

Chapter 91

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**Application for Preliminary Plat Approval for
Major Subdivision**

**Application for Final Plat Approval for Major
Subdivision**

[HISTORY: Adopted by the Town Board of the Town of Watertown 7-17-1986 by L.L. No. 1-1986; amended in its entirety 10-3-2002 by L.L. No. 2-2002. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Driveways — See Ch. 49.

Fees — See Ch. 52.

Flood damage prevention — See Ch. 60.

On-site sewage disposal and sewer district regulations — See Ch. 77.

Site plan review — See Ch. 87.

Zoning — See Ch. 107.

Highway specifications — See Ch. A111.

Water district rules — See Ch. A113.

ARTICLE I General Provisions

§ 91-1. Statutory authorization.

Pursuant to the authority granted to the Town in § 10 of the Municipal Home Rule Law and §§ 276, 277 and 278 of the Town Law, the Town Board of the Town of Watertown authorizes and empowers the Planning Board of the Town of Watertown to approve plats within that part of the Town of Watertown outside the limits of any incorporated city or village and to pass and approve the development of plats already filed in the office of the Clerk of Jefferson County if such plats are entirely or partially undeveloped. The Planning Board is authorized and empowered to approve or disapprove changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the office of the Clerk of Jefferson County and to approve or disapprove the laying out, closing off or abandonment of streets, highways or public areas, under the provisions of the Town and Highway Laws, within that part of the Town of Watertown outside the limits of any incorporated city or village.

§ 91-2. Title.

This chapter shall be known as the "Subdivision Control Law of the Town of Watertown."

§ 91-3. Purpose.

The purpose of this chapter is to provide for orderly, efficient growth within the community and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.

§ 91-4. Administrative agency designated.

This Subdivision Control Law shall be administered by the Planning Board and the Subdivision Inspector.

§ 91-5. Waiver of requirements.

The Board may waive, subject to appropriate conditions, the provision of any or all of such improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

§ 91-6. Fees.

Application fees shall be set by Town Board resolution.

§ 91-7. Definitions.

For the purpose of this chapter, words and terms used herein are defined as follows:

CLUSTER DEVELOPMENT — A form of development for subdivisions that permits a reduction in lot area requirements for some or all lots in a tract, provided there is no increase in the number of lots permitted under a conventional subdivision, and where the resultant land is either devoted to permanent open space, or is permanently combined with the remainder of the lots, where only some of the lots are reduced in area.

FINAL PLAT — A drawing, in final form, showing a proposed subdivision, containing all information or detail required by law and by this chapter, to be presented to the Planning Board for approval and which, if approved, must be filed or recorded by the applicant in the office of the County Clerk.

GENERAL PLAN — A comprehensive or master plan for the development of the Town prepared by the Planning Board pursuant to § 272-a of the Town Law.

OFFICIAL SUBMISSION DATE — The date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

PLANNING BOARD — The Town of Watertown Planning Board.

PRELIMINARY PLAT — A drawing or drawings, clearly marked "preliminary plat," showing the layout of a proposed subdivision, 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.

REALLOTMENT — The relocation of lot lines of any lot or parcel, the deed to which was previously recorded in the office of the County Clerk; but not including conveyances made so as to combine existing lots by deed or other instrument.

RESUBDIVISION — The further division of lots or parcels.

SKETCH PLAN — A sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this chapter.

SUBDIVISION — The division of any parcel of land into two or more lots or parcels, including any remainder of the original parcel, with or without roads. A reallotment or a resubdivision shall be considered a subdivision.

SUBDIVISION INSPECTOR — Any person appointed, designated or otherwise retained by the Town Board to carry out the functions assigned to such person according to this chapter.

SUBDIVISION, MAJOR — A subdivision not classified as a minor subdivision.

SUBDIVISION, MINOR — A subdivision containing two to five lots or parcels, and not involving:

- A. The creation of any new public road;
- B. The dedication of lands or facilities to the public;
- C. The extension of public water or sewerage facilities; or
- D. The set-aside of open space through cluster development.

UNDEVELOPED PLAT — Those plats where 20% or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

ZONING LAW — The Zoning Law of the Town of Watertown.¹

ARTICLE II Review and Approval Procedure

§ 91-8. General provisions.

- A. Minor subdivisions shall be processed in the following stages:

1. Editor's Note: See Ch. 107, Zoning.

- (1) Sketch plan conference (optional).
 - (2) Public hearing.
 - (3) Final plat approval.
- B. Major subdivisions shall be processed in the following stages:
- (1) Sketch plan conference (optional).
 - (2) Public hearing.
 - (3) Preliminary plat approval.
 - (4) Public hearing (optional).
 - (5) Final plat approval.

§ 91-9. Preapplication procedure.

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site; study the site suitability and opportunities for development; discuss financing, planning and marketing with the lending institutions; and develop a preliminary layout in sketch form which in turn should be submitted to the Planning Board for advice and assistance, including a preliminary environmental assessment form (EAF).

§ 91-10. Sketch plan conference.

- A. The subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Clerk will notify the subdivider of the time, date and the place that the Planning Board will meet to consider and review such sketch plan and the program as they relate to the Community General Plan, design standards and improvement requirements. This meeting is intended to assist the subdivider in the

planning and preparation of the preliminary or final plat to save him both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision by the Planning Board as defined by this chapter. Subdivisions classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat, which shall be required for a major subdivision.

- B. This step does not require formal application, fee or filing with the Planning Board.
- C. The Planning Board may waive the application and review procedure as provided for in this chapter if the Planning Board determines that the proposed subdivision is of minor significance. Such waiver shall be in writing, and shall include the following findings:
 - (1) The proposed subdivision does not involve the creation of more than two lots within a three-year period, or is a reallotment involving not more than two lots.
 - (2) The applicant has provided evidence acceptable to the Planning Board that all proposed lots conform to the requirements of the Zoning Law.² Such evidence may consist of proposed deeds, plot plans or surveys of the lands included in the proposed subdivision, or of part of the lands included in the proposed subdivision where such part provides the Planning Board with evidence sufficient to make a determination.
 - (3) The proposed subdivision has no environmentally significant impact pursuant to 6 NYCRR Part 617.

2. Editor's Note: See Ch. 107, Zoning.

§ 91-11. State Department of Health approval.

New York State Department of Health approval shall be required for any subdivision containing five or more lots of five acres or less each, subdivided within any consecutive three-year period. Early contact by the subdivider with this department is advised.

§ 91-12. Preliminary plat.

All major subdivisions shall be subject to the preliminary plat requirements as specified herein. The subdivider shall file an application for approval of the preliminary plat on forms available at the Town office, accompanied by all documents specified in Article III herein.

- A. Submission of complete application. The application shall not be considered complete until all information as required in Article III of this chapter is provided, and either a negative declaration has been filed, or a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of 6 NYCRR Part 617. Upon acceptance of a completed application, the Planning Board shall establish the official submission date of the application.
- B. Area variance. Where the application shows lots which are not in compliance with the Zoning Law,³ the Planning Board may, at its discretion, refer the application to the Zoning Board of Appeals for the consideration of an area variance review prior to the commencement of the Planning Board review.
- C. Review of subdivision. Following the review of the preliminary plat and supplementary material submitted for conformity to this chapter and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the

3. Editor's Note: See Ch. 107, Zoning.

Planning Board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the plat. The subdivider shall attend the hearing. This hearing shall also fulfill the requirements of the State Environmental Quality Review Act. Within 62 days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the preliminary plat and state its reasons for disapproval. 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.

- D. Notice of public hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate. The applicant shall provide notice of the hearing to the owners of all land immediately adjacent to the proposed subdivision, including land immediately opposite any adjacent rights-of-way such as streets, roads, highways, or railroads. The applicant shall provide proof of service to the Planning Board.
- E. SEQR review. The lead agency in the state environmental quality review process will be responsible for the making of a negative declaration or completion of a final environmental impact statement (EIS). Statement findings must accompany approval of plat. If a draft and/or final EIS is required, the applicant will be responsible for its preparation.
- F. Notice of decision. Within five days of approval, the action of the Planning Board shall be noted on three copies of the preliminary plat and reference made to any modifications determined. One copy shall be returned by mail to the subdivider and the other two copies shall be retained by the Planning Board.
- G. Effect on approval. Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat

shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with this chapter and all requirements set forth by the Planning Board in its review of the preliminary plat and any other State Health Department requirements.

§ 91-13. Final plat.

All subdivisions, as defined herein, shall require final plat approval by the Planning Board. The subdivider shall file an application for final plat approval on forms available at the Town office, accompanied by documentation as specified in Article III herein, with the Planning Board. Such application shall be submitted at least 10 days prior to the meeting at which it is to be considered by the Planning Board and no later than six months after the date of the preliminary plat approval.

- A. Submission of complete application. The Planning Board shall establish an official submission date for the major subdivision final application. Such date shall be the date that the Planning Board determines the application to be complete, including all information required in Article III of this chapter.
- B. Public hearing.
 - (1) A public hearing shall be held by the Planning Board after a complete application is filed and prior to rendering a decision, unless waived pursuant to Subsection D below. This hearing shall be held within 62 days of the official submission date of the plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve or disapprove the final plat within 62 days of the public hearing. 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.

- (2) If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the provision violated by the plat. Failure of the Planning Board to render a decision within the stated sixty-two-day period shall be deemed final approval of the plat.
- C. Notice of public hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The applicant shall provide notice of the hearing to the owners of all land immediately adjacent to the proposed subdivision, including land immediately opposite any adjacent rights-of-way such as streets, roads, highways, or railroads. The applicant shall provide proof of service to the Planning Board.
- D. Waiver of public hearing. If the final plat is in substantial agreement with the preliminary plat, the Planning Board may waive the second public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve or disapprove the plat within 62 days of the official submission date.
- E. Notice of decision. Within five days of approval, the subdivider shall be notified by mail of the final action of the Planning Board. He shall record the final plat or section thereof in the office of the Clerk of Jefferson County, New York, within 62 days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the office of the Clerk of Jefferson County, New York.
- F. Conditional approval. Upon 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 conditional approval resolution. The plat shall be certified by the Planning Board Chairman. A certified statement of the requirements shall accompany the plat, which, when

completed, will authorize the signing of the conditionally approved final plat. Upon completion of the requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting conditional approval. The Planning Board may, however, extend the expiration time not to exceed two additional periods of 90 days each.

G. Filing of plats in sections.

- (1) Prior to granting conditional or final approval of a plat in final form, the Town Planning Board may permit the plat to be subdivided into two or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to ensure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.
- (2) In the event that the owner shall file only a section of such approved plat in the office of the County Clerk or Registrar, the entire approved plat shall be filed within 30 days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least 10% of the total number of lots contained in the approved plat, and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of § 265-a of the Town Law.

ARTICLE III
Required Documents

§ 91-14. Information required for all applications.

The following information is required for all applications:

- A. The name and address of the subdivider and any professional advisers, including license numbers and seals.
- B. A map of the property, drawn at an appropriate scale on a sheet larger than 8 1/2 inches by 14 inches, showing:
 - (1) The subdivision name, scale, North arrow and date.
 - (2) The subdivision boundaries.
 - (3) All contiguous properties and names of owners.
 - (4) Existing and proposed roads, utilities and structures.
 - (5) Watercourses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
 - (6) Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, water supply and sewage disposal facilities.
 - (7) Land contours at intervals of 10 feet or other suitable indicators of slope, if deemed necessary by the Planning Board.
 - (8) The seal of the licensed land surveyor who prepared the plat, oversigned in red ink.
- C. A copy of the Tax Map(s).
- D. Existing restrictions on the use of land, including easements, covenants and zoning.
- E. The total acreage of the subdivision and number of lots proposed.

- F. The building types, approximate size and cost.
- G. No application for subdivision approval shall be considered complete unless and until the applicant certifies to the Planning Board that all real property taxes pertaining to the property on which the application is sought are fully paid.
- H. Percolation test results, performed in accordance with New York State Department of Health standards.

§ 91-15. Minor subdivisions.

The following shall be submitted with all applications for approval of a final plat for a minor subdivision:

- A. One copy of the plat to be submitted to the County Clerk, prepared in a form acceptable to the County Clerk, plus two paper copies.
- B. The information specified under § 91-14, updated and accurate.
- C. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The plat shall include the seal of the licensed land surveyor who prepared the plat, oversigned in red ink. The corners of the tract shall also be marked by monuments of such size and type as to be in accordance with the accepted standards of the surveying profession, and their locations shall be shown on the plat.
- D. Documents showing the results of an on-site sewage disposal evaluation conducted by a professional engineer, architect, surveyor, code enforcement officer, or other professional acceptable to the Planning Board.
- E. A copy of all covenants or deed restrictions intended to cover all or part of the tract.

- F. Additional information as deemed necessary by the Planning Board.
- G. Required fees.

§ 91-16. Preliminary plat for major subdivisions.

The following shall be submitted with all applications for approval of a preliminary plat for a major subdivision:

- A. Three copies of the plat map, drawn to scale. The map scale shall be drawn at an appropriate scale on a sheet larger than 8 1/2 inches by 14 inches.
- B. All information specified under § 91-14, updated and accurate.
- C. All parcels of land proposed to be dedicated to public use and the conditions of such use.
- D. Grading and landscaping plans.
- E. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
- F. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
- G. A stormwater management plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
- H. Plans and cross sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and subbase and the location of any underground cables.
- I. Preliminary designs for any bridges or culverts.

- J. The proposed lot lines with dimensions and area of each lot.
- K. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as to be in accordance with the accepted standards of the surveying profession, and their locations shall be shown on the plat.
- L. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
- M. A draft environmental impact statement, if required.
- N. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
- O. Additional information as deemed necessary by the Planning Board. **[Added 1-13-2003 by L.L. No. 1-2003]**
- P. Required fees.

§ 91-17. Final plat for major subdivisions.

The following shall be submitted with all applications for approval of a final plat for a major subdivision:

- A. One copy of the plat to be submitted to the County Clerk, prepared in a form acceptable to the County Clerk, plus two copies. The map scale shall be drawn at an appropriate scale on a sheet larger than 8 1/2 inches by 14 inches.
- B. The proposed subdivision name and the name of the town and county in which the subdivision is located; the name and address of the record owner and subdivider; the name,

address, license number and seal of the licensed land surveyor oversigned in red ink.

- C. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
- D. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
- E. 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 road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale and true North arrow.
- F. All offers of cession and any covenants governing the maintenance of uncaded open space shall bear the certificate of approval of the Town legal counsel as to their legal sufficiency.
- G. Permanent reference monuments shall be shown and constructed in accordance with the accepted standards of the surveying profession.
- H. All necessary approvals of the NYS Department of Health, NYS Department of Environmental Conservation, NYS Department of Transportation, Jefferson County Highway Department, and any other involved agency.
- I. An approved environmental impact statement, if required.
- J. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements and subbase and other facilities.

- K. Evidence of legal ownership of property.
- L. Deed restrictions, existing and proposed, in form for recording.
- M. A certificate by the Subdivision Inspector certifying that the subdivider has complied with one of the following alternatives:
 - (1) All improvements have been installed in accord with requirements of this chapter and with the action of the Planning Board giving approval of the preliminary plat; or
 - (2) A performance bond, irrevocable letter of credit or cashier's check or bank draft has been posted in sufficient amount as determined by the Town legal counsel to assure such completion of all required improvements.
- N. Any other data, such as certificates, affidavits, endorsements or other agreements, as may be required by the Planning Board in enforcement of this chapter.

§ 91-18. Waiver of certain requirements.

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

ARTICLE IV

Design Standards and Required Improvements

§ 91-19. Roads.

- A. Design standards.
 - (1) Conformity with General Plan. The arrangement, width, location and extent of roads should conform

and be in harmony with the General Plan for the Town. Roads not in the General Plan should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of land. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any subdivision providing for a new road.

- (2) Arrangement. Residential roads shall be designed to discourage through traffic whose origin and destination is not within the subdivision.
- (3) Marginal access roads. The Planning Board may require a marginal access road approximately parallel to and on each side of a state or county highway or railroad right-of-way at a distance suitable for an appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes. The marginal access road shall be required in those instances where the Planning Board finds that an excessive number of access points on the state or county highway may occur thereby diminishing the level of service on the thoroughfare, and in instances where general traffic circulation will be improved. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation. **[Amended 8-13-2009 by L.L. No. 1-2009]**
- (4) Intersections. Roads shall intersect one another at angles as near to a right angle as possible, and no intersections of roads at an angle of less than 60° shall be approved. Road intersections shall be rounded with a radius of 25 feet, measured at the right-of-way line, when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a

curve of radius acceptable to the Planning Board. Road jogs with center-line offsets of less than 200 feet shall be prohibited.

- (5) Dead-end roads. Each dead-end road shall be provided with a turnaround deemed sufficient by the Town Highway Superintendent. Turnarounds shall not be used for access to adjacent lots. Dead-end roads designed to be so permanently shall not be permitted unless provided with a turnaround.
 - (6) Access. In commercial and industrial districts, definite and assured provision shall be made for service access, such as off-road parking, loading and unloading, consistent with and adequate for the uses proposed.
 - (7) Names and numbers. Suggested names of new roads shall be submitted to the county by the Town, and shall not duplicate existing or platted roads. New roads which are extended from or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the Jefferson County emergency 911 numbering system.
 - (8) Trees. If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.
- B. Construction standards. Roads shall be constructed according to the standards adopted by the Town Board and outlined in Town of Watertown Local Highway Design Standards, prepared by the Office of the County Superintendent of Highways, as amended.⁴

4. Editor's Note: See Ch. A111, Highway Specifications.

§ 91-20. Sidewalks.

Sidewalks may be required and shall be installed as follows:

- A. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
- B. Sidewalks must be constructed to comply with Chapter 89, Article II, Sidewalk Installation, Construction and Maintenance. **[Amended 12-13-2007 by L.L. No. 3-2007]**
- C. Sidewalks, bike paths, or other pedestrian facilities shall be located in close proximity to schools, parks, businesses, existing neighborhoods, existing sidewalks, or roads with the potential for high traffic volumes. **[Amended 12-13-2007 by L.L. No. 3-2007]**

§ 91-21. Utilities.

Public utility improvements may be required and shall be installed as follows:

- A. Fire protection. Hydrants shall be of the size, type and location specified by the Insurance Services Organization and/or the Town of Watertown Fire Department.
- B. Street lighting. Poles, brackets and lights shall be of the size and type approved by the local power company and in a location approved by the Planning Board.
- C. Electricity. Power lines shall be placed underground and shall be approved by the local power company.
- D. Utility services. Utility services shall be located from six to eight feet from the front property line to the center line of the utility service between the sidewalk and curbline.

§ 91-22. Water.

- A. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, the Planning Board can require the installation of such a system as a condition to the approval of the proposed plat, and such system shall be installed at the sole expense of the subdivider and approved by the Town Board and the New York State Department of Health.
- B. Where water supply is provided through individual wells, the wells shall be constructed pursuant to NYS Department of Health standards.

§ 91-23. Sewers.

- A. If, in the opinion of the Planning Board, it is feasible and desirable to require a municipal sanitary sewer system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board in accordance with plans approved by the New York State Department of Environmental Conservation and Town Board.
- B. All on-site sanitary sewage treatment systems shall meet the requirements of the New York State Department of Health and Department of Environmental Conservation to the satisfaction of the Planning Board.
- C. Dry sewers may be required in those parts of the Town deemed by the Planning Board to have sufficient population density to merit community sanitary sewer systems in the future. Such requirements shall be in harmony with the General Plan for the Town.

§ 91-24. Lots.

- A. Location. All lots shall abut by their full frontage on public roads to ensure suitable access. Lots located in the Business District intended for commercial development

may be located on private roads. [**Amended 7-28-2011 by
L.L. No. 4-2011**]

- B. Dimensions. The lot size, width, depth, shape and area shall comply with the Town Zoning Law.⁵
- C. Pedestrian easements. In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements at least 20 feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.
- D. Setback. The provisions of the Town's Zoning Law⁶ shall apply regarding setback lines.
- E. Lot lines. Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large-size lots and except when dictated by topography, lot lines shall be straight.
- F. Buildability. The lot arrangements shall be such that in constructing a building in compliance with the Zoning Law,⁷ there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unsuitable soils.
- G. Lot depth to width. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be prohibited.

§ 91-25. Preservation of features.

Unique physical features, such as historic landmarks and sites, rock outcrops, hilltop lookouts, desirable natural contours and similar features, shall be preserved where possible. All surfaces must be graded and restored within six months of completion of subdivision so that no unnatural mounds or depressions are left. Original topsoil moved during construction shall be

5. Editor's Note: See Ch. 107, Zoning.

6. Editor's Note: See Ch. 107, Zoning.

7. Editor's Note: See Ch. 107, Zoning.

returned, where practicable, stabilized by approved methods, and undeveloped areas shall be returned to original condition. Damage to existing trees should be avoided.

§ 91-26. Open space.

- A. Upon a finding by the Planning Board that a proper case exists for requiring that park/recreational space be suitably located on the plat for playgrounds or other recreational purposes, the Planning Board may require that the developer satisfactorily develop any such area shown on the plat. Any such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision will contribute. Upon such finding, the Planning Board shall require that not more than 10% of the total area of the subdivision be allocated for park or recreational use. Such area may be dedicated to the Town by the subdivider if the Town Board approves such dedication. Alternatively, park or recreational space may be conveyed to a homeowners' association for control and joint private ownership and maintenance.
- B. The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Town as water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

§ 91-27. Stormwater management.

No stormwater shall be caused to be discharged upon neighboring properties, across public sidewalks or into public streets. Surface water drainage facilities shall be designed to handle all on-site runoff (ten-year-storm frequency as the minimum design criteria), and the discharge into public storm sewers shall be at a rate which can be adequately handled by existing storm sewers and drainageways. Where storm sewers

do not exist, the Planning Board may approve alternative means of discharging stormwater upon approval of a stormwater management plan, where such alternative adequately protects the public health, safety and welfare.

ARTICLE V Improvement Guaranties

§ 91-28. Agreements required; types.

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, public water supply, sewage disposal, road signs, sidewalks and road surfacing will be constructed, the subdivider shall enter into one of the following agreements with the Town:

- A. Construct all improvements directly affecting the subdivision, as required by this chapter and by the Planning Board, prior to final approval of the plat.
- B. In lieu of the completion of the improvements, furnish a bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board after consultation with a professional engineer.
- C. In lieu of the completion of improvements, deposit a certified check or provide an irrevocable letter of credit in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

§ 91-29. Conditions.

- A. Before the final plat is approved, the developer shall have executed a subdivider contract with the Town, and a performance bond, irrevocable letter of credit, or cashier's check or bank draft shall have been deposited covering the

estimated cost of the required improvements that have been designated by the Planning Board.

- B. The performance bond cashier's check or bank draft shall be to the Town and shall provide that the subdivider, his heirs, successors and assigns, their agent or servants will comply with all applicable terms, conditions, provisions and requirements of this chapter and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such applicable laws and regulations.
- C. Any such bond shall require the approval of the Town Board and the Town legal counsel as to form, sufficiency, manner of execution and surety.
- D. Wherever a cashier's check or bank draft is made or irrevocable letter of credit provided, the same shall be made payable to the Town.

§ 91-30. Extension of time.

The construction or installation of any improvements or facilities for which guaranty has been made by the subdivider shall be completed prior to the expiration of any conditional approval granted by the Planning Board pursuant to § 91-13F of this chapter. The subdivider may request an extension of time, provided that he can show reasonable cause for inability to perform said improvements within the required time, at the end of which time the Town may use as much of the guaranty to construct the improvements as necessary. The same shall apply whenever the construction of improvements is not performed in accordance with applicable standards and specifications.

§ 91-31. Schedule of completion.

When a cashier's check or bank draft or performance bond is made pursuant to the preceding sections, the Town and

subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, 10% of the check deposit or performance bond shall not be repaid to the subdivider until one year following the completion, inspection and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.

§ 91-32. Modifications.

Upon approval by the Town Board, the Planning Board, after due notice and public hearing, may modify its requirements for any or all improvements, and the face value of the performance bond shall thereupon be increased or reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board, and any security deposited with the bond may be increased or reduced proportionately.

§ 91-33. Inspections.

Periodic inspections during the installation of improvements shall be made by the Subdivision Inspector to ensure conformity with the approved plans and specifications as contained in the subdivider's contract and this chapter. The subdivider shall notify the Subdivision Inspector when each phase of improvements is ready for inspection. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required as determined by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his representative, and such letter shall be sufficient evidence for the release by the Town of the portion of the guaranty as

designated in the subdivider's contract to cover the cost of such completed work.

§ 91-34. Acceptance.

When the Subdivision Inspector, following final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installation and improvements have been completed in accordance with the subdivider's contract, the Town Board may, by resolution, proceed to accept the facilities for which guaranty has been posted.

**ARTICLE VI
Miscellaneous Provisions**

§ 91-35. Penalties for offenses.

- A. A violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both such fine and imprisonment for a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both such fine and imprisonment; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment not to exceed six months, or both such fine and imprisonment. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purposes only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional offense.
- B. In addition to the penalties provided by statute, the Town Board may also maintain an action or proceeding in the

name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 91-36. Certification; filing with county.

The Town Clerk is hereby directed to forthwith file a certified copy of this chapter and all amendments thereto with the Clerk of Jefferson County.

**ARTICLE VII
Cluster Development**

§ 91-37. Authority.

The Planning Board is authorized and empowered pursuant to § 278 of the Town Law to modify certain provisions of the Zoning Law⁸ as allowed by this article, simultaneously with the approval of any subdivision application within the Town.

§ 91-38. Applicable provisions. [Amended 8-13-2009 by L.L. No. 1-2009]

The Planning Board may consider, or require, applications for major subdivisions which include the following deviations from the Zoning Law⁹ for any one of the following purposes:

- A. To eliminate side and rear yard requirements to allow for innovative attached housing types and commercial development;
- B. To reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;

8. Editor's Note: See Ch. 107, Zoning.

9. Editor's Note: See Ch. 107, Zoning.

- C. To reduce road frontages to allow cul-de-sacs and turnarounds for residential and commercial uses;
- D. To reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

§ 91-39. General criteria. [Amended 8-13-2009 by L.L. No. 1-2009]

The Planning Board may allow, or require, cluster development when the proposed development:

- A. Will be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, as well as the design strategies outlined in the "County Route 202, Strategies for the Roadway Landscape" report completed for the Town of Watertown December 2008, and this chapter;
- B. Complies with all applicable provisions of the Zoning Law,¹⁰ except as modified pursuant to the authority of this chapter;
- C. Will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
- D. Will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;
- E. Will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and

10. Editor's Note: See Ch. 107, Zoning.

- F. Will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

§ 91-40. Required clustering. [Amended 8-13-2009 by L.L. No. 1-2009]

Cluster development may be required by the Planning Board to meet any one of the following objectives:

- A. The clustering of development will preserve open space, recreational areas, large groves of trees, watercourses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the Comprehensive Plan for the community as well as the design strategies outlined in the "County Route 202, Strategies for the Roadway Landscape" report completed for the Town of Watertown December 2008;
- B. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the Comprehensive Plan for the community as well as the design strategies outlined in the "County Route 202, Strategies for the Roadway Landscape" report completed for the Town of Watertown December 2008;
- C. The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

§ 91-41. Determination of overall development density.

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered subdivision which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the Planning Board in determining the maximum number of dwelling units permissible, the overall

development density, on the parcel under the Zoning Law.¹¹ All lots on the sketch plat shall be buildable lots. The Planning Board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development subdivision.

§ 91-42. Approval of cluster open space.

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the Planning Board.

§ 91-43. Use of cluster open space.

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the Planning Board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

§ 91-44. Undedicated cluster open space.

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.

11. Editor's Note: See Ch. 107, Zoning.

SUBDIVISION OF LAND

91 Attachment 1

Town of Watertown

TECHNICAL CHECKLIST FOR USE IN SUBDIVISION REVIEW

Name and address of applicant: Application No.

Name and location of proposed subdivision: _____

Name and address of owner: _____

CHECK WHEN EACH ITEM IS SATISFACTORY

PREAPPLICATION MEETINGS

_____ Location map
_____ Sketch plan on topographic map
_____ Conformity with Master Plan & Official Map & Zoning (if
any)
_____ Discussion of design standards
_____ Discussion of improvement conformity requirements

PRELIMINARY PLAT (3 copies)

(If major subdivision)

_____ Location map
_____ Subdivision name
_____ Date
_____ Scale
_____ North arrow
_____ Topography (contour intervals)
_____ Name of owner
_____ Evidence of ownership
_____ Name of engineer or surveyor
_____ List of exceptions desired by subdivision (if any)
_____ Name of adjoining property owners or subdivision

WATERTOWN CODE

CHECK WHEN EACH ITEM IS SATISFACTORY

_____ Dimensions and bearings or angles of all property boundary lines

_____ Name, location and width of adjacent roads

PRELIMINARY PLAT

_____ Location and sizes of existing utilities and width of easements

_____ Location and size of rock outcrops, streams, swamps, other pertinent features, buildings, trees, soils

_____ Existing and proposed deed restrictions

_____ Zoning district (if applicable)

_____ Proposed road layout (conformity with Official Map and Master Plan)

_____ Right-of-way width

_____ Pavement width

_____ Road sections

_____ Road profile

_____ Sidewalks

_____ Storm sewers, catch basins and culverts

_____ Road trees

_____ Roadlighting standards

_____ Road signs

_____ Waterlines

_____ Fire hydrants

_____ Sanitary sewage system or percolation tests

_____ Sketch of stages (if any)

_____ Road access to adjoining properties

_____ Block length and width

_____ Intersections

_____ Walkway easements (when blocks are excessively long)

_____ Dimensions and area of lots

_____ Location and sizes of proposed utilities and easements

_____ Proposed restrictive covenants

_____ Proposed parks & playgrounds

_____ Draft environmental impact assessment

FINAL SUBDIVISION PLAT

_____ Plat on suitable material

_____ Title

SUBDIVISION OF LAND

CHECK WHEN EACH ITEM IS SATISFACTORY

_____	Scale
_____	North arrow
_____	Date of plat
_____	Name, address and signature of owner
_____	Evidence of ownership
_____	Name, address and signature of subdivider
_____	Name, address and signature of licensed engineer or land surveyor
_____	Names of adjoining property owners or subdivisions
_____	Dimensions and bearings or angles of boundary lines of property being subdivided
_____	Location, names and width of existing and proposed roads
_____	Location and names of existing and proposed parks and playgrounds
_____	Location and widths of existing and proposed easements
_____	Lot lines and accurate dimensions and bearings or angles
_____	Curve data
_____	Location, description and size of all monuments
_____	Certification of Health Department approval
_____	Restrictive covenants
_____	Check for conformity with preliminary plat
_____	Road plans and profiles on suitable material

CONSTRUCTION PLANS

_____	Typical cross sections and details of road pavement, including curbs and gutters, sidewalks, manholes and catch basins
_____	Road trees
_____	Roadlighting standards
_____	Road signs
_____	Plans and profiles showing location, size and invert elevations of existing and proposed sanitary sewers and storm sewers
_____	Plan and profiles showing location and size of all waterlines, gas lines and other underground utilities and structures
_____	Fire hydrants

SUBDIVISION OF LAND

91 Attachment 2

Town of Watertown

ADMINISTRATIVE CHECKLIST FOR USE IN SUBDIVISION REVIEW

Dates

Preapplication Procedure

1. Sketch plan of preliminary layout submitted to Planning Board _____
2. Environmental assessment form filed _____
3. Sketch plan conference held _____
4. Layout classified as (**check one**)
 - major subdivision () proceed to preliminary plat
 - minor subdivision () proceed to final plat
 - exempt subdivision () no further review necessary

Preliminary Plat

1. Application for approval of preliminary plat received _____
2. Date of official submission to the Planning Board _____
3. Resolution to hold hearing _____
4. Notice of hearing published _____
5. Notice of hearing mailed to adjoining property owners _____
6. Public hearing held within 45 days of official submission date _____
7. Lead agency in SEQR process completes final EIS _____
8. Action taken to (check one)
approve () conditionally approve () or
disapprove () the preliminary plat _____
9. Decision noted on three copies of preliminary plat and one copy returned to subdivider _____
10. If modifications are required, date notification of modifications referred to subdivider _____

WATERTOWN CODE

Final Plat

Dates

1. Application for final plat received _____
2. Public hearing waived (go to Step 7) _____
- or**
3. Resolution to hold hearing _____
4. Notice of hearing published _____
5. Notice of hearing mailed to adjoining property owners _____
6. Public hearing held within 45 days of official
submission date _____
7. Action taken to **(check one)**
approve () conditionally approve () or
disapprove () the final plat _____
8. Subdivider notified of decision _____
9. If conditional approval was given, date conditions
were satisfied and final plat approval was granted _____
10. Plat recorded in office of County Clerk _____

SUBDIVISION OF LAND

91 Attachment 3

Town of Watertown

APPLICATION FOR PRELIMINARY PLAT APPROVAL
FOR MAJOR SUBDIVISION

1. Application No. _____ Received by _____ Date _____
2. Subdivision name (if any) _____
3. Applicant: _____ Plans prepared by: _____
Name _____ Name _____
Address _____ Address _____
Telephone: _____ Telephone: _____
4. Location of subdivision _____
5. Current zoning classification _____
6. State and federal permits needed _____
7. Easements or other restrictions on property (generally describe, and
attach copy of legal documentation)

8. Total acreage of site _____
9. Number of building lots _____
10. Anticipated construction time (if applicable) _____
11. Will the development be staged? _____
12. Building types, and approximate size and cost of buildings (if
applicable)

WATERTOWN CODE

13. On-site water supply or sewerage facilities assurance (complete only if such facilities are proposed):

I hereby certify that the proposed on-site water supply and sewerage facilities have been designated to meet the specifications and standards recommended by the New York State Department of Health.

(Signature of preparer of plans)

(Date)

14. Attach three copies of a preliminary plat map, drawn to scale, at a scale of 1 inch to 100 feet unless otherwise specified by the Planning Board, showing all information required by Article III, § 91-16, of the Subdivision Regulations of the Town of Watertown.
15. Three copies of all plans, designs or drawings required by § 91-16 of the Subdivision Regulations of the Town of Watertown.
16. Attach a copy of Tax Map(s) which shows the subdivision site.
17. Attach draft environmental impact statement, if required.
18. The undersigned hereby requests approval by the Planning Board of the above-identified preliminary subdivision plat.

Signature _____

Date _____

SUBDIVISION OF LAND

91 Attachment 4

Town of Watertown

APPLICATION FOR FINAL PLAT APPROVAL
FOR MAJOR SUBDIVISION

1. Application No. _____ Received by _____ Date _____
2. Subdivision name _____
3. The undersigned hereby makes application for approval of subdivision plat entitled _____
which either covers the entire area of _____ acres
shown on the preliminary plat or covers section _____
comprising _____ acres
shown on the preliminary plat,
which has been completed in accordance with the Subdivision Control Law and the details of which are as stated in the application for consideration of the preliminary plat and are hereby reaffirmed with the same force and effect as though stated herein. (If any differences, attach statement of same)
4. Attach three copies of the final plat map and any required drawings or plans as specified in § 91-17 of the Subdivision Control Law of the Town of Watertown.
5. Attach one copy of all certificates, statements, endorsements or other documentation required by § 91-17 of the Subdivision Control Law of the Town of Watertown.

Signature _____
Date _____