

## Chapter 108

### SUBDIVISION OF LAND

**[HISTORY: Adopted by the Town Board of the Town of Canadice 12-13-1999 by L.L. No. 3-1999. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Land use — See Ch. 77.

Site plan review — See Ch. 95.

Streets and sidewalks — See Ch. 106.

#### ARTICLE I

##### General Provisions

##### **§ 108-1. Planning Board authority.**

- A. The Town Board of the Town of Canadice, pursuant to § 276 of the Town Law of the State of New York, hereby authorizes the Planning Board of the Town of Canadice to review previously filed plats and approve, approve with modifications or disapprove plats prepared to specifications set forth in the land use ordinances or local laws of the Town of Canadice showing the arrangement, layout and design of the proposed use of the land shown on such plan, including lots, blocks or sites, with or without streets or highways, within the Town of Canadice.
- B. The Town Board of the Town of Canadice further authorizes the Planning Board, pursuant to § 278 of the Town Law of the State of New York, simultaneously with the approval of a plat, to modify applicable provisions of the land use ordinances or local laws of the Town of Canadice, including minimum lot size and site plan review. The applicant's plans, unless modified subsequent to original review and approval, shall be subject to only a single Planning Board review process for simultaneous review under all land use ordinances and local laws of the Town of Canadice, unless subsequent review is requested by the applicant. However, Planning Board approval under this chapter does not automatically constitute an approved building lot (or lots) under the applicable Town laws and ordinances.

##### **§ 108-2. Policy; general lot requirements.**

- A. It is the policy of the Planning Board to consider land and subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that the Planning Board shall assure that land to be subdivided shall be of such character that it can be used safely for building purposes without damage to the environment or to health or without peril from fire, flood or other menace, and shall assure that proper provisions shall be made for drainage, water supply, sewage and other needed improvements.

- B. All proposed lots shall be so laid out, and of such a size, as to be in harmony with the development pattern of neighboring properties; 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 in the Comprehensive Plan, if such exist, 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 proper provision shall be made for open spaces for parks and playgrounds pursuant to § 277 of the Town Law of the State of New York. If land is not set aside for parks and/or playgrounds or other open space, then the Town may require a cash payment according to a schedule established by the Town Board.

**§ 108-3. Enactment.**

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 Canadice Land Subdivision Regulations," have been recommended by the Planning Board on June 28, 1999, and adopted by the Town Board of the Town of Canadice on December 13, 1999.

**§ 108-4. Coordination with other agencies or municipalities.**

- A. The Planning Board will endeavor through the State Environmental Quality Review (SEQR) process to ensure that all permits and approvals which may be necessary are coordinated and applied for. This inherently requires the notification of all involved and interested parties by the lead agency, typically the Planning Board, of impending actions.
- B. Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Canadice Town Attorney that access is legally established and from the Canadice Town Engineer that the access road is adequately improved or that a surety instrument in a form acceptable to the Town has been duly executed and filed with the Town of Canadice and is sufficient in amount to insure the construction of the access road. In addition, the applicant is required to obtain all necessary permits as required by the adjoining municipality. In general, lot lines should be laid out so as not to cross Town boundary lines.

**§ 108-5. Exception for minor subdivisions or redrawing of lot lines.**

At the discretion of the Planning Board, the subdivision review process may be streamlined for minor subdivision applicants. (See Article II for the definition of "minor subdivision".) For a minor subdivision or redrawing of lot lines, full subdivision review procedures may be waived in their entirety at the discretion of the Planning Board. (See Article I, § 108-8, Waiver of requirements.)

**§ 108-6. Resubdivision.**

For a resubdivision, the same procedure shall apply as for a subdivision.

**§ 108-7. Design criteria and construction specifications; surety.**

- A. The Planning Board is hereby authorized to establish design criteria and construction specifications for development in the Town of Canadice to supplement the Town of Canadice Land Subdivision Regulations, which criteria and specifications shall be consistent with the regulations and shall be the guideline for subdividers and for the Planning Board in developing, reviewing and approving plans and site maps.
- B. A surety instrument in a form acceptable to the Town is required to insure that all activities are conducted in accordance with these design criteria, including public and utility improvements, as shown on the approved plan. This surety instrument will be in effect for up to one year after the completion of the project to insure that any improvements may be repaired or replaced. Additional repair and maintenance bonds or other surety may be required by the Planning Board under special conditions.

**§ 108-8. Waiver of requirements.**

Pursuant to § 277, Subdivision 7, of the Town Law of the State of New York, the Planning Board may waive the provisions of this chapter, subject to the following requirements:

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, land use ordinances or local laws, or the zoning ordinance, if such exists.
- B. Where the Planning Board finds, due to the special circumstances of a particular plat, that 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.
- C. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied or modified.

**§ 108-9. Terminology and word usage.** [Amended 4-14-2003 by L.L. No. 1-2003]

In this regulation, when consistent with the context, the word "lot" includes the word "parcel"; words in the present tense also imply the future tense; the singular includes the plural and the plural includes the singular. The word "shall" is mandatory; the word "should" denotes strongly; the word "may" is permissive.

**§ 108-10. Interpretation; severability; amendments.**

- A. Interpretation. Where the conditions imposed by any provision of these regulations are more restrictive than comparable conditions imposed by any other provisions of these regulations or of any other ordinance, resolution or regulations, the provisions which are more restrictive shall govern.
- B. Severability. Should any section or provision of the regulations contained herein, or as

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

- C. Amendments. These regulations may be amended from time to time upon petition by the Town Board or any property owner or the Planning Board on its own motion. Such amendment shall be accomplished in the same manner as adoption of the regulations.

**§ 108-11. Compliance required for permit issuance.**

No building permit shall be issued by the Code Enforcement Officer of the Town of Canadice in a subdivision, as defined by this chapter, without full compliance with the conditions and requirements of this chapter.

**§ 108-12. Appeals.**

Actions by the Planning Board on subdivision applications are reviewable under Article 78 proceedings. Decisions of the Planning Board on Subdivision Applications are not reviewable by any other Town body.

**§ 108-13. Penalties for offenses.**

- A. A violation of these regulations is hereby declared to be an offense, punishable by a fine not exceeding \$350, or imprisonment not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon the courts and judicial officers generally, violations of these regulations are deemed misdemeanors and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- B. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used or any land is divided into lots, blocks or sites in violation of this article or of any regulations made under authority conferred hereby, the Code Enforcement Officer of the Town, in addition to any other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure or refusal of the Code Enforcement Officer of the Town to institute any such appropriate action or proceeding for a period of 10 days after written request by a resident taxpayer of the Town so to proceed, any three taxpayers of the Town residing therein who are jointly or severally aggrieved by such violation may institute such appropriate action or proceeding in like manner as the Code Enforcement Officer of the Town is authorized to do.

ARTICLE II  
**Definitions**

**§ 108-14. Words defined.**

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

**COMPREHENSIVE PLAN** — A plan prepared by the Planning Board pursuant to § 272-a of the Town Law which indicates the general location 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.

**DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS FOR LAND DEVELOPMENT IN THE TOWN OF CANADICE** — Those specifications which are promulgated by the Planning Board and approved by the Town Board to supplement and implement these regulations.

**DIVISIBLE LOT** — An area on a standard conforming lot that complies with all required standards of a conforming lot and can be divided into another standard conforming lot without creating a nonconforming lot. [Added 4-14-2003 by L.L. No. 1-2003]

**EASEMENT** — The 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** — A person licensed as a professional engineer by the State of New York.

**LOT** — Any parcel of land having fixed boundaries, a description of which has been recorded in the office of the Ontario County Clerk in the form of a deed or a previously approved subdivision. Multiple legal boundary descriptions which may be contained in a single deed are considered to be one lot if they describe contiguous areas. Described areas that are separated from each other by a public or private road are considered contiguous. Real property tax account numbers alone do not define a lot. [Added 4-14-2003 by L.L. No. 1-2003]

**OFFICIAL MAP** — The map established by the Town pursuant to § 270 of the Town Law, showing streets, highways and parks and drainage, both existing and proposed.

**OPEN SPACE** — Land within the subdivision that is permanently reserved from development or is permanently reserved for noncommercial park or recreation uses. It may be privately owned by a resident homeowners' association or a not for profit conservation organization or it may be publicly owned by the Town or other governmental entity, and it may or may not be available for use by the general public.

**PARCELS** — See "lot." [Added 4-14-2003 by L.L. No. 1-2003]

**PRELIMINARY PLAT** — A drawing prepared as prescribed in Article V of this chapter, showing the proposed subdivision, including but not restricted to road and lot layout and approximate dimensions, key plan, topography and drainage and all proposed facilities, including preliminary plans and profiles.

**PROPERTY LINE** — Those lines defined by legal boundary descriptions in deeds which determine the boundaries of a lot. [Added 4-14-2003 by L.L. No. 1-2003]

RESUBDIVISION — The redrawing of lot lines for any existing lot.

STREET — Includes streets, roads, avenues, lanes, drives, driveways or other traffic ways between right-of-way lines, whether to be privately or publicly owned.

- A. COLLECTOR STREET — A street which serves, or is designed to serve, as a traffic way for a neighborhood or as a feeder to a major street.
- B. DEAD-END STREET or CUL-DE-SAC — A street or a portion of a street with only one vehicular traffic outlet.
- C. MAJOR STREET — 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; may also be called an arterial street or primary road.
- D. MINOR STREET — A street intended to serve primarily as an access to abutting properties; may also be called a local road.

STREET PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH — The width of the right-of-way measured at right angles to the center line of the street.

SUBDIVIDER — Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION — The division of any parcel of land into two or more lots or parcels of land, including changes in street lines or lot lines, for the purpose, whether immediate or future, of transfer of ownership or of building development. This also includes any division of land involving any new public street or road or the extension of municipal facilities regardless of the number of lots or parcels that are being created. This also includes resubdivisions.

SUBDIVISION, MINOR — 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, in the opinion of the Planning Board, 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 Comprehensive Plan, Official Map or zoning law, if such exists, or these regulations.

SUBDIVISION PLAT or FINAL PLAT — A drawing, in final form, showing a proposed subdivision and 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. Plats may be drawn and filed by the following professionals as licensed by the State of New York: professional engineers, land surveyors or landscape architects.

### ARTICLE III Application Procedures

**§ 108-15. Application required.**

Whenever any subdivision of land is proposed, 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 subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

**§ 108-16. Sketch plan.**

- A. Prior to submitting a preliminary plat application for a subdivision, the subdivider may submit a sketch plan for informal review by the Planning Board. The sketch plan should show the location of the subdivision, all existing structures, wooded areas, significant physical features, available utilities and the proposed pattern of lots, drainage and sewer and water facilities.
- B. The Planning Board shall determine whether the sketch plan meets the purposes of this subdivision regulation and shall inform the subdivider of the necessary action he should take in meeting the requirements of these regulations.

**§ 108-17. Preliminary plat.**

- A. Exception for minor subdivisions. For a minor subdivision, an applicant may submit a final plat without having to submit a preliminary plat filing.
- B. Requirements for application and approval.
  - (1) Application, environmental assessment and fee.
    - (a) Prior to the filing of an application for the approval of a subdivision plat, the subdivider shall file an application for consideration of a preliminary plat of the proposed subdivision in the form and manner prescribed by Article V, § 108-26, of these regulations and in conformance with Article V, § 108-27, of these regulations, except where any of those provisions may be specifically waived by the Planning Board. [Amended 4-14-2003 by L.L. No. 1-2003]
    - (b) In addition, the subdivider shall submit an environmental assessment form as required by the New York State Environmental Quality Review (SEQR) Law.
    - (c) The application shall be accompanied by the payment of a fee as established by a resolution of the Town Board. The Town shall reserve the right to assess the subdivider for its costs in reviewing the subdivision, including, but not limited to, review by the Town Engineer and the Town Attorney.
  - (2) Number of copies. Ten copies of the preliminary plat shall be presented to the Secretary of the Planning Board at least 10 days prior to a regularly scheduled meeting of the Board.

- (3) Attendance at Planning Board meeting. The subdivider, or his duly authorized representatives, shall attend the meeting of the Board to discuss the preliminary plat.
- (4) SEQR and practicability review.
  - (a) Upon receipt of the application for the preliminary plat approval in proper form, the Planning Board shall initiate the procedures provided under the New York State Environmental Quality Review (SEQR) process. The Planning Board shall take no further action under these regulations until it has determined, in writing, that the preliminary plat is in full compliance with the requirements of SEQR.
  - (b) Upon a written finding that the application for preliminary plat approval is in full compliance with SEQR, the Planning Board shall then undertake a study of the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangements, the future development of the adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan and the land use ordinances or local laws of the Town of Canadice.
- (5) Public hearing.
  - (a) Upon receipt of a complete application as determined by the Planning Board, the Planning Board shall hold a public hearing within 62 days. The public hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing. This time frame may be extended by the mutual consent of the applicant and the Planning Board.
  - (b) Any application requiring a public hearing shall require a sign to be posted within 10 feet of a public highway at a point on or about the ingress/egress to the land for which a change is proposed and at any other location designated by the Board. This posting shall occur at least five days before such hearing and will remain posted until the application has been finally acted upon by the appropriate Board. The sign shall be no less than 27 inches in width and 20 inches in height and shall contain the applicant's name, the proposed activity and the date and time when the public hearings will be held.
  - (c) The sixty-two-day clock is stopped for the duration of the SEQR process. At the completion of the SEQR process it is restarted at the point in the countdown where it was stopped.
- (6) Action by Planning Board.
  - (a) Within 62 days after the date of such hearing, the Planning Board shall approve, 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.

- (b) Notwithstanding the foregoing provisions of this chapter, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board.
- (c) When so approving a preliminary plat, the Planning Board shall state, in writing, modification, if any, as it deems necessary for submission of the plat in final form.
- (d) Within five days of the approval of such preliminary plat, it shall be certified by the Secretary of the Planning Board as granted preliminary approval and a copy filed in his office, and a certified copy shall be mailed to the owner.
- (e) In the event that the Planning Board fails to take action on a preliminary plat within the time prescribed therefor, such plat shall be deemed granted preliminary approval. The certificate of the Clerk of the Town as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

**§ 108-18. Final plat.**

- A. Application and fee; time limit. Within six months of the approval of the preliminary plat, the owner shall file with the Planning Board an application for approval of the subdivision plat in final form. The application shall be accompanied by the payment of a fee as established by a resolution of the Town Board. The Town shall reserve the right to assess the subdivider for its costs in reviewing the subdivision, including but not limited to review by the Town Engineer and the Town Attorney. If the final plat is not submitted within six months of the approval of the preliminary plat, the Board may revoke the approval of the preliminary plat.
- B. Number of copies. The subdivider shall provide the Secretary of the Planning Board with a copy of the application and three copies (one in ink on linen or plastic) of the plat, plus the original and one true copy of all offers of cession, covenants and agreements and two prints of all construction drawings. These documents shall be submitted at least 10 days prior to the regularly scheduled meeting of the Board.
- C. Endorsement of other agencies. The application for approval of the subdivision plat in final form shall be accompanied by any and all endorsements and approvals required by local, state or federal law for sewer and water facilities, as well as endorsements and approvals required by any other involved or interested agencies. (See Article I, § 108-4, Coordination with other agencies or municipalities.)
- D. Public hearing.
  - (1) Upon receipt of a complete application in final form, as determined by the Planning Board, the Planning Board shall hold a public hearing within 62 days which shall be advertised at least once in a newspaper of general circulation in

the Town at least five days prior to the date of such hearing.

- (2) If the Planning Board deems the plat being reviewed to be in substantial agreement with the approved preliminary plat modified in agreement with any recommendations accompanying such approval, then the Planning Board may waive the requirements for a public hearing.
- (3) Any application requiring public hearings shall require a sign to be posted within 10 feet of a public highway at a point on or about the ingress/egress to the land for which a change is proposed and at any other location designated by the Board. This posting shall occur at least five days before such hearing and will remain posted until the application has been finally acted upon by the appropriate Board. The sign shall be no less than 27 inches in width and 20 inches in height and shall contain the applicant's name, the proposed activity and the date and time when the public hearings will be held.

E. Action by Planning Board.

- (1) The Planning Board shall, by resolution, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Secretary of the Planning Board if no such hearing is held, or in the event that a public hearing is held, within 62 days after the date of such hearing.
- (2) Notwithstanding the foregoing provisions, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board.
- (3) In the event that the Planning Board fails to take action on a final plat within the time prescribed therefor, the plat shall be deemed approved and a certificate of the Clerk of the Town as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.
- (4) Upon resolution of conditional approval of such final plat, the Planning Board shall empower the Planning Board Chairman to sign the plat, subject to completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Secretary of the Planning Board as conditionally approved and a copy filed in his office, and a certified copy shall be mailed to the owner, including a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat.
- (5) Upon completion of such requirements, the plat shall be signed by the Planning Board Chairman. Conditional approval of a final plat shall expire within 180 days after the date of the resolution granting conditional approval unless such requirements have been certified as completed.

**§ 108-19. Required improvements.**

- A. Improvements and financial surety. Before the Planning Board grants final approval of

the subdivision plat, the subdivider shall follow the procedure set forth below:

- (1) In an amount set by the Planning Board, based on the estimated project costs, the subdivider shall file with the Town Clerk a surety instrument in a form acceptable to the Town to cover the full costs of the required improvements. Any such instrument shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution and surety. A period of three years shall be set forth in the bond within which required improvements must be completed.
  - (2) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed.
  - (3) Upon improvement completion, the subdivider is required to deposit a financial surety instrument for a period of three years after construction to insure that any improvements can be repaired or replaced if they do not prove to be of high-quality construction.
- B. Modification of design improvements. If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to make minor modifications to the location or design of such required improvements, the Town Engineer may, upon approval by the Chairman of the Planning Board, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this section, in writing, and shall transmit a copy of such authorization to the Planning Board at its next regularly scheduled meeting.
- C. Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall notify the Code Enforcement Officer (CEO), in writing, of the time when he proposes to commence construction of such improvements so that Code Enforcement Officer may 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. The CEO shall also notify the Town Engineer of the commencement of activities. Reasonable fees for inspections by the CEO and the Town Engineer may be collectible from the subdivider.
- D. Proper installation of improvements.
- (1) If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the surety instrument [see Article III, § 108-19A(1), (2) and (3)], that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, CEO, and Planning Board. The Town Board shall then notify the subdivider and, if necessary, the surety instrument agent and take all necessary steps to preserve the Town's rights under the surety instrument.

- (2) No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

**§ 108-20. Filing of approved subdivision plat.**

- A. Final approval and filing. (See New York State Town Law, § 276, Subdivision 11.) Upon completion of the requirements in §§ 108-18 and 108-19 above, and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 62 days of the date upon which such plat is approved, or considered approved by reason of the failure of the Planning Board to act, shall become null and void.
- B. Revisions after approval.
  - (1) No changes, erasures, modifications or revisions shall be made to any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications.
  - (2) In the event that any such subdivision plat is recorded without complying with this requirement, 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.

**§ 108-21. Public streets, recreation and open space areas.**

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute, or be evidence of, acceptance by the Town of any street, easement, or other open space shown on such subdivision plat.
- B. Ownership and maintenance of recreation and open space areas. When a park, playground or other recreation or open space 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 or open space area. The area must be owned and administered by a common resident homeowners' association or a not-for-profit conservation organization in the event of nondedication of the area to the Town or other governmental agency.

ARTICLE IV

**General Requirements, Design Standards and Required Improvements**

**§ 108-22. Minimum requirements and guidelines.**

- A. In considering applications for subdivision of land, the Planning Board shall be guided

by the standards set forth below. These standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article I, § 108-8. In addition, all design shall be in accordance with the Design Criteria and Construction Specifications for Land Development in the Town of Canadice.

- B. In considering applications for subdivision plat approvals, the Planning Board shall be guided by the standards established in the Design Criteria and Construction Specifications for Land Development in the Town of Canadice.

**§ 108-23. Parks and playgrounds.**

- A. The Planning Board may require that the subdivider reserve sites of a character, extent and location suitable for the development of a park, playground or other recreational or open space purpose. The area so designated shall possess suitable topography and adequate road access necessary for these purposes. The Planning Board may, where such land is so set aside, also require that the site be graded, loamed, seeded and fenced.
- B. Where the Planning Board finds that, due to the size, topography or location of the subdivision, land for park, playground, or other recreational or open space purposes cannot be properly located therein or if, in the opinion of the Board, it is not desirable, the Board may waive the requirement that the plat show land for such purpose. The Planning Board may then require, as a condition to approval of the plat, that the subdivider pay a playground or recreational site and development fee at a rate per lot, to be determined by the Canadice Town Board.
  - (1) 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.
  - (2) 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 park, playground or other recreational or open space land that is so located that it will serve primarily the general neighborhood in which the land covered by the plat is located. Such fund may also be used for the improvement of existing parks, playgrounds or recreational or open space areas serving the general neighborhood in which the land shown on the plat is situated, provided that the Canadice Town Board finds that there is need for such improvements with the recommendation of the Planning Board.

**§ 108-24. Preservation of natural and historic features.**

The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and appurtenant floodplains, wetlands, marshes and steep slopes, falls, beaches, historic spots, vistas and similar irreplaceable assets. Features of these types should appear on the plans with indications of their disposition as a result of the subdivision activities. It is the intent of this regulation, and this section in particular, for the

subdivider and Planning Board to develop the most aesthetically pleasing development possible that will maintain the rural atmosphere as outlined in the Town's Comprehensive Plan.

**§ 108-25. Resident homeowners' associations.**

- A. All private streets, drives and roadways, as well as all land allocated for privately owned park, playground or other recreational or open space purposes, must be owned by a resident homeowners' association if it is not owned by a not-for-profit conservation organization. Said homeowners' association must be in compliance with § 352-e of the New York State General Business Law concerning cooperative interests in real property. Evidence of compliance shall include either an approved homeowners' association and offering plan, an application for a homeowners' association with a de minimus cooperative interest or a no-action letter from the New York State Attorney General's office.
- B. In all cases of private streets, drives and roadways, reciprocal easements and a maintenance agreement covering each lot of the subdivision affected by the private street must be approved by the Town Attorney and placed in the deeds of the affected lots. A copy of the filed deed must be presented to the Code Enforcement Officer prior to issuance of a building permit.

ARTICLE V  
**Required Documentation**

**§ 108-26. Preliminary plat and accompanying data.**

The following documents shall be submitted for preliminary plat approval:

- A. Ten copies of the preliminary plat prepared at a scale of 100 feet, but not less than 50 feet, to the inch, showing:
  - (1) The proposed subdivision name and the name of the 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 on record of all adjacent property.
  - (3) The zoning district, if applicable, including exact boundary lines of the 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 or open space use and the conditions of such dedication.
  - (5) The location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas and more significant existing features for the proposed subdivision and adjacent property.
  - (6) The location of existing sewers, water mains, culverts and drains on the property

with pipe sizes, grades and direction flow.

- (7) Contours with intervals of five feet or less as required by the Board, including elevations on existing roads and the approximate grading plan if natural contours are to be changed more than two feet.
- (8) The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer, whether they are privately owned or to be dedicated to the Town.
- (9) The approximate location and size of all proposed water lines, valves, hydrants, sewer lines and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water and sewer lines.
- (10) A storm drainage plan indicating the approximate location and size of proposed lines and their profiles and connection to existing lines or alternate means of disposal.
- (11) Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and subbase and the location of manholes, basins and underground conduits.
- (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 20 feet in width and shall provide satisfactory access to an existing 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 descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer and shall be referenced and shown on the plat.
- (16) A copy of the Soils Map taken from the Soil Survey of Ontario and Yates Counties, along with a copy of the appropriate pages from the Ontario County Interpretive Soils Report for the soils on the proposed subdivision site.
- (17) The results of deep hole percolation rate tests, certified by the Town CEO or Town Engineer or by the subdivider's New-York-State-licensed engineer, in the locations for each proposed septic system.

- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 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. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holding.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

**§ 108-27. Final 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 provided as an original and three copies in a size, material and format consistent with the requirements of and suitable for filing at the offices of the Ontario County Clerk.
- B. The plat will show all of the information that is required for the preliminary plat plus the following. For any items in Subsection B(1), (2), (3) and (4), 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 therefor.
  - (1) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use as well as areas that will remain under private ownership, either by individuals or by common resident homeowners' associations.
  - (2) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line and 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.
  - (3) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale, and true North point.
  - (4) The plat shall also show, by proper designation thereon, all public open spaces for which deeds are included and those spaces title to which is reserved by the developer.
  - (5) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
  - (6) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.



- (7) Permanent reference monuments shall be shown, and shall be constructed, in accordance with specifications of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
  - (8) All lot corner markers shall be permanently located satisfactorily to the Town Engineer at least 3/4 inch (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
  - (9) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.
  - (10) A New York State Department of Health seal.
- C. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

#### ARTICLE VI

#### **Design Criteria and Construction Specifications for Land Development**

[Added 3-11-2002 by L.L. No. 1-2002<sup>1</sup>]

#### **§ 108-28. Purpose; amendment.**

- A. The purpose of these specifications is to provide criteria for the design and construction of improvements within the Town of Canadice. These specifications are to be used in conjunction with the Subdivision Regulations of the Town of Canadice and are to be adopted and amended by resolution of the Town Board of the Town of Canadice.
- B. The criteria established in these specifications are intended to establish minimum standards for improvements. These specifications shall also govern in all areas of private development design, construction and approval.

#### **§ 108-29. Responsibility.**

- A. It is the responsibility of the developer to insure preparation of plans sufficient to meet the requirements of these standards. All plans shall be prepared by and bear the seal and signature of a professional, licensed in the State of New York, having experience in the design of land development.
- B. The Town and/or its representatives shall review the proposed plans as to their compliance with the standards. Periodic inspection of construction shall be provided by the Town or its designated representative to assure that construction is being performed in a satisfactory manner, as stated within § 108-57 of these regulations.

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1. Editor's Note: This local law also renumbered former Arts. VI and VII as VII and VIII, respectively.

- C. The final results of the project remain the responsibility of the developer, and until the development is satisfactorily approved by the Town and/or its representatives, said development shall not be accepted for dedication.

**§ 108-30. Considerations.**

- A. Standard approval conditions for all subdivisions:

- (1) That all terms and conditions of the subdivision approval be followed.
- (2) That all plat submission requirements, specifications and construction details be met as required pursuant to the Town of Canadice Subdivision Law.
- (3) That all terms and conditions set forth in applicable Zoning Board of Appeals variances be followed.
- (4) That a construction meeting be held prior to commencement of the project with all principals involved.
- (5) That a playground or recreational site and development fee for each lot in lieu of parkland, if determined by the Planning Board to be required, shall be paid to the Town at the time of final plat approval.
- (6) That the applicant comply with the access requirements of the New York State Department of Transportation, the Ontario County Highway Department and/or the Town of Canadice Highway Department, as applicable. Access permits, if applicable, shall be submitted to the Planning Board Chairperson prior to the signature of the subdivision map.
- (7) That the street base, utilities, and drainage facilities be installed before issuance of a building permit and that the street binder be installed and completed prior to the issuance of a certificate of occupancy or that adequate surety be posted by the developer to assure compliance as outlined in the Subdivision Regulations of the Town of Canadice.
- (8) That record drawings be provided to the Town of Canadice showing the exact location of the buildings, structures, driveways, well and septic system as to dimensions, location on premises, side lot lines, street lines, and rear lot lines before issuance of a certificate of occupancy.
- (9) That proper steps be taken to file the subdivision plat map as soon as possible in the office of the Ontario County Clerk.
- (10) That building permits shall not be granted until the approved subdivision plat map is filed with the Ontario County Clerk and a deed is presented to the Code Enforcement Officer.

- B. Street construction.

- (1) Due to the general soil conditions within the Town and normal sequence of construction development, the following procedures shall be followed:
  - (a) Binder material shall not be placed prior to the completion and approval of

all underground utilities and inspection of the base by the Town Highway Superintendent.

- (b) The weather and seasonal limitations as specified under the Standard Specifications of the New York State Department of Transportation shall apply for placing of bituminous mixtures.
  - (c) No certificate of occupancy will be approved unless a proper street surface as herein specified has been constructed.
  - (d) Should construction sequences not allow the required street construction to be completed in the current construction season, the developer shall apply to the Planning Board to provide an approved temporary street surface over which proper ingress and egress throughout the development can be obtained by the residents, school buses, highway and emergency vehicles.
- (2) The temporary street surface is required if the developer or builder wishes to obtain certificates of occupancy for any residences within the development.

C. Driveways.

- (1) Driveways shall be constructed to provide access to the principal structure so as to accommodate emergency and fire-fighting equipment in accordance with the access requirements of Appendix C1, Typical Driveway Sections.<sup>2</sup> The typical driveway section shall apply to the travel portion of the driveway to the edge of the right-of-way.
- (2) Driveway culverts installed to access Town streets shall be at the expense of the landowner, subject to approval of the Town Highway Superintendent, and will be installed by the Town Highway Department, or by a private contractor, subject to review and acceptance by the Town Highway Superintendent, via a permit process.
- (3) Maximum grade of the driveway shall not exceed 15%.
- (4) It is the landowner's responsibility to control erosion resulting from land development. The landowner shall implement appropriate erosion control measures during installation of a driveway. The landowner shall be liable for damages that occur to Town streets or street rights-of-way. Construction debris that enters the street or street right-of-way shall be removed on a daily basis during construction. Driveway material that washes out into the street or street right-of-way after the driveway is constructed shall immediately be removed by the landowner upon notification and approval of the Highway Superintendent. Repeated washouts to the street or street right-of-way shall require that the landowner reconstruct the driveway to mitigate the problem.

D. Grading.

- (1) In subdivisions of five or more lots, the developer is responsible for the grading of all lots in conformance with the proposed grading plan as approved by the

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2. Editor's Note: Appendix C1 is included at the end of this chapter.

Planning Board.

- (2) In subdivisions of not more than four lots, the developer may allow the individual owner to complete the final six inches of finish grading.
- (3) The grading of all subdivisions will be required to be completed within six inches of final grade before aboveground construction can begin.

**§ 108-31. Financial guarantees.**

Financial guarantees shall be as required by the Town of Canadice Subdivision Regulations.

**§ 108-32. Release of bonds.**

Performance bonds shall be released following final inspection and approval of a project by Town authorities and specific authorization in writing by the Town Supervisor. Maintenance bonds shall be released after authorization in writing by the Town Supervisor following final inspection of the project. Said inspection shall be completed at least one month prior to the expiration of the bond.

**§ 108-33. Applicability of regulations.**

The regulations contained in this document shall apply to all subdivision improvements within the Town of Canadice.

**§ 108-34. Private drives.**

- A. Access to four or fewer existing unimproved lots of record, not fronting on an existing public street or private road approved by the Planning Board, shall require improvement to standards detailed in Appendix C, Private Drives,<sup>3</sup> and shall also require site plan approval by the Planning Board.
- B. Private drives shall be constructed to provide access for emergency and fire-fighting equipment in accordance with the horizontal alignment requirements of Appendix C, Private Drives.
- C. Commercial, industrial and other land uses shall adhere to the private road or public street design standards of Appendix A1, A2 or B,<sup>4</sup> and may not employ specifications for a private drive.
- D. Private drives shall be approved by the Planning Board and be made part of the subdivision review record. Private ownership must be clearly identified on the final subdivision plat map. Prior to final approval of the subdivision plat map (Planning Board Chairman's signature), evidence of compliance with § 352-e of New York State General Business Law is required concerning cooperative interests in real property. Evidence of compliance shall include either an approved homeowners' association and offering plan, an application for a homeowners' association with a de minimus cooperative interest, or a no-action letter from the New York State Attorney General's

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3. Editor's Note: Appendix C is included at the end of this chapter.

4. Editor's Note: Appendixes A1, A2 and B are included at the end of this chapter.

office. In all cases, reciprocal easements and a maintenance agreement must be approved by the Attorney for the Town and placed in the deeds of the affected lots. A copy of the filed deed must be presented to the Code Enforcement Officer prior to issuance of a building permit.

- E. All lots shall have the minimum frontage requirement on said private drive as specified in applicable Town land use laws. In addition, at least one of the lots shall have the minimum road frontage requirement on an existing public street or a private road approved by the Planning Board.

**§ 108-35. Private roads.**

- A. Access to five or more existing unimproved lots of record, not fronting on an existing public street or private road approved by the Planning Board, shall require improvement to standards detailed in Appendix B, Private Road Details,<sup>5</sup> and shall also require site plan approval by the Planning Board.
- B. Private roads shall be constructed to provide access for emergency and fire-fighting equipment in accordance with the horizontal alignment requirements of Appendix B, Private Road Details.
- C. Commercial, industrial and other land uses shall adhere to the private road or public street design standards of Appendix A1, A2 or B.<sup>6</sup>
- D. Private roads shall be approved by the Planning Board and be made part of the subdivision review record. Private ownership must be clearly identified on the final subdivision map. Prior to final approval of the subdivision map (Planning Board Chairman's signature), evidence of compliance with § 352-e of New York State General Business Law is required concerning cooperative interests in real property. Evidence of compliance shall include either an approved homeowners' association and offering plan, an application for a homeowners' association with a de minimus cooperative interest, or a no-action letter from the New York State Attorney General's office. In all cases, reciprocal easements and a maintenance agreement must be approved by the Attorney for the Town and placed in the deeds of the affected lots. A copy of the filed deed must be presented to the Zoning Enforcement Officer prior to issuance of a building permit.
- E. All lots shall have the minimum frontage requirement on said private road, as specified in applicable Town land use laws.

**§ 108-36. Storm drainage systems.**

- A. All drainage projects shall be required to adequately convey storm drainage through the development. Natural drainage patterns shall be followed as much as possible. Drainage systems shall be sized to accommodate the future potential runoff based upon the land use and ultimate development of the upland watershed area.
- B. Storm sewers and drainage facilities. A drainage area of up to 1,000 acres shall be

<sup>5</sup>. Editor's Note: Appendix B is included at the end of this chapter.

<sup>6</sup>. Editor's Note: Appendixes A1, A2 and B are included at the end of this chapter.

designed to transmit the flow of a one-in-ten-year return interval storm. Larger systems and structures on a natural watercourse channel shall have design return intervals as follows:

<b>Drainage Area</b>	<b>Design Return Interval (year)</b>
1,000 acres to 4 square miles	25
4 square miles to 20 square miles	50
More than 20 square miles	100

- C. Allowance for emergency overflow conditions. Emergency overflow situations shall be designed into each system to protect against damage from major storms and provide an outlet for stormwater, should inlets or pipes become damaged or plugged.
- D. Natural channels and open swales. Natural channels are generally preferred alignments for major components of a residential drainage system. However, the utilization of open channels shall be evaluated as to the ease and cost of maintenance, safety hazard and aesthetics before being allowed. The channels may require special invert or size design to properly convey water while keeping the maintenance cost minimal.
- E. Runoff computations.
  - (1) The design of storm systems shall be generally established by the rational formula ( $Q = C i a$ ), where:

$Q$  = Runoff in cubic feet per second (CFS)  
 $C$  = Runoff coefficient (per table below)  
 $i$  = Rainfall intensity in inches per hour  
 $a$  = Drainage basin area in acres

- (2) Rainfall intensity figures shall be taken from the Rainfall Intensity Curves provided in Appendix J<sup>7</sup> for the time of concentration and return period required for that basin.
- (3) Times of concentration shall be calculated by the design engineer but shall be a maximum of 15 minutes to the first inlet for a residential subdivision.
- (4) Runoff coefficients.
  - (a) Runoff coefficients shall also be calculated by the design engineer to establish a weighted value representative of the type of development proposed. In general, the following ranges shall be adhered to:

<b>Description of Area or Character of Surface</b>	<b>Runoff Coefficient (C)</b>	
Business District	0.70 to 0.95	
Residential	Single-family	0.40 to 0.50
	Apartments	0.50 to 0.70

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7. Editor's Note: Appendix J is included at the end of this chapter.

Industrial	0.50 to 0.90	
	Pavement	0.10 to 0.30
	Roofs	0.70 to 0.95
	Lawns	0.10 to 0.35

- (b) Factors to be considered in the determination of the runoff coefficient shall include soil type, land slope, development density, and other pertinent factors.
- (5) Points of discharge shall be recognized classified streams and their tributaries. Developers may be required to obtain downstream easements to reach a suitable outfall.
- (6) Culverts shall be designed to accommodate the design storm for the drainage area but shall be checked for the next highest increment of design storm in order to evaluate the hazard level of greater flooding. Headwater and/or tailwater calculations may be required to determine ponding levels. In general, multiple culverts are not acceptable due to maintenance problems. Inlets and outlets of culverts shall be protected from erosion by the use of headwalls, rip rap or similar treatment.
- (7) Backyard swales shall be designed with minimum side slopes of 1 on 4 and a minimum longitudinal slope of 1.0%. Field inlets shall be generally provided every 300 lineal feet, at all low points, and where swales intersect.
- (8) Detention ponds.
- (a) Detention ponds may be required for new developments within the Town where, in the judgment of the Planning Board and the Town Engineer, these facilities may be applied to the existing conditions or topography and dictate the practicality of this alternative.
- (b) It shall be the developer's responsibility to see that no more adverse effect is felt downstream than can be tolerated without undue hazard or inconvenience to the Town or downstream property owners.
- (c) If a detention pond is to be used on the site, the following parameters shall be adhered to:
- [1] The pond shall be designed to accommodate the return interval storm for the drainage basin size plus a one foot, zero inches minimum freeboard.
- [2] The pond outlet shall be protected against erosion.
- [3] An acceptable overflow shall be designed for larger storms.
- [4] Ponds constructed in fill or using dikes shall be reviewed very closely regarding soil stability and permeability to preclude any undermining.

[5] Runoff calculations for larger facilities may use alternate methods such as U.S. Soil Conservation Service techniques upon approval of the Town Engineer.

- (9) The design engineer shall submit the following information for review:
  - (a) A U.S.G.S. quadrangle map with the development and drainage basin outlined.
  - (b) A tabular analysis of computed runoff and design capacities of the system.
  - (c) A map of the development showing the on-site drainage areas with inlets numbered in conjunction with the tabular calculations.

F. Storm drains.

- (1) Minimum pipe size: 12 inches in diameter.
- (2) Minimum velocity when flowing full: three feet per second.
- (3) Maximum manhole spacing: 300 feet.
- (4) Maximum catch basin spacing: 200 feet.
- (5) In general, only natural waterways may be continued in open channels. Street drainage and other parts of a storm sewer system shall be in closed conduit. When hydraulic requirements exceed that of thirty-six-inch diameter pipe, then open channel may be considered.

G. Storm laterals (where required by Planning Board). Laterals shall be a minimum of six inches in diameter. Sump pumps will be permitted to discharge to storm laterals or, in the absence of storm sewers, to splash blocks directed to splash pads.

H. Catch basins. Catch basins shall be placed at all low points and intersections, with maximum spacing of 300 feet. Catch basin leads shall only be connected to the storm drains at manholes, except in those areas where the storm drain is 24 inches in diameter or greater.

I. Storm manholes. Storm manholes shall be of the following inside diameter:

<b>Pipe Diameter (largest) (inches)</b>	<b>Inside Manhole Diameter (feet)</b>
12 to 18	4
21 to 30	5
33 to 42	6
Greater than 42	Special design

J. Drainage easements. The minimum easement width shall be 20 feet. Where open channel drainage is permitted, easements shall be of a proper width to permit adequate maintenance as determined by the Town.

**§ 108-37. Design criteria for grading.**



A. General.

- (1) The finished grading on developed lands shall provide for the effective removal of stormwater runoff to a drainage system.
- (2) The design engineer shall endeavor to establish a finished grade at the structure line to permit a minimum of two-percent grade away from the structure to the drainage system.
- (3) Drainage shall generally be to side or rear lot swales, provided:
  - (a) Swales are of a proper cross section to permit ease of maintenance by the individual owner.
  - (b) Easements are provided for access and/or maintenance where necessary.

B. Grading plan. A grading plan shall be submitted with the final plan for any development showing the following items:

- (1) Existing contours.
- (2) Spot elevations of proposed finish grade at key locations.
- (3) First-floor elevations.
- (4) Drainage flow directional arrows.
- (5) Proposed finish contours.
- (6) Minimum elevation of architectural opening(s).
- (7) Culvert invert elevations.

NOTE: All elevations to be on U.S.C.& G.S. datum

**§ 108-38. Streets and gutters.**

A. Street classifications.

- (1) Streets, private roads, private drives and driveways shall be provided for convenient traffic flow and circulation, and for firesafety, emergency and maintenance access and shall comply with the following designs for the purposes of this article:
  - (a) Primary street or major thoroughfare: dedicated major street used to carry through traffic from developed neighborhoods and municipal boundaries, including all streets serving commercial and industrial developments.
  - (b) Collector street: dedicated main street or road used to carry traffic from local streets to primary or major thoroughfares, including the principal entrance streets of a development.
  - (c) Local street: dedicated local street which connects to a primary street or collector street and which provides access to abutting properties and

protection from through traffic.

- (d) Alley: narrow serviceway providing a secondary public means of access to abutting properties.
  - (e) Private road: undedicated road on a private right-of-way used as ingress and egress to five or more lots, which are not fronting on a dedicated street or street.
  - (f) Private drive: undedicated street on a private right-of-way used as ingress and egress to serve up to four lots, which are not fronting on a dedicated street or street.
  - (g) Driveway: undedicated passage providing vehicular ingress and egress from a principal structure and/or the accessory structures on a lot, across such lot directly to a street, private drive or private road, without passing across any portion of another lot.
- (2) Each of these streets, private roads, private drives and driveways have basic characteristics which may be modified by the Town Planning Board, within the limits of the Town of Canadice Subdivision Law, other Town land use laws and these specifications, to be consistent with unique proposals of development and construction. Variations of the standards and specifications shall not be permitted if they sacrifice design safety or maintenance of a proposed street, road or driveway.
- (3) A developer proposing to subdivide property with access from any existing private right-of-way functioning as a private road or private drive may request that the Planning Board evaluate the right-of-way for conversion to meet these specifications.

B. Design standards.

- (1) Design of streets, private roads, private drives and driveways shall conform to the following standards, in addition to any additional requirements set forth elsewhere in these specifications and the Subdivision Law:
- (a) Policy of Geometric Design of Highways and Streets, by American Association of State Highway and Transportation Officials (AASHTO).
  - (b) Geometric Design Guide for Local Streets and Roads, by American Association of State Highway Officials (AASHO).
  - (c) Residential Streets, Objectives, Principles and Design Consideration, published jointly by the Urban Land Institute, the American Society of Civil Engineers, and the National Association of Home Builders.
  - (d) Materials shall conform to the criteria set forth in §§ 108-41 through 108-47 of these specifications.
  - (e) Minimum right-of-way widths, pavement widths, street sections and other details shall conform to typical right-of-way sections in the Appendix of

Standard Details and Design Data.<sup>8</sup>

- (f) Reducing the Impacts of Stormwater Runoff, by the New York State Department of Environmental Conservation, Division of Water, Bureau of Water Quality Management.
- (2) Horizontal design requirements. Streets and roads shall be designed to conform to the following horizontal alignment requirements:
  - (a) Minimum radius along the center line of horizontal curves:

<b>Type of Road</b>	<b>Minimum Radius (feet)</b>
Primary streets or major thoroughfares	500
Collector streets or roads	300
Local streets	150

- (b) Minimum tangent along the center line of a street between horizontal curves shall be not less than 100 feet.
- (c) Stopping sight distance for each type of street shall be not less than:

<b>Type of Road</b>	<b>Stopping Sight Distance (feet)</b>
Primary streets or major thoroughfares	450
Collector streets or roads	225
Local streets	150

- (d) Cul-de-sacs shall be a minimum of 300 feet in length, shall not exceed 500 feet in length and shall have a turnaround in compliance with the diagram of Appendix D.<sup>9</sup>
- (e) Layout of the street system shall provide for access of adjacent future development.
- (f) Temporary dead-end streets shall be provided with temporary turnarounds in compliance with the diagram of Appendix D or equivalence.
- (3) Vertical design requirements. Streets and roads shall be designed to conform to the following vertical alignment requirements:
  - (a) Minimum grade: 0.50%.
  - (b) Maximum grade for:
    - [1] Primary streets or major thoroughfares: 6%.
    - [2] Collector streets: 6%.
    - [3] Local street: 8%.

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8. Editor's Note: The Appendixes are included at the end of this chapter.

9. Editor's Note: Appendix D is included at the end of this chapter.

[4] Private road: 10%.

[5] Private drive: 10%.

[6] Driveway: 15%.

- (c) Vertical curves shall be provided for all changes in grade exceeding 1.0%.
- (d) Minimum length of vertical curves shall be determined based on the site distance required for each type of street.

(4) Intersection design requirements.

- (a) Within 50 feet of intersections, streets shall be approximately at right angles, and in no case shall the intersecting center lines have an angle less than 75%.
- (b) Minimum pavement radius at intersections shall be less than 30 feet.
- (c) Intersections of primary streets or major thoroughfares shall be spaced not less than 1,000 feet between center lines.
- (d) Intersections of collector streets by other streets shall be spaced not less than 800 feet between center lines.
- (e) Minimum distance between center lines of offset streets shall not be less than 200 feet.
- (f) Acceleration and deceleration lanes may be required by the Town along primary streets or major thoroughfares at principal entrance streets of developments.
- (g) Leveling areas shall be provided on all sides of intersections for a minimum distance of 100 feet where the grade shall not exceed 4.0%.
- (h) Maximum pavement grade within intersections shall not exceed 1.0% in any direction.
- (i) Visibility for traffic safety shall be provided within triangular areas formed by the intersecting right-of-way lines and a sight line between points 75 feet from the intersection. There shall be no plantings or structures in these triangular areas.

C. Driveway culvert.

- (1) Such a culvert shall be installed along existing street frontage lots to properly convey roadside drainage. The culverts shall be set to the proper grade to allow the natural flow of water.
- (2) The culvert shall be a minimum of 12 inches in diameter unless it is a part of a larger drainage, in which case a properly sized larger diameter pipe shall be installed.
- (3) The culverts shall extend a minimum of five feet beyond the edge of the

driveway pavement, be a minimum of 30 feet in length and be centered on the center line of the driveway pavement.

- (4) End sections or headwalls shall be provided on both ends of the culverts.
  - (5) Elevations shall be set by U.S.C. & G.S. datum.
  - (6) Culverts shall have a minimum of 12 inches of top cover.
- D. Sidewalk design. Sidewalks may be required by the Canadice Town Planning Board on both sides of the street, and they shall conform to specifications and details provided herein.
- E. Monuments. Monuments shall be located at PC's and PT's of all horizontal curves and every 1,000 feet along one side of the right-of-way.

**§ 108-39. Street lighting.**

- A. Street lighting may be required for new streets constructed in the Town of Canadice, for street extensions, and where designated by the Planning Board. The street lighting layout shall be shown on the construction plans and shall be in accordance with standards listed herein.
- B. Illumination.
- (1) The following minimum levels of illumination shall be provided at the ground surface:
    - (a) Residential streets: 0.2 footcandle.
    - (b) Commercial streets: 0.9 footcandle.
    - (c) IES Classification Type V.
  - (2) Spacing, size, and height of fixtures shall be selected to produce the minimum levels of illumination.
    - (a) Maximum spacing: 200 feet.
    - (b) Height: 12 feet residential; 13 feet commercial.
    - (c) One fixture shall be provided at each intersection.

**§ 108-40. Miscellaneous design criteria.**

Where land areas are reserved for future connections to adjacent parcels, all improvements, i.e., storm drains, water mains, roadway, etc., will be constructed to the common property line unless this requirement is specifically waived by the Planning Board under unusual special circumstances.

**§ 108-41. Material specifications in general.**

- A. The materials specified herein are intended to represent the high degree of quality required for installation within the Town of Canadice. The developer shall submit

written requests to the Town Engineer for approval of any substitutions or deviations from these standards.

- B. All standard material designations referenced within these specifications shall be the latest revision or edition thereof.

**§ 108-42. Storm drainage.**

Stormwater sewer mains shall be a minimum of twelve inches in diameter conforming to the following specifications:

- A. Reinforced concrete pipe (RCP). RCP shall be supplied in conformance with ASTM Specification C-76, Type III, Wall B. Joints shall be bell and spigot type with compression gasket.
- B. Polyvinyl chloride pipe (PVC). PVC shall meet the requirements of ASTM D-3034, minimum wall thickness SDR 35 and having elastomeric gasket joint, ASTM D3212.
- C. Corrugated steel pipe (CSP). All pipe shall be coated with bituminous material inside and outside and have joints made with connecting bands having neoprene gaskets. Pipe thickness gauge will be dependent on load conditions, except that minimum allowable thickness shall be 16 gauge.
- D. Corrugated polyethylene pipe (CPEP). All pipe shall be smooth interior double wall Hi-Q design with manufacturer standard fittings and connecting bands.
- E. Storm laterals. Storm laterals may be of any of the above piping materials except for RCP. Storm laterals shall be a minimum of six inches in diameter.

**§ 108-43. Manholes and manhole ladders.**

- A. Manholes. Precast reinforced concrete stormwater manholes shall be manufactured in accordance with ASTM Specification C-478. Riser sections shall have tongue-and-groove ends and super "0" joints and gaskets conforming to ASTM C-443. Manhole bases may be preformed or poured in the field. Benches and inverts shall be neatly formed from structural concrete with hardening additives added to the concrete. Sewer brick or one-half section of pipe may be used to form the finished invert. Piping sleeves or non-shrink grout shall be used to seal all openings between pipe and manhole knockout. Solid concrete block storm manholes shall fully conform with the detail in Appendix G of these specifications.<sup>10</sup>
- B. Manhole steps and ladders. Manhole steps shall be provided in all storm manholes and shall be either cast-in-place twelve-inch cast-iron or aluminum alloy or polypropylene copolymer reinforced with steel rod as manufactured by M.A. Industries, Inc. or approved equal. Manhole steps shall be easily accessed from the top of the manhole and shall be continuous, 12 inches on centers.

**§ 108-44. Frames and covers.**

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<sup>10</sup>. Editor's Note: Appendix G is included at the end of this chapter.

- A. Storm manhole frames and covers shall be Neenah R-1726-A, Syracuse Castings 1022 or approved equal with vented cover. The minimum clear opening shall be 22 inches, and the opening shall begin approximately six inches from the inside edge of the manhole and directly over the manhole steps.
- B. Catch basin frame and grates shall be rectangular galvanized per ASTM A-123 and sized to fit gutter or field inlets. The minimum gutter inlet opening shall be 18 inches by 24 inches, and the minimum field inlet opening shall be 24 inches by 24 inches inside dimension. Frames and grates shall be as shown on the detail drawing(s) in Appendix F of these specifications.<sup>11</sup>

**§ 108-45. Concrete gutters and sidewalks.**

- A. Concrete:
  - (1) Shall be a minimum of 4,000 psi (twenty-eight-day strength) Class A concrete conforming to NYSDOT Specification 609.
  - (2) Air entraining admixture shall conform to ASTM Specification C-260.
  - (3) Bituminous expansion material shall conform to NYSDOT Specification 705-07.
  - (4) Curing compound such as Accuseal by Allerton Chemical Co. or equal.
- B. Testing. The developer shall obtain one set of samples from every two trucks. Cylinder compression tests shall be run by an independent testing laboratory and results provided to the Town Engineer.

**§ 108-46. Road materials.**

- A. Subbase and base courses.
  - (1) Crushed stone shall conform to NYSDOT Gradation Table 703-4, equally mixed.
  - (2) Crusher run stone shall conform to NYSDOT Specification 304, Type 2.
  - (3) Aggregate shall conform to NYSDOT Specification 703.
  - (4) Graves shall be NYSDOT Specification 304, Type 4.
- B. Bituminous pavement.
  - (1) Binder course shall conform to NYSDOT Specification Section 401, Type 3 (dense binder).
  - (2) Top course shall conform to NYSDOT Specification Section 401, Type 7F.
- C. Tack coat shall conform to NYSDOT Specification Section 705-07.
- D. Premolded bituminous joint filler shall conform to NYSDOT Specification Section

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<sup>11</sup>. Editor's Note: Appendix F is included at the end of this chapter.

705-07.

- E. Underdrains. Underdrains shall be fully coated corrugated steel pipe per NYSDOT Specification Section 707-07 or corrugated polyethylene. All underdrain to be backfilled in No. 2 crushed stone.

**§ 108-47. Monuments.**

Monuments shall consist of one-half-inch diameter by 42 inches reinforcing rod embedded in concrete eight inches in diameter by 48 inches deep.

**§ 108-48. Installation.**

- A. Preconstruction meeting. A preconstruction meeting shall be held prior to the start of construction of a development. The developer, contractor and engineers shall meet with respective Town department heads and inspectors to discuss the overall project and to permit definite familiarization with Town requirements.
- B. Layout. It shall be the responsibility of the developer to have the work carefully laid out by qualified surveyors or engineering personnel in a manner that will assure accurate completion of the work.
- C. Defective work. Inspection of the work shall not relieve the developer of any of his obligations to comply with the specifications. Any defective work shall be made good and any unsuitable material shall be removed and replaced. If the work or any part thereof shall be found defective at any time before the final acceptance of the project, the developer shall make good such defect in a manner satisfactory to the Town.

**§ 108-49. Grading of installations.**

Grading shall be completed to within one foot of final grade prior to any trench excavation. Such rough grading is also required prior to boxing for roadways, starting house pads, surface drainage channels, storm detention basins, and similar work.

**§ 108-50. Trench excavation and backfill.**

- A. Trench excavation and backfill shall conform to the detail(s) in the appendix of this specification.<sup>12</sup>
- B. All trenches shall be immediately backfilled.

**§ 108-51. Pipe installation.**

All piping and appurtenances shall conform to plans for line and grade and be installed in full accordance with manufacturer requirements. Upon completion of pipe installation work, storm lines and drains shall be thoroughly flushed clean.

**§ 108-52. Manhole construction.**

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12. Editor's Note: The Appendixes are included at the end of this chapter.



- A. Manholes shall be constructed of materials specified in §§ 108-41 through 108-47 of these standards and at the locations shown on the plans, or as designated by the Town Highway Superintendent. No manholes are to be placed in pavements of dedicated roads or at driveway entrances.
- B. The manhole bed shall be excavated level and include a minimum of six inches of crushed stone.
- C. Manhole risers and flat slab covers shall be precast reinforced units. Manhole bases may be precast or field-poured upon detail approval.
- D. Frames and grates shall be firmly set in a bed of minimum one-inch cement mortar and adjusted to finished grade with concrete spacers made for that use. Brick and mortar plaster may be substituted for concrete spacers.
- E. Inverts shall be constructed in all manholes and shall be of full pipe depth.

**§ 108-53. Catch basins.**

Catch basins shall be constructed as shown in the appendix or as shown on the plans for special conditions.<sup>13</sup>

**§ 108-54. Laterals.**

Laterals shall be installed to the right-of-way (or easement) line for all lots. Each service shall be located with a two-inch by four-inch witness stake extending three feet above grade.

**§ 108-55. Cleaning up.**

- A. As the work progresses or as directed by the Engineer, all rubbish or refuse, unused materials and tools shall be removed at once from along and near the trench line construction.
- B. Rough cleanup along the route shall immediately follow installation procedures. Large spoil banks will not be permitted in developed areas.
- C. Final cleanup and landscaping shall proceed immediately after the installation, testing and approval of the facility.

**§ 108-56. Roads, gutters and walks.**

- A. General.
  - (1) The contractor shall not proceed to construct any of these items until the underground utility system has been installed, tested and approved by the Town.
  - (2) At a minimum, the road shall be designed and constructed to the shape and dimensions as shown in the appendix.<sup>14</sup> If deemed necessary by the Board, a greater road width and base may be required in those areas where particular

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13. Editor's Note: The Appendixes are included at the end of this chapter.

14. Editor's Note: The Appendixes are included at the end of this chapter.

traffic patterns or soil conditions deem such necessary.

B. Roads and gutters.

(1) Subbase.

(a) The subgrade shall be graded to remove all unsatisfactory or unstable material. Where material is removed below the subgrade elevation, suitable granular material shall be used to bring the road to the proper subgrade. The entire subgrade surface shall be thoroughly compacted according to NYSDOT Specification 203-3.12. No movement shall be observed in the subgrade material as the roller passes.

(b) When the subbase is completed, the contractor shall so notify the Superintendent of Highways and the design engineer for a final inspection. Upon the inspection and written approval of the subbase by the Superintendent of Highways, the base material may be placed.

(2) Base material. Approved base material shall be uniformly deposited and compacted in layers with a roller, according to NYSDOT specifications. Rolling shall begin at the sides and continue toward the center and shall continue until there is no movement of the course ahead of the roller. After compaction, the top surface of this course shall not extend above the theoretical elevation of this course, and when tested with a straight edge 16 feet in length, any bump or depression over one-quarter inch (1/4") from the theoretical grade line shall be satisfactorily eliminated.

(3) Concrete gutters.

(a) Concrete gutters shall be a minimum of six inches in depth and constructed true to the shape, line and grade and placed on a thoroughly compacted base. The gutters may be constructed using a slip-form method or in-place form work. Joints between sections shall be placed every 10 feet at right angles to the flow line and must be wet-struck 1/8 inch wide and 3/4 inch deep.

(b) Full-depth expansion joints shall be placed every 50 feet and at all structures or inlets. The full-depth expansion joints shall contain bituminous expansion joint material for this full depth.

(c) Gutters shall be broom finished before the joints are struck, and the finish shall be consistent throughout the project.

(d) Gutters shall be cured and sealed by spraying the Accuseal or approved equal, applied at the rate recommended by the manufacturer. One coat of curing compound shall be applied immediately and one coat after 48 hours.

(e) Any gutters not conforming to these specifications and true to line and grade shall be removed and replaced.

(4) Bituminous pavement.

(a) Binder.

[1] Binder shall be placed and compacted to a minimum finished layer thickness of two inches with a self-propelled asphalt spreader and rolled according to NYSDOT Specifications 401-3.06 and 401-2.12. Before applying the top course, any irregularities in the binder course shall be eliminated, but at no time will cold patch or winter mix be allowed on the binder for repair work.

[2] Before the surface course is placed, the binder will be cleaned and inspected by the Highway Superintendent to determine the condition of the pavement. It may be necessary to apply a tack coat at the rate of 0.1 gallon/square yard before placing the surface.

(b) The surface course shall be placed and compacted to a minimum finished layer thickness of one inch with a self-propelled asphalt spreader and rolled in accordance with NYSDOT Specifications 401-3.06 and 401-3.12.

(5) Double surface treatment.

(a) The base course shall be well compacted and properly shaped.

(b) Asphalt shall be spread with an asphalt distributor that has an accurate spray bed.

(c) Stone shall be spread with an aggregate spreader properly calibrated to accurately place the correct poundage of stone per square yard.

(d) Stone shall be rolled in with a pneumatic roller. A flat steel roller shall be used for a final roll to even the final surface.

C. Temporary road construction.

(1) Where construction sequences preclude the specified road construction items and these requirements for certificates of occupancy, a temporary road consisting of the specified road section less surface course may be constructed.

(2) This temporary road shall be inspected by the Superintendent of Highways and approved in writing prior to the issuance of any certificate of occupancy. The Town may accept dedication of the road and sufficient monies to top the road the next year.

D. Sidewalks. Sidewalks may be required by the Planning Board. Sidewalks shall be four feet in width, five inches in depth of 4,000 psi concrete on a four-inch base of gravel or crushed stone. The blocks shall be five feet in length with bituminous expansion joints every 25 feet. The finish shall be consistent with the gutter specifications.

**§ 108-57. Approval of project for dedication.**

A. General. All construction within the right-of-way shall be complete with final inspections and approvals of the construction by the Town departments involved:

(1) Town Highway Superintendent.

- (2) Building Inspector.
- (3) Town Engineer.
- B. Monuments. Monuments shall have been set in their required locations.
- C. Grading. Final grading shall be completed within the right-of-way and all spoil removed from the site.
- D. Street signs. All street and traffic signs shall be properly set in their designated locations.
- E. As-built plans.
  - (1) As-built plans and all testing results shall be supplied to the Town Clerk prior to release of retainage outstanding of the utilities.
  - (2) Record maps shall be prepared by the design engineer and six prints and a reproducible (mylar) shall be submitted to the Town Clerk.
    - (a) The record map shall contain the following information:
      - [1] The locations and inverts of all sanitary and storm sewers, water mains and appurtenances.
      - [2] The locations of all valves, catch basins and hydrants.
      - [3] The location at the property line of each individual lot:
        - [a] Storm lateral.
        - [b] Water service curb box.
      - [4] Any other significant details affecting the operation or maintenance of the system by the Town.
    - (b) The locations of all facilities shall be tied to visible and reproducible objects.
- F. Maintenance bonds. The submission and acceptance of the maintenance bonds for all improvements to be offered to the Town for dedication. Maintenance bonds shall be written by a surety licensed to do business in New York State, and they shall be in the amount of 10% of the final construction cost.
- G. Release of final monies. The Town Board, upon recommendation from the Town Engineer, shall then authorize release of monies retained on the project.

ARTICLE VII  
**Supersedure of Town Law**  
**[Added 12-11-2000 by L.L. No. 5-2000]**

**§ 108-58. Statute superseded.**

This article is hereby adopted pursuant to the provisions of § 10 of the Municipal Home Rule Law and Section 10 of the Statute of Local Governments. It is the intent of the Town

Board, pursuant to § 10 of the Municipal Home Rule Law, to supersede the provisions of Town Law § 276, Subdivision 4(a), defining "subdivision," relating to the approval of lot lines in general and not only those lines, as shown on a plat previously approved and filed in the office of the County Clerk.

ARTICLE VIII

**Severability**

**[Added 12-11-2000 by L.L. No. 5-2000]**

**§ 108-59. Provisions to be severable.**

If any provisions of the chapter are held to be unconstitutional or otherwise invalid, by any court of competent jurisdiction, the remaining provisions of this chapter shall remain in effect.