

TOWN OF FABIUS

NEW YORK

LAND SUBDIVISION REGULATIONS

DEVELOPED BY THE

FABIUS TOWN PLANNING BOARD

JANUARY 1987

TOWN OF FABIUS  
New York  
SUBDIVISION REGULATIONS

TABLE OF CONTENTS

ARTICLE I.	FORWARD . . . . .	1
	Section 1: Purposes . . . . .	1
	Section 2: Administration . . . . .	1
ARTICLE II.	DEFINITIONS . . . . .	2
ARTICLE III.	PROCEDURE . . . . .	4
	Section 1: Sketch Plan . . . . .	4
	Section 2: Minor Subdivision Plat . . . . .	4
	Section 3: Preliminary Plat Procedure Major Subdivision . . . . .	5
	Section 4: Final Plat Procedure . . . . .	7
ARTICLE IV.	DEVELOPMENT STANDARDS . . . . .	10
	Section 1: Streets - General Planning Standards . . . . .	10
	Section 2: Lots . . . . .	10
	Section 3: Unique and Natural Features . . . . .	10
	Section 4: Easements . . . . .	10
	Section 5: Storm Drainage . . . . .	11
ARTICLE V.	REQUIRED IMPROVEMENTS . . . . .	12
	Section 1: Monuments . . . . .	12
	Section 2: Utility and Street Improvements . . . . .	12
ARTICLE VI.	PLANS AND DATA TO BE SUBMITTED . . . . .	13
	Section 1: Sketch Plan . . . . .	13
	Section 2: Approval of Minor Subdivision . . . . .	13
	Section 3: Preliminary Plat for Major Subdivision . . . . .	15
	Section 4: Final Plat for Major Subdivision . . . . .	17
	Section 5: Optional Public Hearing . . . . .	19
	Section 6: Waiver of Public Hearing . . . . .	19
	Section 7: Requirements After Filing Final Plat . . . . .	19
ARTICLE VII:	WAIVERS AND MODIFICATIONS . . . . .	20
ARTICLE VIII:	ENFORCEMENT, VIOLATIONS AND PENALTIES . . . . .	21
	Section 1: Building Permits . . . . .	21
	Section 2: Action to Prevent or Abate Violations . . . . .	21
	Section 3: Penalties . . . . .	21
ARTICLE IX.	MISCELLANEOUS . . . . .	22
	Section 1: Conflict with Other Regulations . . . . .	22
	Section 2: Separability . . . . .	22
	Section 3: Short Title . . . . .	22
	Section 4: Interpretations . . . . .	22
	Section 5: Effective Date . . . . .	22

TOWN OF FABIUS  
New York  
SUBDIVISION REGULATIONS

ARTICLE I. FORWARD

Section 1: Purposes

It is hereby declared to be the policy of the Town of Fabius that the subdivision and development of land shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth:

- A. Land to be subdivided or developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or smoke, or other menace.
- B. Proper provisions shall be made for drainage, water supply, sewage disposal, and other appropriate utility services.
- C. Proposed streets shall provide a safe, convenient and functional system for vehicular circulation, and shall be properly related to concurrent master plans for the affected area of the Town.
- D. Streets shall be of such width, grade and location as to accomodate prospective traffic as determined by existing and probable future land building uses.
- E. Buildings, lots, blocks and streets shall be so arranged as to afford adequate light, view and air, to facilitate fire protection, and to provide ample access for fire-fighting equipment to buildings.
- F. Land shall be subdivided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced.

Section 2: Administration

- A. The Planning Board has been given the authority to administer these regulations by the Fabius Town Board.
- B. Final approval for a minor subdivision will be decided by the Fabius Planning Board. Final approval for major subdivisions will be a joint decision of the Fabius Town Board and Planning Board.
- C. The Planning Board is delegated the authority to determine whether a subdivision will be a major or minor action. This determination will be made on the basis of the sketch plan (see Article III, Section 1) presented to the Planning Board.
- D. The tax map of October 1986 of the Town of Fabius, on record with the clerk of the Planning Board, shall be considered, for purposes of enforcement of the regulation, the record year of property configuration of boundaries.
- E. Corrective changes to the boundaries shown in the October 1986 tax map shall not constitute a subdivision if they do not result in the creation of a new lot.

ARTICLE II. DEFINITIONS

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

- A. Subdivision - the division of land into two (2) or more lots or parcels for purposes of sale, lease, rental or development. The term "subdivision" shall also include resubdivision as defined herein. The term subdivision shall further include the development of land into two (2) or more condominium units.
  1. Agricultural Lots - A subdivision shall not include the division of land into two or more lots, each ten (10) acres or more in area, to be used exclusively for agricultural purposes and not involving the creation of a new street or highway or the placement of any building. If any of these agricultural lots have frontage on a town, county, or state street or highway, there shall be at least five hundred (500) feet of road frontage.
- B. Resubdivision - alteration of the size, shape or orientation of lots, lot lines, parcels or rights-of-way, or other elements which are contained within a subdivision or result from a previous subdivision process.
- C. Minor Subdivision - a subdivision containing no more than two (2) lots fronting an existing road, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Zoning Ordinance, or these regulations. A minor subdivision can be reclassified major at the discretion of the Planning Board.
  1. Large Lot Minor Subdivision - At the discretion of the Planning Board, a subdivision containing lots of five (5) or more acres each which does not involve the creation of a new street or highway can be considered a Minor Subdivision.
- D. Major Subdivision - a subdivision containing three (3) or more lots, a reclassified minor subdivision, or any subdivision requiring a new road or a third minor subdivision of a lot, that existed in the 1986 County Tax Map, within a ten (10) year period.
- E. Streets - the term street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, drive, place or other similar designation.
  1. Multiple Frontage - a lot with frontage on two or more existing or proposed rights-of-way.
  2. Cul-de-sac Streets - minor streets with one end open for public vehicles and pedestrian access and the other end terminating in a vehicular turnaround. The length of a cul-de-sac street shall be measured along the center from which it runs to the center of the cul-de-sac turnaround.

F. Plats

1. Preliminary Plat - a drawing prepared by a registered engineer or surveyor in a manner prescribed herein showing the layout of a proposed subdivision including but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as required herein (see Article VI).
2. Final Plat - the preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been so approved (see Article VI, Section 3).
3. Preliminary Plat Approval - the approval of the Planning Board of the layout of proposed subdivision as set forth in a preliminary plat, but subject to the Board's conditions and recommendations and subject to approval of the plat in final form in accordance with the provisions of Subdivision 7, Articles 16 and 276 Town Law (said provisions being restated in Article III herein).
4. Final Approval of a Plat in Final Form - the signing of a final plat by a duly authorized officer of the Planning Board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the County Clerk.

G. Planning Board - the Planning Board of the Town of Fabius.

H. Lot or Parcel - an area of land described by metes and bounds as shown on a filed document that is properly recorded in the office of the Onondaga County Clerk.

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

ARTICLE III: PROCEDURE

Section 1: Sketch Plan

A. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least ten (10) days prior to the regular meeting of the Board two (2) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article VI, Section 1, for the purposes of classification and preliminary discussion.

B. Discussion of Requirements and Classification

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for the street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Minor or Major Subdivision as defined in these regulations. The board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with theh the procedures outlined in Article III, Section 2 of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III, Section 3.

C. Study of the Sketch Plan

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

Section 2: Minor Subdivision Plat

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

- A. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments, and shall be referenced and shown on the Plat.

- C. All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Department of Health, and a note to this effect shall be stated on the Plat and signed by a licensed engineer.
- D. Proposed subdivision name, name of the Town and County in which it is located.
- E. The date, north point, map scale, and address of record owner and subdivider.
- F. The Plat to be filed with the County Clerk shall be minimum sheet size 17" x 22", scale: 1" = 50'.
- G. Any plat showing proposed building sites having frontage or, access to, or otherwise directly related to any existing or proposed right-of-way shown on the County Official Map (Highways) shall be submitted by the Planning Board to the Onondaga Planning Board for review as provided by Section 239-K of the General Municipal Law.

### Section 3: Preliminary Plat Procedure for Major Subdivision

#### A. Consultations with Governmental Agencies

The owner shall consult with the Onondaga County Department of Health with regard to water supply and sewage disposal. If the subdivision is to utilize a form of sub-surface leaching for waste disposal, percolation tests shall be made by a New York State registered professional engineer before the owner proceeds to the preparation of the Preliminary Plat. If the installation of a sewer system is involved, the owner shall consult with the Onondaga County Department of Drainage and Sanitation.

#### B. Submission of Application

The owner shall submit to the Planning Board a Preliminary Plat, clearly marked "Preliminary Plat", together with supplementary materials as specified in Article VI. Such Preliminary Plat shall conform to the definition provided in Article II.

#### C. Referral to the Onondaga County Planning Board

Any Preliminary Plat of a subdivision showing proposed new streets or building sites having frontage or, access to, or otherwise directly related to any existing or proposed right-of-way shown on the County Official Map (Highways) shall be submitted by the Planning board to the Onondaga County Planning Board for review as provided by Section 239-K of the General Municipal Law.

D. Public Hearing

Within forty-five (45) days after the receipt of the preliminary plat and pronounced complete by the Planning Board, the Planning Board shall hold a public hearing which shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such a hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for the full consideration of such preliminary plat.

E. Planning Board Decision

Within forty-five (45) days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove the preliminary plat, and the grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. 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. When approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form.

F. Certification of Preliminary Approval

Within five (5) working days of the approval of the preliminary plat it shall be certified by the clerk of the Planning Board as granted preliminary approval, a copy filed in that office, and a certified copy mailed to the owner.

G. Limitation of Approval

Within six (6) months of the approval of the preliminary plat the owner must submit the plat in final form. If a plat in final form is not so submitted, approval of the preliminary plat may be revoked by the Planning Board.

H. Failure of the Board to Take Action

In the event the Planning Board fails to take action on a preliminary plat within the time prescribed therefore, such plat shall be deemed granted preliminary approval. The certification 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.



Section 4: Final Plat Procedure

A. Public Hearing

Within forty-five (45) days of submission of the plat in final form for approval by the Planning Board and pronounced complete, a hearing shall be held by the Planning Board, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing, provided, however, that when the Planning Board deems the final plat to be in substantial agreement with the approved preliminary plat and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive requirement for such public hearing.

B. Planning Board Decision

The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapproval, or grant final approval and authorize the signing of such plat, within forty-five (45) days of its receipt by the clerk of the Planning Board if no such hearing is held, or in the event such hearing is held, within forty-five (45) days after the date of such hearing. Notwithstanding the foregoing provisions, the time in which the Planning Board must take action on the plat, may be extended by mutual consent of the owner and the Planning Board.

C. Failure of the Board to take Action

In the event the Planning Board fails to take action on a final plat within the time prescribed therefore, 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 the prescribed time shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

D. Authorization for Signature

Upon resolution of conditional approval of such final plat the Planning Board shall empower the Planning Board Chairperson to sign the plat subject to completion of such requirements as may be stated in the resolution.

E. Certification of Conditional Approval

Within five (5) working days of such resolution the plat shall be certified by the clerk of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the owner including a certified statement of such requirements which when completed will authorize the signing of the conditionally approved final plat.

F. Signing of Final Plat

Upon the completion of such requirements, the plat shall be signed by Planning Board chairperson.

G. Expiration of Conditional Approval

Conditional approval of a final plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as completed. Notwithstanding the foregoing provisions, the Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature, if in its opinion such intention is warranted by the particular circumstances thereof, for not to exceed two additional periods of ninety (90) days each.

H. Subdivision Sections

Prior to granting conditional or final approval of a plat in final form, the Town Planning Board may permit the plat to be subdivided into two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat.

I. Time By Which Plat Or Section Thereof Must Be Filed

The signature of the duly authorized officer of the Planning Board constituting final approval by a Planning Board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval by the Board of the development of a plat or plats already filed in the office of the county clerk if such plats are entirely or partially undeveloped or the certificate of the Town as to the date of the submission of the final plat and the failure of the Planning Board to take action thereon within the time prescribed, shall expire within sixty (60) days from the date of such approval, or from the date such certificate is issued, unless within such sixty (60) day period such plat or a section thereof shall have been duly filed or recorded by the subdivider in the office of the county clerk.

J. Filing Sections

In the event the subdivider shall file only a section of such approved plat in the office of the County Clerk, the entire approved plat shall be filed with the Town Clerk within thirty (30) days of the filing of such section. Such section shall encompass at least 10 percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Section 265A, Subdivision 2 of the Town Law.

Note: The Planning Board is reminded that the subdivision review must comply with the applicable provisions of the state Environmental Quality Review Regulations, Part 617 of Title 6NYCRR (Statutory Authority: Environmental Conservation Law, Article 8).

## ARTICLE IV: DEVELOPMENT STANDARDS

### Section 1: Streets - General Planning Standards

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map and the Master Plan, if any, and shall be considered in relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. No dead-end streets shall be permitted without a suitable turn-around.

### Section 2: Lots

- A. Design Standards
  - 1. Lot dimensions shall conform to the requirements of the Zoning Ordinance.
  - 2. Excessive depth in relation to the width shall be avoided. A proportion of 2 1/2 to 1 will normally be considered maximum.

### Section 3: Unique and Natural Features

- A. Unique physical features such as historic landmarks and sites, rock outcrops, hilltop lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved and generally accepted geotechnical methods. Where possible, damage to existing trees shall be avoided.
- B. No trees shall be planted within the street right-of-way nor within fifteen (15) feet of the right-of-way.

### Section 4: Easements

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where they are anticipated.
- B. Permanent utility easements normally need not exceed twenty (20) feet in width, although exceptional circumstances may require additional width.

Section 5: Storm Drainage

- A. All subdivision shall be related to the drainage pattern affecting the areas involved, with proper provisions to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development, and shall comply with the requirements of the Town engineer and highway superintendent, and the County Department of Drainage and Sanitation, where applicable.
- B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water drainage easement or right-of-way conforming substantially with the lines of such water course, and of such water course, if such data are available; or to encompass the flood of record plus three feet in elevation.
- C. Easements of rights-of-way for storm water drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated run-off that will occur when property at a higher elevation in the drainage basin is developed.

## ARTICLE V: REQUIRED IMPROVEMENTS

The following improvements shall be installed by the owner prior to the approval of the final plat, or alternatively, he shall post a performance bond as provided in Article VI, Section 2, sufficient in amount to cover the estimated full cost of such construction as determined by the Planning Board. (At the discretion of the Town Board, the developer may secure the formation of a special district to install such utility and street improvements pursuant to the laws of the State.)

### Section 1: Monuments

- A. For subdivisions with new streets, monuments shall be placed at all block corners, angle points, or curvature in streets, and the points of tangency or horizontal curves, and at such intermediate points as shall be required by the Town Engineer or Highway Superintendent. Monuments shall be of granite or concrete with an iron pin in the center.

### Section 2: Utility and Street Improvements

- A. Utility and street improvements shall be provided in accordance with the following:
  1. Community water supply, if to be provided, and sanitary sewer system, where required, in accordance with procedures and standards of the Onondaga County Department of Health.
  2. All roads and streets shall comply with New York State Highway Department specifications.
  3. Storm sewer and other drainage improvements in accordance with applicable standards of the County Department of Health and Sanitation.
  4. Street name signs at all intersections, the design of which shall be approved by the Highway Superintendent.
- B. Street construction shall meet the specifications set forth in Geometric Design Guide for Local Roads and Streets prepared by the committee on Planning and Design Policies, American Association of State Highway and Transportation Officials, latest revision. Where natural conditions of subgrades, slope and drainage are other than favorable the Planning Board after consultation with the Town Highway Superintendent, may require reasonable higher standards for gravel base and pavement and may specify special treatments of the subgrade.
- C. Where any subdivision lies contiguous to existing public park lands, historical sites, public school land, recreational areas and any other land deemed public interest by the Planning Board, the developer shall, at the discretion of the Planning Board, be required to provide screening and/or fencing of a suitable nature to be determined by the Board between such subdivision and the park land.

ARTICLE VI: PLANS AND DATA TO BE SUBMITTED

Section 1: Sketch Plan

The Sketch Plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than two hundred (200) feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- B. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, then the applicant shall submit a copy of a U.S.G.S. topographic map, enlarged to a scale of approximately two hundred (200) feet to the inch and showing contour intervals of twenty (20) feet, with the site located on the map.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
- D. The tax map sheet, block and lot numbers, if available.
- E. All the utilities available, and all streets which are either proposed, mapped or built.
- F. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
- G. All existing restrictions on the use of land including easements, covenants, or zoning lines.
- H. Accurate completion of the Short Environmental Assessment form.

Section 2: Approval of Minor Subdivision

A. Application and Fee

Within six (6) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article III, Section 2.

All applicants for Plat approval for Minor Subdivisions shall be accompanied by a fee of fifty dollars (\$50.00) plus one dollar (\$1.00) per lot, plus advertising costs.

B. Number of Copies

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

C. Subdivider to Attend Planning Board Meeting

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

D. When Officially Submitted

The time of submission of the Subdivision Plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and all data required by Article III, Section 2 of these regulations, has been filed with the clerk of the Planning Board.

E. Public Hearing

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

F. Action on Subdivision Plat

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

Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board.



Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed to two additional periods of ninety (90) days each.

Section 3: Preliminary Plat for Major Subdivision

Five (5) copies of the Preliminary Plat map and all required supplementary material, together with two (2) copies of the application shall be submitted; together with a fee of two hundred fifty dollars (\$250.00) plus twenty-five dollars (\$25.00) per lot, plus advertising costs. At the time of filing the Preliminary Plat, the subdivider shall also submit the following:

- A. Certification from a registered land title insurance company licenced to do business in New York State that the applicant is the owner in fee of the property which is the subject of the application.
- B. Preliminary Plat Map:
  1. Title, scale, north arrow and date.
  2. Minimum sheet size - less than 10 acres 17" x 22", scale: 1" = 50'; ten or more acres 20" x 40", scale 1" = 100'.
  3. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a New York State licensed land surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plot. Boundaries of lands by owner names are not to be considered as bearings or control points.
  4. Location and dimensions of existing and proposed:
    - a. Lots, streets, public facilities or land easements, and similar features.
    - b. Facilities or land dedicated or reserved for public use.
    - c. Utilities, if any, on and adjacent to the tract, including invert elevation of sanitary, storm, and combined sewer or water mains; gas lines, fire hydrants, electric and telephone facilities and street lights; invert elevation of sanitary, storm, direction and distance of sewers not adjacent to tract to which connections are proposed and invert elevations at points of connection.
  5. Location of percolation test sites.

6. Names or numbers of:
    - a. Owners of adjoining land.
    - b. Adjoining subdivisions.
    - c. Proposed subdivision.
    - d. Proposed streets.
    - e. Blocks and lots.
    - f. Owner.
  7. Location Inset Map showing:
    - a. Subdivision location and boundaries.
    - b. Location of adjoining tracts and subdivision and existing and planned streets, public facilities, water courses within 400 feet of any part of the subdivision.
    - c. Scale of not more than 1" = 400', nor less than 1" = 200'.
  8. A draft Environmental Impact Statement may be required by the Planning Board.
- C. Development Data:
1. Total acreage of subdivision and number of lots proposed.
  2. Results of percolation tests.
  3. Drawings Showing:
    - a. Tentative street cross-sections and centerline profiles.
    - b. Preliminary sketches of any bridges or culverts.
    - c. Storm water drainage.
    - d. General design of any sewers.
  4. Time schedule of operations.
- D. Legal Data:
1. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
  2. Draft of offers of cession as required.
- E. Grading and landscaping plans.
- F. Additional information as deemed necessary by the Planning Board.

Section 4: Final Plat for Major Subdivision

A. Application Requirements

The Final Plat shall conform substantially to the Preliminary Plat, as approved (including such modifications as required by the Planning Board in its approval). Four (4) cloth-backed copies of the Final Plat, and all required supplementary material as specified in this Article, together with two copies of the application for final approval shall be submitted. This application, copies of the Final Plat and supplementary material shall not be accepted if approval of the Preliminary Plat has been revoked. At the time of filing the Final Plat, the subdivider shall also submit the following:

1. A certificate by the Onondaga County Department of Health as to adequacy of the proposed water supply and sewage disposal.
2. A certificate by a New York State registered professional engineer that any required improvements constructed by the owner have been designed and inspected and meet the minimum standards in these regulations, or as otherwise required by law.
3. A performance bond, approved by the Planning Board and the Town Board as to form, sufficiency, manner of execution and surety, for the completion of such required improvements as have not been constructed.
4. Offers of cession, in a form certified as satisfactory by the Town Attorney, of all land to be dedicated for streets, highways, easements, or other public facilities.
5. A certified check, in the amount to be determined by the Planning Board, to meet the costs of inspection by an engineer selected by the Planning Board, of required improvements, unless the improvements are to be provided by special district.
6. Drawings, certified by a licensed Land Surveyor, showing the location of all improvements as may have been constructed prior to Final Plat submission.
7. An Environmental Impact Statement when required by the State of New York or by findings of the Draft Environmental Impact Statement.
8. Final Plat Map:
  1. Title, scale, north arrow and date.
  2. Sheet size: Less than 10 acres - 17" x 22", scale: 1" = 50'; ten or more acres - 20" x 40", scale: 1" = 100'.
  3. Ink drawing on tracing cloth or a transparent reproduction with black line on cloth or stable plastic base film.

9. Corrected and final planimetric data from the Preliminary Plat, except as modified below:
  - a. For all street rights-of-way and property lines, the following shall be shown: 1) accurate dimensions, bearings or deflection angles of all straight lines, except interior parallel lines bound by outermost parallel lines which are prescribed by dimension and bearings; error of closure may not exceed one (1) foot in 5,000; and 2) radii, arcs, and central angles of all curves.
  - b. For other rights-of-way and easements, the name, bearings and width are required.
10. Survey data: primary control points, or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on map are referred. (Lands by owner's name are not to be considered as bearing or control points.)
11. Information beyond subdivision boundary required for preliminary plan need not be shown except for boundary streets.
12. Location Inset Map:
  - a. Corrected and update from Preliminary Plat.
  - b. If Final Plat is drawn in two or more sections, locations of the areas should be indicated.

B. Development Data:

1. Corrected and updated development data from Preliminary Plat.
2. Detailed drawings and specifications for:
  - a. All improvements shown on Preliminary Plat development data drawings.
  - b. Sanitary sewage disposal system.
  - c. Water supply system.
3. Legal Data:
  1. Corrected and updated legal data form Preliminary Plat.
  2. Such other certificates, affidavits, endorsements, or agreements as may be required by the Planning Board in enforcement of these regulations.

Section 5: Optional Public Hearing

A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forty-five (45) days of the official subdivision date of the plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the final plat within forty (45) days of the public hearing. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board.

If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the provision violated by the plat. Failure of the Planning Board to render a decision within the stated forty-five(45) day period shall be deemed final approval of the plat.

Section 6: Waiver of Public Hearing

If the final plat is in the substantial agreement with the preliminary plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the plat within forty-five (45) days of the official submission date.

Section 7: Requirements After Filing Final Plat

Within thirty (30) days from the recording of the Final Plat or any approved section thereof, the subdivider shall file with the Planning Board a photostat copy of the plat certified by the County Clerk to be a true copy of the recorded plat. Drawings showing the location of all required improvements as built shall be certified by a licensed Land Surveyor or a New York State registered professional engineer and filed with the Planning Board within 30 days prior to acceptance of the improvements by the Town. Until such as built plans are filed, no performance bond guaranteeing the completion of such improvements shall be released. Performance bonds may be changed only under the provisions of Section 277 of the Town Law.

ARTICLE VII: WAIVERS AND MODIFICATIONS

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

ARTICLE VIII: ENFORCEMENT, VIOLATIONS AND PENALTIES

Section 1: Building Permits

Before such permit shall be issued such street or highway shall have been suitably improved to the satisfaction of the Town Board, if empowered by the Town in accordance with standards and specifications approved by the Town Board, as adequate in respect to the public health, safety and general welfare for the special circumstances of the particular street or highway. Alternatively, and in the discretion of such Board, a performance bond sufficient to cover the full cost of such improvement as estimated by such board shall be furnished to the Town by the owner. Such performance bond shall be issued by a bonding or surety company approved by the Town Board or by the owner with security acceptable to the Town Board, and shall also be approved by such Town Board as to form, sufficiency and manner of execution. The term, manner of modification and method of enforcement of such bond shall be determined by the appropriate Board in substantial conformity with Article 16, Section 277 of the Town Law.

Section 2: Action to Prevent or Abate Violations

The Town Board may, by ordinance, provide for additional remedies to prevent or abate violations and to establish penalties for violations, as provided by law.

Section 3: Penalties

The Town Board may, by ordinance, provide that a violation of these regulations is declared to be an offense, punishable by a fine and/or imprisonment.

ARTICLE IX: MISCELLANEOUS

Section 1: Conflict with other Regulations

Whenever there may be a conflict between the standards specified in these regulations and those of other codes, ordinances, or regulations of the Town of Fabius, the most restrictive or highest standard shall apply.

Section 2: Separability

If any section, paragraph, clause, phrase or provision of these regulations shall be adjudged invalid or held unconstitutional, such decision shall not affect the validity of these regulations as whole or any part thereof other than the part so held to be invalid or unconstitutional.

Section 3: Short Title

These regulations shall be known and may be cited as "Subdivision Regulations of the Town of Fabius".

Section 4: Interpretations

Interpretations of these regulations, if and as necessary, will be given or issued by the chairperson of the Planning Board as directed by the majority vote of the Planning Board.

Section 5: Effective Date

These regulations shall be effective on and from the 1st day of March, 1987.