

Section 100. Legislative Authority

The Town Board of the Town of Romulus, New York, hereby establishes this Land Subdivision Regulations in accordance with the New York State Town Law and other applicable Laws, which are cited in the text of this Code.

Section 101. Title

This Code is known as, and may be cited as the Town of Romulus Subdivision Regulations.

Section 102. Planning Basis

This Code and each of its parts are enacted for the purpose of promoting the health, Safety, and general welfare of the citizens of Romulus through use of the powers granted with a Comprehensive Plan for the development of the community and as an adjunct to the Town of Romulus Zoning Ordinance. The Comprehensive Plan is not to be understood as a document or documents, but as a coherent approach to development of the human, economic, and environmental resources of the community in the present and the near and distant future. The primary responsibility for reviewing and updating the Comprehensive Plan rests with the Town Planning Board. The responsibility for assuring that this Code rests firmly on the planning basis provided by the Comprehensive Plan lies with the Town Board. Ultimately the responsibility for the effectiveness of the Code rests with all the citizens of the Town of Romulus.

Section 103. Interpretation

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements necessary to accomplish the purpose of the Code. When requirements of this Code conflict with the requirements of other lawfully developed rules, regulations, laws, or ordinances, the more restrictive or that imposing the higher standards shall govern.

Whenever any condition or limitation is included in an order authorizing a Planned Unit Development, subdivision approval or any other action taken under this Code, it is to be conclusively presumed that the authorizing Officer or board considered the condition or limitation necessary to carry out the purpose of the Code or the requirement of some provision hereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 104. Conformance with New York State Law

In addition to the provisions in this Code, applicants must adhere to all pertinent New York State Laws. If any New York State Law referenced in this ordinance is amended, the amended Law shall replace the section or sections of this Code where the Law is referenced.

Section 105. Severability

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

Section 106. Effective Date

This Code shall be in force and effect immediately upon adoption and publication as Provided by law.

Section 107. Repeal

Upon the effective date of this Code, it replaces all previous codes.

Section 108. Availability

Copies of this Code are available for inspection at the office of the Town Clerk, Copies may be purchased from the Town Clerk for a fee.

Section 109. Reserved

Section 110. Definitions (Missing terms maybe found in Article II of the Zoning Ordinance)

Access: A legally and physically defined area available and practical for motor vehicle Ingress and egress to a lot.

Basic District: A basic district regulates the general pattern of development in the Town. All of the Town is in one or another of these districts.

Boundary Change: Any transfer of land from lot to lot by relocating lot boundary lines.

Building Line: A line formed by the intersection of the grade and a vertical plane that coincides with the most projected exterior point of the building.

Cluster Subdivision: A subdivision in which lots are smaller than the minimum size permitted within the existing district, but in which the number of lots does not exceed the number permitted within the existing district. The total number of lots permitted on a particular parcel of land are placed on a portion of the parcel, and the remaining area is maintained as permanent open space. Cluster subdivisions are permitted in the A & HR Districts.

Code: Unless otherwise indicated, the term Code means the Town of Romulus Zoning Ordinance & Subdivision Regulations or any part thereof.

Collector Street: A street which serves or is designed to serve as a trafficway for neighborhood or as a feeder to a major street.

Comprehensive Plan: A 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.

Corner Lot: A lot having frontage on two streets where they intersect (see Figure 1-A).

Dead-End Street or Cul-de-sac: A street or a portion of a street with only one vehicular outlet.

Deed Lot: A lot as described on a deed, often including land out to the centerline of the public right-of-way.

Development: Any change made to improved or unimproved real estate, including Buildings or other structures, or site modifications such as filling, paving or excavation.

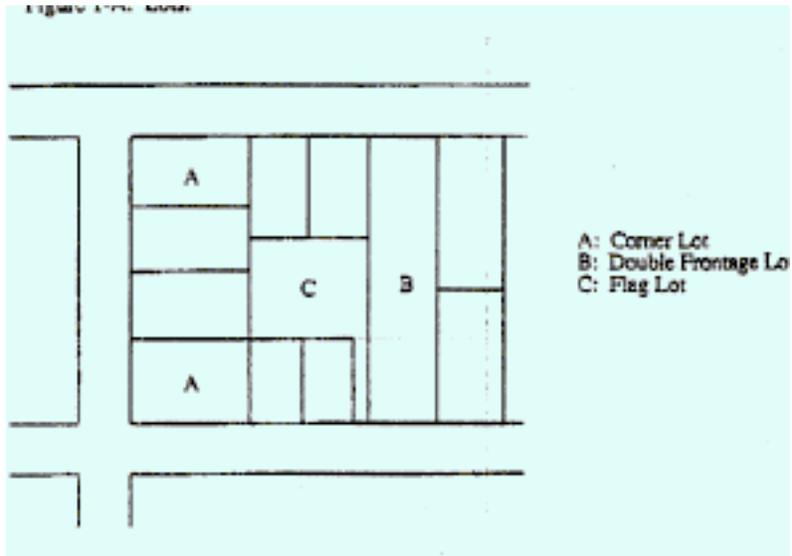
Development Lot: A continuous unbroken lot described by the boundary lines on the Assessor's Tax Maps, but not crossing any railroad right-of-way, town right-of-way, or street.

Double (or Multiple) Frontage Lot: A lot having frontage on two (or more) streets at points other than where they intersect (see Figure 1-A).

Easement: A strip of land over which a party has some legal rights short of ownership. e.g., an access easement: a driveway to an interior lot; a utility easement; a strip of land along which runs a utility line or overhead power transmission line.

Final Plat or Subdivision Plat: A drawing in final form, showing a proposed subdivision containing all information and detail required by law and by these regulations as specified in Sections 221, 231, and 250; the final-stage submission to the Planning Board for review, public hearing, and approval, and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

Flag Lot: A flag shaped lot with its widest area set back some distance from a public road, and having a thin strip of land connecting to the road to provide legal access (see Figure 1-A). A flag lot requires subdivision review (see Section 276).



Flagpole: A narrow extension of property on a lot from the buildable area of the lot to the public right-of-way, and which is not included in the calculation of lot area, but which may serve as access to the lot.

Flood Hazard Area Combining District (FH): The areas of special flood hazard Identified by the Federal Emergency Management Agency (FEMA) on the current Flood Hazard Boundary Map (as applicable) is regulated by Local Law #2 of 1987 Entitled "A Local Law for Flood Damage Prevention." A separate permit for Development in Flood Hazard Areas is required for any development within these areas. The maps and permit application are available at the Town Clerk's office.

Frontage: A continuous unbroken lot line dividing a lot from a public right-of-way. A street line (see Figure 1-B).

Height: The vertical distance from finished grade to the highest point of a pitched roof. On a hillside lot, finished grade is the average finished grade on the uphill side of the structure.

Interior Lot: A lot which has no frontage on any public street.

Interior Lot Line: All those lot lines other than the frontage or street line.

Major Street: A street with the capacity to serve heavy flows of traffic and which is intended primarily as a route for traffic between heavy traffic generating areas.

Major Subdivision: Subdivision of land that results in five or more lots during a three year period or otherwise not qualifying as a rural or minor subdivision. A major subdivision may involve new public rights-of-way, utility extensions, or other new public facilities. Any cluster subdivision or other subdivision which deviates from this Code, the official map, other Town development policy will generally be considered a Major subdivision.

Minor Flag Lot Subdivision: Subdivision of land that results in one to two flag lots during a three year period one or more of which is less than 5 acres / 2 hectares, and which (1) does not include new streets, utility extensions, clustering, public open space or facilities; (2) does not conflict with this Code, the official map, or any other Town development policy; and (3) does not adversely affect use or development of adjoining land. A minor flag lot subdivision is subject to the minor subdivision process in Sections 230-239.

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

Minor Subdivisions: Subdivisions of land that results in three to four total lots during a three year period one or more of which is less than 5 acres / 2 hectares, and which: (1) does not include new streets, utility extensions, clustering, public open space or facilities; (1) does not conflict with this Code, the official map, or any other Town development policy; and (3) does not adversely affect use or development of adjoining land.

Notice: The Board members and the staff of the Town of Romulus shall give notice of public hearing. The number of days notice required shall be defined as the number of calendar days. The day of the said hearing shall not be included in the count of days.

Official Map: The map established by the Town Board if one exists, pursuant to Section 270 of the Town Law, showing street, highways, parks, and drainageways, both existing and proposed.

Preliminary Plat: A drawing, clearly marked “preliminary plat,” showing the salient features of a proposed subdivision including information specified in Section 241; the second-stage submission to the Planning Board for purposes of its detailed consideration and public hearing.

Principal Building: The building or group of buildings in which the activity on the lot is concentrated; generally the largest, most valuable, and most conspicuous building or buildings on the lot.

Principal Frontage: On lots with two or more frontages, the frontage considered the main access to the lot.

Rural Flag Lot Subdivision: Subdivision of land that results in one to two flag lots during a three year period each of which is 5 acres / 2 hectares or more, and which: (1) does not include new streets, utility extensions, clustering, public open space or facilities; (2) does not conflict with this Code, the official map, or any other Town development policy; and (3) does not adversely affect use or development of adjoining land. A rural flag lot subdivision is subject to the rural subdivision process in Sections 220-229.

Rural Subdivision: Subdivision of land that results in three to four total lots during a three year period each of which is 5 acres / 2 hectares or more, and which: (1) does not include new streets, utility extensions, clustering, public open space or facilities; (2) does not conflict with this Code, the official map, or any other Town development policy; and (3) does not adversely affect use or development of adjoining land.

Secondary Frontage: On lots with two or more frontages, all those frontages other than the principal frontage.

Sketch Plat: A sketch of a proposed subdivision showing the form, layout, roads, public facilities, and other information specified in Section 210; the first-stage submission to the Planning Board, sufficient for the proposal to be classified as to type of review required and for the Board to make general recommendations as to any adjustments needed to satisfy the objectives of this Code.

Street: A term used interchangeably with road, avenue, lane, and highway, among others; a public right-of-way improved or intended to be improved for traffic.

Street Line: A continuous unbroken lot line dividing a lot from a public street right-of-way. Minimum frontage is measured along a street line.

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

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

Subdivision: Division of a lot or lots into three or more lots, realignment of boundary lines between lots so as to transfer land from one lot to another, or separation of noncontiguous lots (e.g., lots transacted by public or quasipublic rights-of-way) into separate lots of record without new boundary alignment. No distinction is made between subdivision and resubdivision.

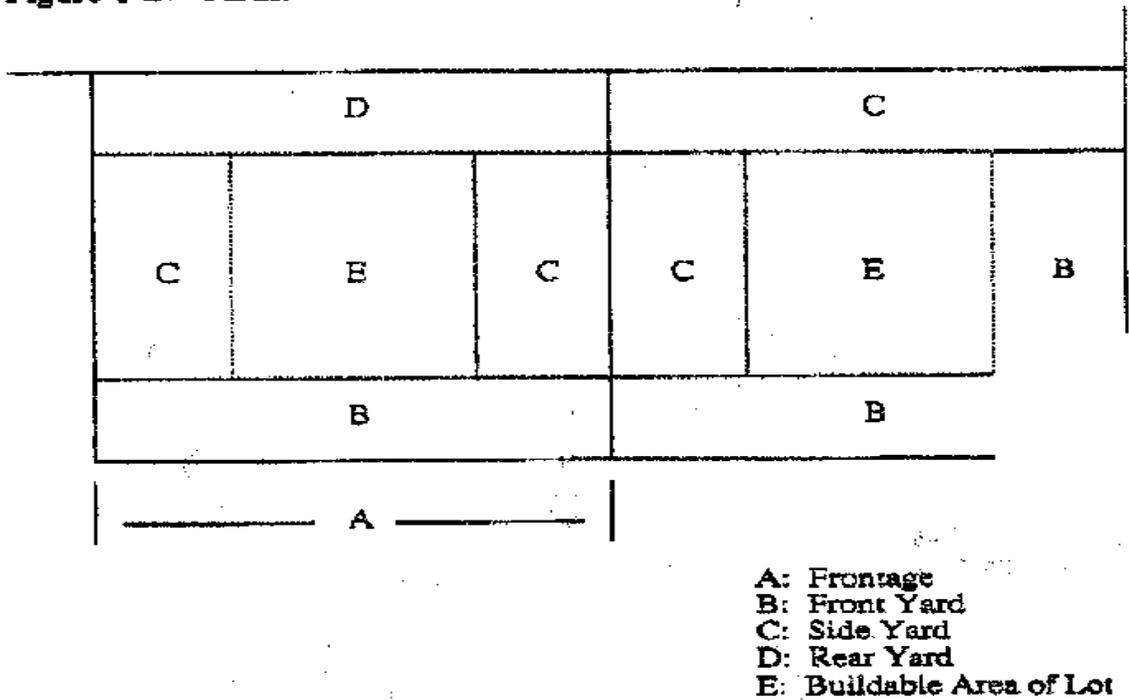
Town Highway (all year maintenance): A strip of land owned or controlled by the Town government for the purpose of providing access to abutting lots and providing a bed for a future improved roadway, which is maintained for traffic throughout the year. All Town highways (all-year maintenance) are shown on the Town of Romulus official map, if one exists.

Town Highway (seasonal maintenance): A strip of land owned or controlled by the Town government for the purpose of providing access to abutting lots and providing a bed for an improved roadway which is maintained for traffic only during the part of the year designated by the Town Board. All Town highways (seasonal maintenance) are shown on the Town of Romulus official map, if one exists.

Town Right-of-way (unimproved): A strip of land owned or controlled by the Town government for the purpose of providing access to abutting lots or for providing a bed for a future improved roadway. All Town rights-of-way are shown on the Town of Romulus, official map, if one exists.

Zoning District: An area of land, with precise boundaries, established for the purpose of regulating development.

Figure 1-B. Yards.



Section 200. Purpose

The purpose herein is to provide rules, regulations, and standards to guide the orderly subdivision of land in the Town of Romulus in order to promote the public health, safety, convenience, and general welfare of the Town. It shall be administered to insure the orderly growth and development, the conservation, protection and proper parceling of land, the adequate provision of service and the safe movement of vehicles in the Town of Romulus.

Section 201. Declaration of Policy

201.1 By the authority of the resolution of the Town Board of the Town of Romulus and Pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Romulus is authorized and empowered to:

- a. Approve plats showing lots, blocks, or sites, with or without streets or highways.
- b. Approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County.
- c. Conditionally approve preliminary plats, within that part of the Town of Romulus outside the limits of any incorporated city or village, and
- d. Amend the lot frontage requirements in a proposed subdivision only for the purpose of reducing the frontage of lots located along the turn-around area of a cul-de-sac or for permitting flag lots. Such an amendment must be in accordance with the considerations outlined in Section 201.2.

201.2 It is declared to be the policy of the Planning Board to consider land subdivisions plats as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things:

- a. that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace,
- b. that proper provisions shall be made for drainage, water supply, sewerage, and other needed improvements.
- c. that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties.
- d. that the proposed streets shall compose a convenient system for conforming to the official map, 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 fire-fighting equipment to buildings.
- e. and that proper provision shall be made for open spaces for parks and playgrounds.

201.3 In order that land subdivisions may be made in accordance with this policy, these regulations have been adopted by the Planning Board and approved by the Town Board.

Section 202. Applicability and Legal Effect

202.1 Applicability. These regulations apply to:

- a. All division of land into one or more flag lots or three or more total lots, whether new streets, public facilities, or utility extensions are involved or not,
- b. Any boundary change,
- c. Any other land transaction which requires filing of a plat with the County Clerk.

202.2 Legal Effect: Whenever any subdivision of land is proposed to be made, and:

- a. Before any site modifications are made and
- b. Before any permit for the erection of a structure in such proposed subdivision is Granted,

The subdivider or a duly authorized agent must apply for in writing and receive approval of the proposed subdivision in accordance with this Code.

202.3 Legal Effect: Filing of Plats with County Clerk. Before any plat of land in the Town of Romulus is filed with the County Clerk, the plat must be approved by the Town Planning Board in accordance with the procedures of this Article. This is a requirement of Section 276 of Town Law.

202.4 Plat Void if Revised After Approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning Board and the Board agrees to any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

Section 203. Types of Subdivisions

This Code recognizes three types of subdivisions as defined in Section 110: Page 4-5, rural subdivisions, minor subdivisions, and major subdivisions. These subdivisions are subject to the review and approval procedures described in this Article.

Section 204. Coordination with County Health Department

The provisions of the Seneca County Sanitary Code do not replace nor are they replaced by the provisions of these Subdivision Regulations.

When a sketch plat is first reviewed by the Planning Board and classified as to Subdivision type, the Board may indicate to the subdivider the applicability of the Sanitary Code, however, the determination of applicability of the Sanitary Code is made by officers of the County Health Department.

Section 205. Planning Board Use of Consultants and Services of County and Regional Planning Staff

The Planning Board may choose at any point in the subdivision review process to retain Consultants or refer to the County or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters.

206. Plat Review of Undeveloped Subdivisions

The Planning Board may, on direction of the Town Board, review, for purposes of revision, those undeveloped plats which were filed with the County Clerk prior to the appointment of the Planning Board. "Undeveloped" applies to those plats where twenty percent or more of the plat is unimproved for reasons other than terrain, drainage, soil conditions, or the like. Legislative authority for such review is found in Section 276 of Town Law.

Sections 207-209: Reserved

Section 210. Initiation of Subdivision Review: Submission of a Sketch Plat

210.1 To initiate review and approval of any subdivision or resubdivision, an owner/subdivider of land must submit to the Planning Board at least ten days prior to the regular meeting of the Board:

- a. A written request to approve the proposed subdivision, including any information the owner considers pertinent, and
- b. Six copies of a sketch plat of the proposed subdivision (a sketch plat must comply with the requirements of Section 210.2) for the purpose of preliminary discussion and classification as to the type of subdivision review procedure to be followed.

210.2 The sketch plat 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 1:2400) to enable the entire tract to be shown on one sheet. The sketch plat shall be submitted, showing the following information:

- a. 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.
- b. All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features, within the portion to be subdivided and within 200 feet / 60 meters thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet / 3 meters.
- c. The name of the owner and of all adjoining property owners as disclosed by the current tax role.
- d. The tax map, block, and lot numbers of all lots shown on the plat.
- e. All the utilities available and all streets as they appear on the official map, if such exists.
- f. The proposed pattern of lots (with dimensions), street layout, recreation areas, and systems of drainage, sewerage, and water supply within the subdivided area.
- g. All existing restrictions on the use of land, including easements, covenants, and zoning district boundary lines.

210.3 The owner/subdivider, or an authorized representative, must attend the meeting of the Planning Board at which the sketch plat is presented to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

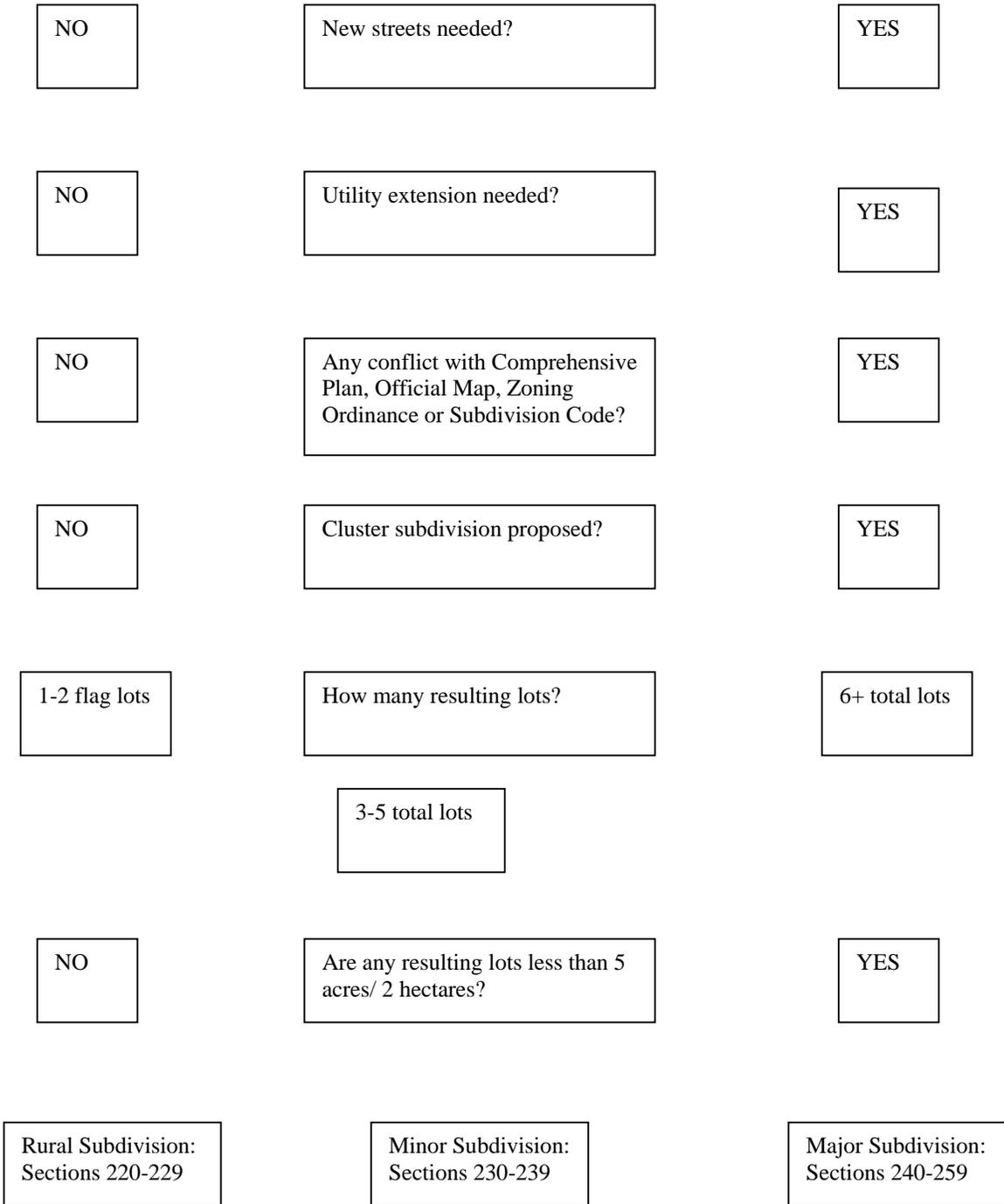
210.4 The Planning Board shall determine whether the sketch plat meets the requirements of Section 210.2 and may, if the sketch plat is insufficiently complete, reject the application with reasons given in writing. It may also make specific recommendations in writing to be incorporated by the applicant in any subsequent submissions to the Planning Board.

Section 211. Classification as to Type of Subdivision Review Procedure

Based on an acceptable sketch plat, the subdivision is to be classified at this time by the Planning Board as to whether it is subject to the rural subdivision, the minor subdivision, or the major subdivision review procedure of 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 procedure include some of the requirements specified for the major subdivision procedure. See Figure 2-A for the subdivision classification procedure.

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Figure 2-A Subdivision Classifications



Sections 212-219: Reserved

Section 220. Rural Subdivision – Review Procedure

Upon determination that the proposed subdivision is to be treated as a rural subdivision, the Planning Board reviews the subdivision and acts to conditionally approve, conditionally approve with modifications, disapprove, or grant final approval (in the event the subdivider has presented as a sketch plat a document which also qualifies as a subdivision plat in accordance with the provisions of Section 231.2). Review may be concluded at a single meeting. No public hearing is required.

Section 221. Rural Subdivision – Application Requirements for Plat Review

In case of a rural subdivision, the subdivision plat application shall be accompanied by a fee as established by resolution of the Town Board and shall include the following information:

- a. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- b. A deed description of the proposed lots and/or tax map with the proposed lots drawn on it with dimensions. If the Planning Board determines that it is necessary, the applicant must include an actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor.
- c. All on-site sanitation and water supply facilities (if any) shall be designed to meet the minimum specifications of the Seneca County Sanitary Code, and a note to this effect shall be stated on the plat and signed by an officer of the County Health Department.
- d. Any map submitted with the application must have on it the proposed subdivision name (if any), name of the Town and County in which the proposed subdivision is located, the date, north point, map scale, and the name and address of the owner of record and the subdivider.
- e. If a plat is to be filed with the County Clerk, it shall be printed upon or be clearly drawn in India ink upon mylar. The size of the sheet shall be 24 by 36 inches, or 18 by 24 inches.

Six copies of the subdivision plat shall be presented to the Planning Board at the time of Submission of the subdivision plat.

Section 222. Rural Subdivision – Subdivider to Attend Planning Board Meeting

The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board at which the rural subdivision is presented.

Section 223. Rural Subdivision – Planning Board Action

In granting conditional approval or conditional approval with modifications, the Planning Board authorizes the Chair of the Planning Board to sign the final plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval. 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 more than two additional periods of ninety days each.

Sections 224-229: Reserved

Section 230. Minor Subdivision – Review Procedure

If the review of the sketch plat provided for in Sections 210 and 211 result in the determination that the minor subdivision review procedure applies, the provisions in Sections 231-239 are to be followed. Review includes two required submissions by the subdivider and may include a public hearing if considered desirable by the Planning Board.

Section 231. Minor Subdivision – Submission of Plat

231.1 Within six months after classification of the sketch plat 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 submission of the sketch plat to the Planning Board for classification. The plat shall conform to the layout shown on the sketch plat plus any recommendations made by the Planning Board.

231.2 The application shall also include the following information:

- a. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- b. 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 shall also be located on the ground and marked by Monuments as approved by the Town Engineer, and shall be referred to and shown on the plat.
- c. All on-site sanitation and water supply facilities (if any) shall be designed to meet the minimum specifications of the Seneca County Sanitary Code, and a note to this effect shall be stated on the plat and signed by an officer of the County Health Department.
- d. Proposed subdivision name (if any), and the name of the Town and County in which the proposed subdivision is located.
- e. The date, north point, map scale, and the name and address of the owner of record and the subdivider.
- f. The plat to be filed with the County Clerk shall be printed upon or be clearly drawn in India ink upon mylar. The size of the sheet shall be 24 by 36 inches, or 18 by 24 inches.

Six copies of the subdivision plat shall be presented to the Planning Board at the time of Submission of the subdivision plat.

231.3 All applications for plat approval for minor subdivisions shall be accompanied by a fee established by resolution of the Town Board.

231.4 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 Section 231.2 of these regulations, has been filed with the Planning Board.

Section 232. Minor Subdivision – Subdivider to Attend Planning Board Meeting

The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board at which the minor subdivision plat is presented.

Section 233. Minor Subdivision – Public Hearing on Plat

A public hearing may be held by the Planning Board within sixty-two days from the time of submission of the subdivision plat for approval. The hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing.

Section 234. Minor Subdivision – Planning Board Action on Plat

234.1 The Planning Board shall, within sixty-two days from the date of the public hearing, act to conditionally approve, conditionally approve with modifications, 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.

234.2 Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower the Planning Board Chair to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.

234.3 Within five days of the resolution granting conditional approval, the plat shall be certified by the Chair of the Planning Board as conditionally approved, a copy shall be filed in the Board's 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.

234.4 Upon completion of the requirements in the resolution of conditional approval, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval. 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 more than two additional periods of ninety days each.

Sections 235-239: Reserved

Section 240. Major Subdivision – Review Procedure

If it is determined in the sketch plat classification process in Sections 210 and 211 that the major subdivision review procedure applies, the provisions of Sections 241-259 are to be followed. Review includes three required submissions by the subdivider (sketch plat, preliminary plat, and final plat) and at least one public hearing by the Planning Board.

Section 241. Major Subdivision – Submission of Preliminary Plat

241.1 Prior to the filing of an application for the approval of a major subdivision plat, the

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subdivider shall file an application for the approval of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked with the words “preliminary plat”, and the following documents shall be submitted for approval:

- a. Proposed subdivision name, name of the Town and County in which the proposed Subdivision is located, date, true north point, scale, and name and address of the owner of record, the subdivider, and the engineer or surveyor, including license number and seal.
- b. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
- c. Zoning district, including exact boundary of districts, where applicable, and any Proposed changes in the zoning district lines or the zoning regulations text applicable to the area to be subdivided.
- d. All parcels of land proposed to be dedicated to public use and the condition of such dedication.
- e. Location of existing property lines, easements, building, water courses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
- f. Location of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades, and directions of flow.
- g. Contours with intervals of 5 feet/1 meter or less as required by the Planning Board, Including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet/60 centimeters.
- h. The width and location of any streets or public ways or places shown on the official Map or the Comprehensive Plan, 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, 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 Seneca County Sanitary Code. Profiles of all proposed water and sewer lines.
- j. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing or alternate means of disposal.
- 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 subbase, and 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 dimensions and area of each lot.
- n. Where the topography is such as to make difficult the inclusions 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 20 feet/6 meters in width, and

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which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision or the official map.

- 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 shall also be located on the ground and marked by the land surveyor.

- p. If the application covers only a part of the subdivider's holding, a map of the entire tract, drawn at a scale of not less than 1:4800 showing an outline of the platted area with its proposed streets, an 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 so that the part of the subdivider's holding submitted can be considered in light of the entire holding.

The preliminary plat shall, in all respects, comply with the requirements set forth in the Provisions of Sections 276 and 277 of Town Law and this Section of this Code, except Where a waiver may be specifically authorized by the Planning Board.

241.2 Six copies of the preliminary plat shall be presented to the Planning Board at the time of submission of the preliminary plat.

241.3 The application for approval of the preliminary plat shall be accompanied by a fee to be established by resolution of the Town Board.

241.4 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 Section 241.1 of this Code, has been filed with the Planning Board. The Chair of the Planning Board shall note the date on the preliminary plat.

Section 242. Major Subdivision – Subdivider to Attend Planning Board Meeting

The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

Section 243. Major Subdivision – 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 arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the official map, and the Zoning Ordinance.

Section 244. Major Subdivision – Public Hearing and Review

Within sixty-two days after receipt of a preliminary plat by the Planning Board, the Board shall hold a public hearing, which hearing shall be advertised at least once in the designated Town newspaper at least five 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.

Section 245. Major Subdivision – Planning Board Action on Preliminary Plat

Town of Romulus Subdivision Regulations

- 245.1 Within sixty-two days after the date of the public hearing, the Planning Board shall approve with or without modifications or disapprove the preliminary plat. The grounds of a modification, if any, or the grounds for disapproval shall be state 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.
- 245.2 Conditional Approval of Preliminary Plat. When granting approval to a preliminary plat, The Planning Board shall state the terms of such approval, if any, with respect to:
- a. Modifications to the preliminary plat, which shall be stated in writing,
 - b. 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, and welfare, and
 - c. The amount of improvement or the amount of all bonds which it will require as a prerequisite to the approval of the final subdivision plat.
- 245.3 Within five days of the approval of such preliminary plat, it shall be certified by the Chair of the Planning Board as having been granted preliminary approval, and a copy filed in the the Board's office and a certified copy mailed to the owner.
- 245.4 Effect of Approval of Preliminary Plat. Approval of a preliminary plat shall not constitute approval of the final subdivision plat, but rather it shall be deemed an expression of expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final subdivision plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of this Code.
- 245.5 Further Changes May Be Required. Prior to approval of the final subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in Final form or as a result of new information obtained at the public hearing.
- 245.6** Failure of the Planning Board to act within the time period prescribed in Section 245.1 shall constitute approval of the preliminary plat.

Section 246-249 Reserved

Section 250. Major Subdivision – Final Plat Application

- 250.1** The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the final subdivision plat in final form, form, using the approved application bland available from the Town business office. If the final subdivision plat is not submitted for approval within six months after the approval of the preliminary plat, the Planning Board may refuse to approve the final subdivision plat and require resubmission of the preliminary plat.
- 250.2** A subdivider intending to submit a final plat for the approval of the Planning Board shall provide the Planning Board with a copy of the application and six copies of the plat (one printed printed upon or clearly drawn in ink on mylar), the original and one copy of all offers of cession, covenants, and agreements, and two prints of all construction drawings.
- 250.3** The time of submission of the final subdivision plat shall be considered to be the date on which the application for approval of the final plat, complete and accompanied by the required fee and all data required by Section 250.4 of this Code, has been filed with the Planning Board.

250.4 The final plat to be filed with the County Clerk shall be printed upon mylar. The size of The sheets shall be 24 by 36 inches or 18 by 24 inches and shall have a margin of 2 inches for binding, outside of the border, along the sides. The final plat shall be drawn at a scale of no more than 1:1200, and oriented with the north point at the top of the map. 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:

- a. Proposed subdivision name or identifying title, the name of the Town and County in Which the proposed subdivision is located, the name and address of the owner of record and and the subdivider, and the name, license number, and seal of the licensed land surveyor.
- b. Street lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use.
- c. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing, and length of every street line, lot line, boundary line, and to reproduce such lines lines upon the ground. Where applicable, these should be referred 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.
- d. The length and bearing of all straight lines, radii, length of curves, central angles of Curves, and 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 or in the international system of measures (metric). The plat shall show the boundaries of the property, location, graphic scale, and true north point.
- e. The plat shall also show by proper designation thereon all public open spaces for which deeds included and those spaces title to which is reserved by the developer. For any of the latter there shall be submitted with the final subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereof.
- f. Lots and blocks within a subdivison shall be numbered in sequence.
- g. Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Town Engineer. When referred to the State system of plane coordinates they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Engineer and their location Noted and referred to upon the final plat.
- h. All lot corner markers shall be permanently located satisfactorily to the Town Engineer.
- i. Monuments of a type approved by the Town Engineer 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 Engineer.
- j. Construction drawings including plans, profiles, and typical cross-sections as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins, and other facilities.

Town of Romulus Subdivision Regulations

Section 251. Major Subdivision – Endorsement of State and County Agencies

Water and sewer facility proposals contained in the final subdivision plat shall be properly endorsed and approved by the Seneca County Department of Health. Applications for approval on plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County, and State agencies. Endorsement and approval by the Seneca County Department of Health shall be secured by the subdivider before official submission of the final subdivision plat for approval by the Planning Board.

Section 252. Major Subdivision – Public Hearing and Review of Final Plat

Within sixty-two days of the submission of a major subdivision final plat in final form for approval, a public 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 days before the hearing, provided however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Section 245, and modified in accordance with requirements of such approval if such preliminary plat has been approved with modifications, the Planning Board may waive the requirement for such public hearing.

Section 253. Major Subdivision – Planning Board Action on Final Plat

253.1 Actions by Planning Board. The Planning Board action shall be by resolution to conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of the plat by the Chair of the Planning Board. The action is to be taken within sixty-two days after the public hearing, if one was held, and if no public hearing was held, within sixty-two days of receipt of the plat by the Planning Board. 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.

Conditional Approval. Upon resolution of conditional approval of the final plat, the Planning Board shall empower the Chair to sign the plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Chair of the Planning Board as conditionally approved and a copy filed in the Board's 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.

Certification by Chair of Planning Board. Upon completion of such requirements the plat shall be signed by the Chair of the Planning Board.

Expiration of Approval. Conditional approval of a final plat shall expire 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 more than two additional periods of ninety days each.

Section 254. Major Subdivision – Required Improvements

Before the Planning Board grants final approval of the final subdivision plat, the subdivider shall follow the procedure set forth in either Section 254.1 or 254.2 below.

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

Town of Romulus Subdivision Regulations

the Town Clerk a performance bond to cover the full cost of their required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

The subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Section 254.2, then the map shall be submitted prior to endorsement of the plat by the appropriate Planning Board Officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Section 254.1, such bond shall not be released until such a map is submitted.

Section 255. Major Subdivision – Modification of Design Improvements

If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of the required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided that 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's Engineer 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.

Section 256. Major Subdivision – Inspection Fee

At least five 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 they propose to commence construction of the improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the improvements and utilities required by the Planning Board.

Section 257. Major Subdivision – Installation and Inspection of Improvements

If the Town Engineer finds, 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 subdivider, he shall so report to the Town Board, Building Inspector, and Planning Board. The Town Board shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No subdivision plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved subdivision plat.

Town of Romulus Subdivision Regulations

Section 258. Major Subdivision – Final Approval of Plat

Signature from Planning Board. Upon completion of the requirements in Sections 250-257 and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the office of the County Clerk.

Prompt Filing. Any subdivision plat not so filed or recorded within sixty-two days of the date upon which the plat is approved or considered approved by reasons of the failure of the applicant to act, shall become null and void.

Plat Void if Revised After Approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirements, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

Section 259. Major Subdivision – Public Streets and Recreation Areas

Public Acceptance of Streets. The approval of the Planning Board of a 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 the subdivision plat.

Ownership and Maintenance of Recreation Areas. When a park, playground, or other recreation area has been shown on a plat, approval of the plat shall not constitute an acceptance by the Town of the recreation area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Section 260. Cluster Subdivision

Authority. Whereas the Planning Board is empowered to modify applicable provisions of this Code in accordance with the provisions of Section 278 of Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities, and to preserve the natural and scenic qualities of open lands, the following shall be the procedure and standards.

Request by Subdivider. A subdivider may request the use of Section 278 of Town Law simultaneously with or subsequent to presentation of the sketch plat. Any submission subsequent to preliminary approval of a plat shall require a reapplication for sketch plat review. Cluster subdivisions are permitted only in A and HR districts.

Sketch Plat. A subdivider shall present along with a proposal in accordance with the Provisions of Section 278 of Town Law a standard sketch plat which is consistent with all the criteria established by this Code, including streets being consistent with the street specifications and lots being consistent with the lot requirements.

Parks, Recreation, Open Space, or Other Municipal Purposes. If the application of this procedure results in a plat showing land available for park, recreation, open space, or other municipal purposes directly related to the plat, then necessary conditions as to ownership, use, and maintenance of such lands for their intended purpose shall be set forth by the Planning Board.

Town of Romulus Subdivision Regulations

Plat Submission. Upon determination that such sketch plat is suitable for the procedures under Section 278 of Town Law and subsequent to the resolution authorizing the Planning Board to proceed, a preliminary plat meeting all of the requirements of the resolution shall be presented to the Planning Board and thereafter the Planning Board shall proceed with the required public hearings and other requirements of this Code.

Filing: Notation on Zoning Map. Upon making final approval of a plat on which provisions of Section 278 of Town Law, Cluster Subdivision, have been used, the Planning Board shall notify the officer charged with keeping the Town Zoning Map who shall make appropriate notations and references thereon.

Sections 261-269: Reserved

Section 270. Design Standards

In considering applications for the subdivision of land, the Planning Board shall be guided by the standards set forth in the following sections. The standards shall be considered minimum requirements and may be waived by the Planning Board under circumstances set forth in Section 280.

Section 271. General Considerations

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.

Conformity to official map, Comprehensive Plan & Zoning Ordinance. Subdivisions shall conform to the official map of the Town and shall be in harmony with the Comprehensive Plan & Zoning Ordinance.

Conformity of Street Layout and Design. All street layout and design standards shall conform to the Town Highway Specifications, and to the requirements outlined in Sections 272 and 273 below. The applicant and the Planning Board should contact the Town Highway Superintendent or the Town Engineer to obtain the most current Town Highway Specifications.

Section 272. Street Layout

Angle of Intersection. In general, all streets shall join each other so that the street is approximately at right angles to the street it joins.

Arrangement. The arrangement of streets in a 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 lines, and drainage facilities. No more than nineteen lots shall be located on a street that does not have at least two street connections with existing public streets, or with streets shown on the official map, if such exists, or with streets on an approved subdivision plat for which a bond has been filed.

Block Size. Blocks generally shall not be less than 400 feet/120 meters nor more than 1200 feet/365 meters in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet/250 meters in length, the Planning Board may require the reservation of an 20' 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 paved foot path be included.

Circle Drives and Loop Streets. The creation of a circle drive or loop residential streets (see Section 273.4 and 273.13) will be encouraged wherever the Planning Board finds that such types of streets are needed or desirable. The Board may require the reservation of an easement to provide for continuation of pedestrian traffic and utilities to the next street.

Dead End Streets (Cul-De-Sacs). Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length, and shall terminate in a circular turnaround having a minimum right-of-way radius of 65 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turn-around with a pavement radius of 65 feet shall be provided, unless the Planning Board approves an alternate arrangement.

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

Intersections with Collector or Major Arterial Roads. Intersections with minor or Secondary streets with collector or major arterial roads shall be located a minimum of 500' apart so as to provide for the safe movement of traffic.

Major Arterial Streets – Special Treatment. When a subdivision abuts or contains an existing or proposed major arterial street, the Planning Board may require marginal 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 such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Minor Streets. Minor streets shall be laid out so that their use by through traffic will be discouraged.

Other Required Streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way

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

Width, Location, and Construction. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Comprehensive Plan & Zoning Ordinance to accommodate the prospective traffic, and to 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.

Section 273. Street Design

273.1 As stated in Section 271.3, all required improvements shall be constructed or installed in conformance with the Town Highway Specifications. Current specifications and consultation may be obtained from the Town Highway Superintendent or the Town Engineer.

Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants, except where waivers may be requested. 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 Town Highway Superintendent or the Town Engineer. Such grading and improvements shall be approved as to design and specifications by the Town Highway Superintendent or the Town Engineer.

Acceptance. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements, and/or rights-of-way and are built in accordance with the approved plans. A written statement of acceptance must be filed by the Highway Superintendent and the Town Attorney before any road shall be accepted by the Town Board.

Crown on road. Road crown shall meet all requirements of the Town Highway Specifications.

Circle Drive Streets. Circle drive streets shall be constructed in conformance with the Town Highway Specifications.

273.5 Culverts shall be placed in natural waterways, at low spots in grade, and in other spots where required. The builder will furnish culverts and install head wall if requested by the Highway Superintendent. All culvert sizes and lengths shall be determined and culvert designs approved by the Highway Superintendent before installation.

Curve Radii. Curve radii shall meet all requirements of the Town Highway Specifications. In general, street lines within a block, deflecting from each other at any one point by more than 2 degrees, shall be connected with a curve, the radius of which for the centerline of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

Ditches. Adequate ditches shall be provided by the builder.

Fire Hydrants. 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.

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 district 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.

Grades. Grades of all streets shall conform in general to the terrain, and shall be in conformance with the Town Highway Specifications and shall not be less than 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.

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) within the area delineated in Section 273.21 shall be cleared of all growth and obstructions (except utility poles) above the level of three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Highway Superintendent or the Town Engineer so that clear visibility shall be provided for a safe distance.

273.11 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.

273.12 Loop Streets. The two intersections of a loop street with the main road must meet all requirements of the Town Highway Specifications including distance separation.

Materials. All streets shall be constructed of the materials indicated in the Town Highway Specifications.

Right-of-Way Width. Streets shall have the following widths. (When not indicated on the Master Plan or Official Map, if such exists, the classification of streets shall be determined by the Board):

	Minimum Right-of-Way	Minimum Pavement No Parking
Major Streets	60 feet	24 feet
Collector Streets	50 feet	24 feet
Local Streets	50 feet	24 feet

Additional right-of-way may be required where deep cuts or fills are needed.

Service Streets or Loading Space in Commercial Development. Paved rear service Streets, or in lieu thereof, adequate off-street loading space, suitably dust free surfaced, shall be provided in connection with lots designed for commercial use.

Shoulder Width. Shoulder width shall conform to the Town Highway Specifications.

Sight Distance. Sight distance at intersections shall be at least 300 feet/100 meters to Provide for the safe flow of traffic.

Underdrains shall be placed in low wet areas where hill seepage is encountered or in Other areas where required.

Utility Easements. Where topography is such to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed 20' easement 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.

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.

Visibility at Intersections. For reasons of traffic safety, no structure, fence, vegetation, or agricultural crop over 3 feet/1 meter in height and no branches less than 10 feet/3 meters from the ground are permitted on any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) within a triangular area formed by the lot lines along the streets to the points on the lot lines a distance of 20 feet/6 meters from their intersections and a line connecting the points. Any fence or planting that does not conform to the requirements of this Section and which results in an obstruction to the vision of motorists must be made to conform within one year from the effective date of this Code.

Watercourses. Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the Town Highway Superintendent or the Licensed Engineer. 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 Town Highway Superintendent or the Town Engineer.

Section 274. Street Names

Type of Name. All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board after coordination with the E911 Office. In general, streets shall have names and not numbers or letters.

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 in this County, 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 80 degrees without a change in street name.

Section 275. Lots

Lots to be Buildable. The lot arrangement shall be such that in constructing a building In compliance with this Code, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage that later creation of a second building lot at the front or rear.

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

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, and to avoid obstruction of free visibility at the roadway intersection (see Section 273.21).

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Driveway Access. Driveway access and grades shall conform to specifications of the applicable State, County, or Town Law. Driveway grades between the street and the setback line shall not normally exceed 4 percent for the first 20 feet and 10 percent for the remainder to the setback line. See Section 276 for additional driveway specifications for flag lots.

Access from Private Streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this Code.

Monuments and Lot Corner Markers. Permanent monuments meeting specifications Approved by the Town Engineer as to size, type, and installation, shall be set at such block corners, angle points, points of curves in streets, and other points as the Town Engineer may require, and the location of such monuments shall be shown on the subdivision plat.

Section 276. Flag Lots

Flag lots may be approved by the Planning Board whenever the land involved is of a peculiar shape or size, is subject to unreasonable property or parcel limitations, is affected by unusual topographical conditions, or is devoted to such use that it is impossible, impractical, or undesirable for the subdivider to fully conform to the requirements for conventional lots. Flag lots should not be used to avoid the construction of roads if the construction of a road is feasible. Dimension regulations for flag lots are found in Sections 276.2-276.6 and replace the dimension regulations for zoning districts.

Lot Area. The minimum lot area of flag lots shall be twice the area of conventional lots. The area of the flagpole shall not be included in the calculation of lot area (see Figure 2-B).

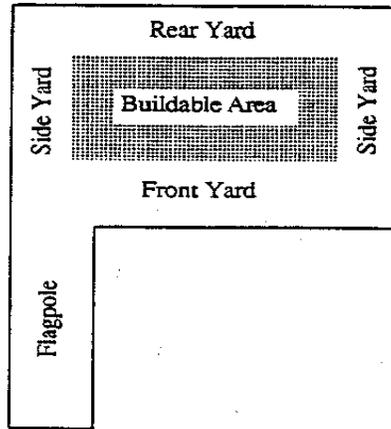
A lot without either public water or sewer shall have a minimum area of 1 acres (43,560 square feet).

A lot with public sewer and/or public water shall have a minimum area of ½ acre.

Flagpoles. Flagpoles shall have a minimum width of 20 feet/6.2 meters and a Maximum width of 50 feet/15.3 meters. Flagpoles shall be free of buildings, structures, and accessory buildings and structures.

Setbacks. Flag lots are required to have the following minimum building setbacks:

Figure 2-B. Flag Lot.



Front Yard: 30 feet/9 meters

Side and
Rear Yards: Primary structure: 25 feet/7.5 meters
Accessory building or structure: 6 feet/1.8 meters

Coverage. The maximum lot coverage on flag lots shall be 30%.

Building Height. Maximum building and structure height shall be as indicated in the dimension regulations for zoning districts.

Driveways. Driveways shall have a maximum length of 1,000 feet/307 meters, as Measured from the pavement of the public road.

Shared Driveways. If two to four flag lots are proposed in an area, a shared driveway will be encouraged to prevent side by side driveways and multiple entry points to the public road.

Land Use. Only one and two family dwellings and their accessory uses are permitted on flag lots.

Section 277. Drainage Improvements

Removal of Spring and Surface Water. The subdivider may be required by the Planning Board to carry away by pipe or watercourse 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.

Drainage Structure to Accommodate Potential Development Upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from the entire

upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on the Town Highway Specifications to handle a 50 year storm under the roadway and 25 year storm on all other facilities, under conditions of total potential development permitted by this Code in the watershed.

Responsibility for 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 based on the Town Highway Specifications. 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 such condition.

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 the hazardous conditions (see local Town Law concerning regulation of development in Flood Hazard Areas).

Section 278. Parks, Open Spaces, and Natural Features

Recreation Areas Shown on the Official Map. Where a proposed park, playground, or open space shown on the official map 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 specified in Section 278.2. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

Parks and Playgrounds Not Shown on the Official Map. The Planning Board shall Require that the plat shows 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 3 acres/1.2 hectares of recreation space be provided per 100 dwelling units shown on the plat, however, in no case shall the amount be more than 10 percent of the total area of the subdivision. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

Information to be Submitted. In the event that an area is designated to be used for a park or playground the subdivider shall submit, prior to final approval, to the Board, ten prints (one on mylar) drawn in ink and showing, at a scale not smaller than 1:300, such area and the following features thereof:

The boundaries of the area, giving lengths and bearings of all straight lines, radii, lengths, central angles, and tangent distances of all curves.

Existing features such as brooks, ponds, clusters of trees, rock outcrops, and structures.

Existing, and if applicable, proposed changes in grade and contours of the area and of areas immediately adjacent.

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 purpose cannot be properly located therein, or if in the opinion of the Board

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it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the Town of Romulus of two hundred dollars (\$200) per gross acre of land which otherwise would have been acceptable as a recreation site. The amount of land which

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park, playground, or other recreational purposes, and

Is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies, and

Shall be used for park, playground, or other recreational land acquisition or improvements.

Such money may also be used for the physical improvements of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, providing the Planning Board finds there is a need for such improvements.

278.5 Reserve Strips Prohibited. 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.

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, water courses and falls, beaches, historic spots, vistas, and similar irreplaceable assets. No tree with a circumference of 25 inches/60 centimeters or more as measured 3 feet/1 meter above the base of the trunk shall be removed unless the tree is within the right-of-way of a street as shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a circumference of 25 inches/60 centimeters or more as measured 3 feet/1 meter above the base of the trunk be removed without prior approval by the Planning Board.

Sections 279: Reserved

Section 280. Waivers of Certain Required Improvements

Where the Planning Board finds that due to the 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 Comprehensive Plan, or the Zoning Ordinance.

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.