and radial to curved lines, unless a waiver from this rule will give better street or lot plan.

C. Corner Lots

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

D. Driveway Access

Driveway access and grades shall conform to specifications of the Town driveway law, if one exists. Driveway grades between the street and the setback line shall not exceed 10 percent.

E. Access from Private Streets

Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

F. Monuments and Lot Corner Markers

Permanent monuments meeting specifications approved by the Planning Board as to sign, type and installation shall be set at such block corners, angle points, points of curves in streets and other points shall be shown on the Subdivision Plat.

SECTION 6 – DRAINAGE IMPROVEMENTS

A. Removal of Spring and Surface Water

The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width.

B. Drainage Structure to Accommodate Potential Development Upstream

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated run-off from a “ten year” storm under conditions of total potential development permitted by the Zoning Law, if one exists, in the watershed.

C. Responsibility from Drainage Downstream

The subdivider’s engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

D. Land Subject to Flooding

Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

SECTION 7 – PARKS, OPEN SPACES, AND NATURAL FEATURES (CAN APPLY TO ALL SUBDIVISION)

A. Recreation Areas Shown on Town Plan

Where a proposed park, playground or open space shown on the Town Plan is located in whole or in part in a subdivision the Board shall require that such area

or areas be shown on the plat in accordance with the requirements in paragraph (B) below.

B. Parks and Playgrounds Not Shown on Town Plan

The Planning Board shall require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.

The Board shall require that not less than three (3) acres of recreation space be provided per 100 dwelling units shown on the plat. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

C. Information to be Submitted

In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit to the Board prior to final approval five prints drawn at a scale of not less than thirty (30) feet to the inch, showing such area and the following features thereof:

- (1) Boundaries, including lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
- (2) Existing features such as brooks, ponds clusters of trees, rock outcrops, structures.
- (3) Existing and, if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.

D. Waiver of Plat Designation of Area for Parks and Playgrounds

In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground or other recreation purposes cannot be properly located therein, or if in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes.

E. Reserve Strips Prohibited

Developer cannot limit access to the subdivision itself and cannot limit access to a neighboring piece of property through the subdivision. Reserve strips of land which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself shall be prohibited.

F. Preservation of Natural Features

The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

ARTICLE V – DOCUMENTS TO BE SUBMITTED

SECTION 1 – SKETCH PLAN

- A. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 100 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted showing the following information:
- (1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 - (2) Within the portion to be subdivided and within 200 feet thereof, all existing structures, wooded areas, streams and other significant physical features.
 - (3) The name of all adjoining property owners.
 - (4) The kind of development proposed (such as residential, commercial, etc.).
 - (5) All the utilities available, and all streets which are either proposed, mapped or built.
 - (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply (see Section 2, A-3) within the subdivided area.
 - (7) All existing restrictions on the use of land, including easements, covenants or zoning lines.
 - (8) The date, north arrow, map scale, name and address of record owner and subdivider.

SECTION 2 – MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for approval:

- A. Five copies of the major 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:
- (1) Proposed subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
 - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
 - (3) Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the Zoning Law text applicable to the area to be subdivided.
 - (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas and other significant existing features for the proposed subdivision and adjacent property.
 - (6) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
 - (7) Contours with intervals of five (5) feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.
 - (8) 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.
 - (9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. 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.
 - (10) All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the County Health Department, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 - (11) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.

- (12) 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.
 - (13) Preliminary designs of any bridges or culverts which may be required.
 - (14) The proposed lot lines with approximate dimensions and area of each lot.
 - (15) Where 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 over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision or the official map.
 - (16) 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 tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Enforcement Officer and shall be referenced and shown on the plat.
- B. 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 300 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. The part of the subdivider's holding submitted shall be considered in the light of the entire holdings.
- C. A certificate by the owner stating: "As owner I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat." This certificate shall be executed as a conveyance is executed.
- D. A certificate issued by the authorized town, school and county officials to the effect that there are no unpaid taxes due and payable at the time of plat approval and no unpaid special assessments, whether or not due and payable at the time of plat approval, on any of the lands included in the plat, and that all outstanding taxes and special assessments have been paid on all property dedicated to public use.

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

SECTION 3 – MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for plat approval:

- A. The plat to be filed with the County Clerk shall be printed upon linen or an acceptable equal or be clearly drawn in India ink upon tracing cloth. The size of the sheets shall be as specified by the New York State Law and Schoharie County Clerk's Office. When more than one sheet is required, an additional index sheet of the same size shall be filed, showing to scale the entire subdivision with lot and block numbers clearly legible.

The plat shall show:

- (1) Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, 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) Sufficient data acceptable to the Town Enforcement Officer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event, should be tied to reference points previously established by a public authority.
- (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true north point.
- (5) 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 subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

- (6) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- (7) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
- (8) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the designated enforcement officer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Enforcement Officer and their location noted and referenced upon the plat.
- (9) All lot corner markers shall be permanently located satisfactory to the designated enforcement officer, at least three-quarter (3/4) inches (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
- (10) Monuments of a type approved by the Town Enforcement Officer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Enforcement Officer.
- (11) A map shall be submitted to the satisfaction of the Planning Board, indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Article III, Section 5 (2), the said map shall be submitted prior to final approval of the subdivision plat.

However, if the subdivider elects to provide a bond or certified check for all required improvements (as specified in Article III, Section 5 (1), such bond shall not be released until such a map is submitted in a form satisfactory to the Planning Board.).

ARTICLE VI - WAIVERS

SECTION 1

Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of

connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan, or the Zoning Law, if such exists.

SECTION 2

In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

ARTICLE VII - SEPARABILITY

SECTION 1

If any clause, sentence, subdivision, paragraph, section or part of this law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.