

SUBDIVISION REGULATIONS: Town of Manheim, New York

ARTICLE I: AUTHORITY AND DECLARATION OF POLICY

Section 101 Authority

By authorize of the resolution of the Town Board of the **Town of Manheim**, adopted on May 27, 1975, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Manheim is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely of partially undeveloped plats already filed in the office of the **County Clerk** and to approve preliminary plats for the Town of Manheim, outside the Village of Dolgeville.

Section 102 Policy

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 means, among other things that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace. That proper provision shall be made for drainage, water supply, sewerage and other needed improvements. That all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. That the proposed streets shall compose a convenient system conforming to the Official Map, if such exists and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. 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 Manheim Subdivision Regulations** have been adopted by the **Planning Board** on May 15, 1975 and approved by the **Town Board** on May 27, 1975.

ARTICLE 11: DEFINITIONS

Section 201 DEFINITIONS

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

CLERK OF THE PLANNING BOARD: Means that person who shall be designated to perform the duties of the clerk of the Planning Board for all purposes of these regulations.

EASEMENT: Means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER: Means a person licensed as a professional engineer by the State of New York.

MASTER OR COMPREHENSIVE PLAN: Means a comprehensive 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.

OFFICIAL MAP: Means the map established by the Town Board pursuant to Section 270 of the Town Law, showing streets, highways, and parks and drainage, both existing and proposed.

PLANNING BOARD OR BOARD: Means the Planning Board of the Town.

PRELIMINARY PLAT: Means a drawing or drawings clearly marked “**Preliminary Plat**” showing the layout of a proposed subdivision, as specified in Article V, Section 503 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SKETCH PLAN: Means a drawing of a proposed subdivision showing the information specified in Article V, Section 501 of these regulations to enable the sub divider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

STREET: Means and includes streets, roads, avenues, lanes, or other traffic ways, between right of way lines.

STREET COLLECTOR: Means a street which serves or is designated to serve as a traffic way for a neighborhood or as a feeder to a major street.

STREET, MAJOR: Means 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: Means a street intended to serve primarily as an access to abutting properties.

STREET, DEAD-END OR CUL-DE-SAC: Means a street or a portion of a street with only one vehicular traffic outlet.

STREET PAVEMENT: Means the wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH: Means the width of right of way, measured at right angles to the center line of the street.

SUBDIVIDER: Means 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: Means the division of any parcel of land into five or more lots, blocks, or sites, with or without streets or highways and includes resubdivision, except that the division of parcel of land into not more than four parcels, none of which is smaller than ten acres each and which does not involve any new street or easement access shall not constitute a subdivision under the terms of these subdivision regulations.

SUBDIVISION MAJOR: Means any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

SUBDIVISION MINOR: Means any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map, or Zoning Ordinance, if such exist, or these regulations.

SUBDIVISION PLAT OR FINAL PLAT: Means 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: Means a person licensed as a land surveyor by the State of New York.

TOWN ENGINEER: Means the duly designated engineer of the Town.

ARTICLE III: PROCEDURE IN FILING SUBDIVISION APPLICATIONS

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 erection of a structure in such proposed subdivision shall be granted, the sub-divider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

Section 301 SKETCH PLAN

A. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Clerk of the Planning Board at least ten 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 501, for the purposes of classification and preliminary discussion.

B. Discussion of Requirements and Classification

The sub-divider, or his duly authorized representative, shall attend the meeting of the Planning Board 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.

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 the Sketch Plan is classified as a Minor Subdivision, the sub-divider shall then comply with the procedure outlined in Section 302 of these regulations. If it is classified as a Major Subdivision, the sub-divider shall then comply with the procedures outlined in Section 303, 304, and 305.

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 302 APPROVAL OF MINOR SUBDIVISION

A. Application and Fee

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the sub-divider 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 reclassification. 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 in Article V, Section 502, subsection A. All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee in an amount prescribed from time to time by resolution of the Town Board.

B. Number of Copies

Five copies of the Subdivision Plan shall be presented to the Clerk of the Planning Board at the time of submission of the Subdivision Plat.

C. Sub-divider to Attend Planning Board Meeting

The sub-divider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Sub-division Plat.

D. When Officially Submitted

The time of submission of the Sub-division 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 V, Section 502 of these regulations, has been filed with the Clerk of the Planning Board.

E. 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 a newspaper of general circulation in the Town at least five (5) days before such hearing.

F. Action on Sub-division Plat

The Planning Board shall, within forty-five (45) days from the date of public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the Sub-division Plat. This time may be extended by mutual consent of the sub-divider 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 conditional approval. Within five (5) days of the resolution granting conditional approval, 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 sub-divider. The copy mailed to the sub-divider shall include a certified statement of such requirements which, when completed, will 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 a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approve 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 303 PRELIMINARY PLAT FOR MAJOR SUB-DIVISION

A. Application and Fee

Prior to the filing of an application for the approval of a Major Sub-division Plat, the sub-divider shall file an application for the approval of a Preliminary Plat of the proposed sub-division. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form describes in Article V, section 503 hereof. 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 303 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 in an amount prescribed from time to time by resolution of the Town Board.

B. Number of Copies

Five (5) copies of the Preliminary Plat shall be presented to the Clerk of the Planning Board at the time of submission of the Preliminary Plat.

C. Sub-divider to Attend Planning Board Meeting

The sub-divider, 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 sub-divided. Particular attention shall be given to the arrangement, the 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 unsub-divided, and the requirements of the Master Plan, the Official Map, and Zoning Regulations, 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 503 of these regulations, has been filed with the Clerk of the Planning Board.

F. Approval of the Preliminary Plat

Within forty-five (45) days after the receipt of such preliminary plat by the Clerk of the Planning Board the Planning Board shall hold a public hearing; the 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 a manner as it deems most appropriate for full public consideration of such preliminary plat. Within forty-five (45) days after the date of such hearing, the Planning Board shall approve, with or without modification or disapprove such preliminary plat and the ground with or without modification or disapprove such preliminary plat, and the ground of a modification, if any, or the ground 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 sub divider and the action on such plat, may be extended by mutual consent of the sub divider 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 submission of the plat in final form. Within five (5) days of approval of such preliminary plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed 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.

When granting such approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications 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 a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

Section 304 PLAT FOR MAJOR SUBDIVISION

A. Application for Approval and Fee

The Sub-divider 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 Sub-divisions shall be accompanied by a fee in an amount prescribed from time to time by resolution of 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 the Preliminary Plat.

B. Number of Copies

A sub-divider intending to submit a proposed Subdivision Plat for the approval of the Planning Board shall provide the Clerk of the Board with a copy of the application and three copies (one copy in ink on linen or a acceptable equal) of the plat, the original and one true copy of all offers of cession, covenants, and agreements and two 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 504 of these regulations, has been filed with the Clerk of the Planning Board.

D. Endorsement of State and County Agents

Water sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Herkimer County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the sub-divider with all necessary Town, County and State agencies. Endorsement and approval by the Herkimer County Department of Health shall be secured by the sub-divider before official submission of Sub-division Plat.

E. Public Hearing

Within forty-five (45) 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 days before such hearing, provided, however, that the Planning Board deems the Final Plat to be in substantial agreement with a preliminary plat approved under Section 303 of 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.

F. Action on Proposed Sub-division 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 forty-five (45) days after the date of such hearing. This time may be extended by mutual consent of the sub-divider and the Planning Board. Failure to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat.

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 sub-divider. The copy mailed to the sub-divider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Final Plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a Final Plat shall expire one hundred eighty (180) 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 305 REQUIRED IMPROVEMENTS

A. Improvements and Performance Bond

Before the Planning Board grants final approval of the Sub-division Plat, the sub-divider shall follow the procedure set forth in either sub-paragraph (1) of sub-paragraph (2) as follows:

- (1) In an amount set by the Planning Board the sub-divider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the sub-divider 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 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.
- (2) The sub-divider shall complete all required improvements to the satisfaction of the Town Planning Board. For any required improvements not so completed the sub-divider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Planning Board. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

B. Modification of Design and Improvements

If, at any time before, or during the construction of the required improvements, it is demonstrated to the satisfaction of the Planning Board that unforeseen conditions make it necessary, or preferable, to modify the location or design of such required improvements, they may, upon approval by a majority of their members, authorize modifications. (Provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver of intent of the Planning Board's approval and do not extend to the waiver of substantial alteration of the function of any improvements required by the Planning Board).

C. Review of Improvements

At least five (5) days prior to commencing construction of required improvements the sub-divider shall pay to the Town Clerk the inspection fee required by the Town Board. They shall notify the Town Board, in writing, of the time when they propose 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 Planning Board 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 specification filed by the sub-divider they shall so report such to the Town Board. The Town Board then shall notify the sub-divider, they shall so report such to the Town Board. The Town Board then shall notify the sub-divider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the sub-divider is in default on a previously approved plat.

Section 306 FILING OF APPROVED SUB-DIVISION PLAT

A. Final Approval and Filing

Upon completion of the requirements in Sections 4 and 5 above and notation to that effect upon the Sub-division 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. Any Sub-division Plat not so filed or recorded within thirty (30) days of the date upon which such plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

B. Plat Void if Revised After Approval

No changes, erasures, modifications, or revisions shall be made in any Sub-division Plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Sub-division Plat is recorded without complying with these requirements, the same 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 307 PUBLIC STREETS, RECREATION AREAS

A. Public Acceptance of Streets

The approval by the Planning Board of a Sub-division 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 Sub-division 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. 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.

ARTICLE IV: GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. 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 401 GENERAL

A. Character of Land

Land to be sub-divided 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

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Master Plan.

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 Planning Board.

Section 402 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 sub-division 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 sub-divided, 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 so laid out that their use by through traffic will be discouraged.

D. Special Treatment Along Major Streets

When a sub-division abuts or contains an existing or proposed major street, the Board may require services 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.

E. Provision for Future Sub-division

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

G. Dead-End Streets

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. Sub-divisions containing twenty (20) lots or more should have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Sub-division Plat for which a bond has been filed.

H. Block Size

Blocks generally shall not be less than 600 feet nor 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 20-foot 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 4-foot wide paved footpath be included.

I. Intersections of Minor Streets with Major or Collector Streets

Whenever possible minor streets shall be at least 500 feet apart where they cross or intersect major or collector roads. Such distance may be lessened by the Planning Board when necessary to provide access to property not otherwise accessible or when consistent with considerations of public safety.

J. Street Jogs

Street jogs with center line offsets of less than 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 sub-division shall bear a logical relationship to the topography to the property. 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.

M. Other Required Streets

Where a sub-division borders on, or contains 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 residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

Section 403 STREET DESIGN

A. Widths of Rights of Way

Streets shall have the following widths. (When not indicated on the Master Plan or Official Map, the classification of streets shall be determined by the Board.

	<u>Minimum ROW</u>	<u>Minimum Width Improved Surface</u>
Major Streets	66 feet	40-44 feet
Collector Streets	60 feet	36-40 feet
Minor Streets	50 feet	30 feet

B. Improvements

Streets shall be graded and improved in accordance with Town specifications. Storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants shall be provided as required by the Planning Board and necessary for public health, safety and general welfare.

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 road way and street line to simplify location and repair of lines when they require attention. The sub-divider 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 nor more than 4% for major or collector streets, or 8% for minor streets in residential zones, but in no case more than 3% 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.

G. Curve Radii at Street Intersections

All street right of way lines at intersections shall be rounded by curves of at least 20 feet radius.

H. Steep Grades and Curves, Visibility of Intersections

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 shown shaded on the sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, the 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 500 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. A landscaped or green area circle of a radius not exceeding 20 feet shall be provided in the center of turn-a rounds, to be reserved for the placement of snow removal from the street during winter months.

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 or other structures of design approved by the Planning Board.

Where a sub-division 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 street shall not be less than 400 feet on major streets, 200 feet on collector streets and 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 connection 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 404 STREET NAMES

A. Type of Name

All street names shown on a Preliminary Plat or Sub-division 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 with 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 street name.

Section 405 Lots

A. Lots to be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance 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 later 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 street lines, unless a variance from this rule will give a better street or lot plan.

C. Corner Lots

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

D. Driveway Access

Driveway grades between the street and the setback line shall not exceed 10 per cent.

E. Access from Private Streets

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

G. Monuments and Lot Corner Markers

Permanent monuments meeting specifications approved by the Planning Board 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 Planning Board may require, and their location shall be shown on the Sub-division Plat.

Section 406 DRAINAGE IMPROVEMENTS

A. Removal of Spring and Surface Water

The sub-divider 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 run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Planning Board 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 Ordinance for the watershed.

C. Responsibility from Drainage Downstream

The sub-divider's engineer shall also study the effect of each subdivision; this study shall be reviewed by the Planning Board. 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 407 PARKS, OPEN SPACES, AND NATURAL FEATURES

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 specified in paragraph (B) below. Such area or areas may be dedicated to the Town or County by the sub-divider if the Town approves such dedication.

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. An area equal to ten (10) percent of the total area of the sub-division shall be reserved for recreational space. Such area or areas may be dedicated to the Town or County by the sub-divider 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 sub-divider shall submit to the Board, prior to final approval, ten prints drawn to a scale of not less than thirty (30) feet to the inch, showing such area and the following features thereof:

- (1) The boundaries of the said area, giving 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 sub-division, land for park, playground or other recreation purpose 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. The Board may then require as a condition to approval of the plat a payment to the Town of an amount equivalent to ten (10) percent of the equalized assessed value of the land being sub-divided, exclusive of buildings and other improvements, as shown on the latest available assessment records. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Article IV, Section 407B.

Such amount shall be paid to the Town Board at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (a) is suitable for permanent park, playground or other recreational purposes, and (b) is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies, and (c) shall be used only for park, playground or other recreational land improvement 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.

E. Reserve Strips Prohibited

Reserve strips of land, which might be used to control access from the proposed sub-division to any neighboring property, or to any land within the sub-division 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, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

Section 408 REQUIRED SEWER AND WATER IMPROVEMENTS

A. Required Water Supply Improvements

A public water supply system designed and installed in conformance to standards and procedures of the State Health Department, shall be provided at the expense of the sub-divider, upon approval of the Planning Board. The system shall consist of cast iron mains of not less than six inch diameter, installed at least five feet below the finished grade.

If, in the opinion of the Planning Board, service to each lot by a public water supply system is not feasible, the Board may allow individual wells to be provided, which shall be installed at the expense of the sub-divider. Such wells shall be designed and installed to standards of the State Health Dept., or as herein-after specified.

B. Required Sewage Disposal Improvements

A sanitary sewer system designed and installed in conformance to standards and procedures of the State Health Department, shall be provided at the expense of the sub-divider, upon approval of the Planning Board. The system shall consist of cast iron or approved tile pipes not less than eight inches in diameter, and laid at such depths below finished grade as necessary to provide adequate sewerage facilities to every dwelling or other habitable structure within the subdivision. The sanitary sewer system shall not be used for storm drainage.

If, in the opinion of the Planning Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used, which shall be installed to standards of the State Health Department or as herein-after specified.

C. Minimum Distance Between Walls and Possible Contaminants

No well shall be located within 150 feet of any disposal tile field, nor within 100 feet of a septic tank or sewer line. Where possible the well shall be located in the rear yard, and the well head shall be at a higher elevation than any disposal tile field.

D. Minimal Residential Lot Sizes in Areas Without Public Sewer and Water Systems

The minimum single family lot sizes in areas without public sewage disposal and/or water supply systems are as follows: (In all instances where the zoning ordinance and these regulations specify different minimum lot sizes, the larger requirement shall apply).

Minimum lot areas where average slope of lot does not exceed fifteen (15) percent:

<u>Absorption Time For 1" fall</u>	<u>Public Water Septic Tank</u>	<u>Private Well & Septic Tank</u>
0-10 minutes	30,000 sq. feet	40,000 sq. feet
11-20 minutes	35,000 sq. feet	45,000 sq. feet
21-30 minutes	40,000 sq. feet	50,000 sq. feet
31-40 minutes	45,000 sq. feet	55,000 sq. feet
Over 40 minutes	50,000 sq. feet	Not Permitted

If average slope of lot exceeds fifteen percent, add 5,000 square feet to each minimum lot area requirement.

ARTICLE V: DOCUMENTS TO BE SUBMITTED

Section 501 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 as 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 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 (Section 502 A5) within the subdivided area.
 - (7) All existing restrictions on the use of land including easements, covenants, or zoning lines.
 - (8) The date, north point, map scale, name and address of record owner and subdivider, the name of the proposed subdivision, and the name, address, license number and seal of Professional advisors preparing the plans.
 - (9) Total acreage of the subdivision; number of lots proposed; building types, approximate size and cost.

Section 502 MINOR SUBDIVISION PLAT

- A. Ten copies of the minor plat prepared at a scale of not more than one hundred (100) feet to the inch. The plat Application shall include the following information in addition to all applicable information required for Sketch Plan:

- (1) 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.
- (2) A certificate issued by the authorized city 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.
- (3) Copies of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (4) 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 Planning Board and shall be referenced and shown on the plat.
- (5) All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the Board of Health, and a note of this effect shall be stated on the plat and signed by a licensed engineer.
- (6) Proposed subdivision name, name of the Town and County in which it is located.
- (7) The date, north point, map scale, name and address of record owner and subdivider.
- (8) 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 sheet shall be no larger than 24 inches by 36 inches.

Section 503 MAJOR SUBDIVISION PRELIMINARY PLAT & ACCOMPANYING DATA

The following documents shall be submitted for approval:

- A. Ten 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, in addition to all applicable information required for the Sketch Plan:
 - (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 district lines and/or the zoning ordinance 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, water courses, 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 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 sewer disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.

- (10) Storm Drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
 - (11) 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.
 - (12) Preliminary designs of any bridges or culverts which may be required.
 - (13) The proposed lot lines with approximate dimensions and area of each lot.
 - (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements 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 highway or public open space shown on the subdivision or the official map.
 - (15) An actual field survey of the boundary lines of the tract, giving complete description 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 Planning Board, and shall be referenced and shown on the plat.
- B. If the application covers only part of the subdivider's entire holding, a map of the entire tract, drawn to scale of not less than three hundred (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 city 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. Copies of such covenants or deed restrictions as are intended to cover all or part of the tract.

Section 504 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 sheets shall be no larger than twenty-four (24) inches by thirty-six (36) inches, including a margin for binding of two (2) inches, outside of the border, along the left side and a margin of one (1) inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than one hundred (100) feet to the inch 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:

- (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, name, license number and seal of the licensed land surveyor.
- (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- (3) Sufficient data acceptable to the Planning Board 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 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 unneeded 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 specification of the Planning Board. 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 Planning Board and their location noted and referenced upon the plat.
- (9) All lot corner markers shall be permanently located satisfactorily to the Planning Board, at least three-quarter (3/4) inches (if metal) in diameter and at least twenty-four (24) inches in length and located in the ground to existing grade.
- (10) Monuments of a type approved by the Planning Board 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 Planning Board.
- (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 section 305, Subsection A (2), then 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 Section 305, subsection A (1), such bond neither shall nor be released until such a map is submitted in a form satisfactory to the Planning Board.

ARTICLE VI; WAIVERS

Section 601 WAIVER OF REQUIREMENTS

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 Master Plan, or the Zoning Ordinance.

Section 602 SUBSTITUTION OF REQUIREMENTS

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 VIII: SEPARABILITY

Section 701 SEPARABILITY CLAUSE

If any clause, sentence, subdivision, paragraph, section or part of these regulations be adjusted by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confirmed 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.

SUBDIVISION REGULATIONS, TOWN OF MANHEIM, NEW YORK

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4	Section 303	Preliminary Plat for Major Subdivision
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9	Section 402	Street Layout
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ARTICLE V: DOCUMENTS TO BE SUBMITTED

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ARTICLE VI: WAIVERS

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TOWN OF MANHEIM
6356 ST RTE 167
PO BOX 32
DOLGEVILLE, NY 13329

SUBDIVISION REGULATIONS

SUB-DIVISION FEE SCHEDULE

MINOR (1-4 Lots)

Sketch Plan Conference	No Charge
Preliminary Plat Application	\$500.00 + \$250.00 per lot
Final Plat Application	\$1000.00 + \$500.00 per lot

MAJOR (5 or more lots)

Sketch Plan Conference	No Charge
Preliminary Plat Application	\$1000.00 + \$500.00 per lot
Final Plat Application	\$2000.00 + \$750.00 per lot

The Developer will be responsible for all costs incurred by the Town related to the sub-division, including but not limited to engineering, legal, SEQR. Payment of these costs shall be made in full prior to final approval by the Planning Board.

Adopted: March 22, 2011