

TOWN OF RICHFORD

SUBDIVISION LAW

**Adopted by the Richford Town Board
August 12, 2003**

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ARTICLE I. GENERAL PROVISIONS

Section 101. Title and Effective Date

These regulations shall be known as the "**Town of Richford Subdivision Law**". The provisions of this local law are referred to as regulations. These regulations have been adopted by the Planning Board on July 2, 2003, and approved by the Town Board on August 12, 2003.

Section 102. Authorization

The Town Board of Richford, as empowered by Article 16 of the Town Law of the State of New York, and by means of a resolution adopted August 12, 2003, authorizes the Planning Board of the Town of Richford to approve or disapprove allocations for subdivision developments within the Town of Richford, approve or disapprove the development of subdivision developments already filed in the office of the Tioga County Clerk if such plats are entirely or partially undeveloped, to approve or disapprove changes in the lines of existing highways, or public areas shown on subdivision plats or maps filed in the office of the Tioga County Clerk, to approve the development of plats, entirely or partially undeveloped, which were filed in the office of the Tioga County Clerk prior to the appointment of such Planning Board and grant to the board the power to approve such plats.

Section 103. Jurisdiction

These Regulations shall apply to all land within the Town of Richford. All subdivisions as defined herein shall be made known to the Town Clerk by written notice. No subdivision or portion thereof shall be sold or offered for sale, and no construction, excavation, filling, regrading, clearing of vegetation, erection of any structure or similar activities shall be begun, and no building permits shall be issued, until the requirements of this Local Law are satisfied and a plan or map of such subdivision has been approved by the Planning Board and filed or recorded with the Tioga County Clerk. It shall be illegal to create in the Town of Richford a subdivision development, as defined herein, without the approval of the Planning Board.

Section 104. Purpose

The purpose of these Regulations is to provide for the future growth and development of the town; for protecting, maintaining and improving environmental quality; for affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health, and welfare of its population, and to ensure that any subdivision plats contribute to the orderly, efficient and economic development of the town in a manner that maintains and reflects the uniqueness of the Town and the character of the Town as a rural community.

These Regulations are intended to ensure:

- A. That the health, safety and welfare of the Town's inhabitants are protected and promoted;
- B. That land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- C. That proper provision is made for drainage, water supply, sewerage, highways, open space, and other improvements;
- D. That land, once subdivided and developed, will not place an undue burden on the Town to maintain Town owned facilities, including roads;

- E. That all proposed lots be laid out and of such size as to not cause any adverse effects, such as erosion or groundwater contamination, on neighboring properties;
- F. That all proposed lots be so laid out that all existing and proposed roads compose a convenient system and be of such design and construction as to accommodate the prospective traffic, including fire-fighting equipment, and follow the natural contours of the land; and
- G. That there is optimum conservation and protection of the environmental resources of the Town, including groundwater.

Section 105. Resubdivision

A resubdivision, as defined herein, is subject to the same procedures and Regulations applicable to an original subdivision.

Section 106. Waivers

- A. **Exceptional conditions** - Where the Planning Board finds that because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site or because of the special nature and character of surrounding developments, the minimum standards specified herein would not reasonably protect or provide for the public health, safety or welfare, special designs shall be required by the Planning Board to protect the public health, safety and comfort.
- B. **Design Innovations** - When design concepts which are imaginative and beneficial to the public interest are proposed by the subdivider, the Planning Board may modify the requirements of these Regulations and may impose additional conditions as necessary to permit the accomplishment of such concepts.
- C. **Waiver of required improvements** - Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not required in the interest of the public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent to, or in proximity to, the proposed subdivision, it may waive such requirements subject to appropriate conditions.
- D. **Waiver of land use regulations** - To enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities and to preserve the natural and scenic qualities of open lands, the Planning Board may waive some requirements set forth in the existing land use regulations, subject to the following:
 - 1. **Procedure** - The applicant shall make a written application for a waiver of specific land use, which may be followed at the discretion of the Planning Board. Such application shall be submitted with the Sketch Plan. The Application shall state fully the grounds and all the facts relied upon by the Applicant.
 - a) The applicant shall submit a proposed site plan showing areas where structures will be located, the height and spacing of buildings, open spaces and their landscaping, off-street, open and enclosed parking spaces, streets, driveways and all other physical features of the proposed development.
 - b) The applicant shall submit a statement setting forth the nature of such waiver, changes and supplementation of existing land use regulations.
 - c) Waivers shall be applicable to lands used for residential purposes, and shall result in

- a permitted number of dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of this Subdivision Ordinance, the Code Enforcement Law and other existing regulations, applicable to the district in which such land is situated and conforming to all other applicable requirements.
- d) At the discretion of and subject to any conditions which the Planning Board may impose, the dwelling units permitted may be detached, attached or multistory structures.
- e) If waiver results in a subdivision plat showing lands available for parks, open spaces or other municipal purposes, then the Planning Board, as a condition of plat approval, shall establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to ensure the preservation of such lands for their intended purposes.
- f) Such waiver of the land use regulations shall be discussed at the public hearing on the preliminary plat as set forth in Article V, Section 505.A.

2. Conditions to waivers.

- a. In granting waivers, the Planning Board shall require such reasonable conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.
- b. No such waivers will be granted if it would have the effect of nullifying the intent and purpose of any existing land use regulation, including the Comprehensive Plan or these Subdivision Regulations.

Section 107. Amendments

- A. These Regulations may be amended after Public hearing on such amendments and approval of the Town Board. Any proposed preliminary subdivision plat that has not received conditional approval prior to the effective date of an amendment to these Regulations, or any conditionally approved preliminary subdivision plat where an application for Final Plat approval has not been received within six (6) months of the date of conditional approval, shall fully comply with any amendment to these Regulations.
- B. Any reference herein to any state, county, and/or local law, rule or regulation shall include any future amendments thereto which become effective after the adoption of this law.

Section 108. Separability

Should any section or provision of these 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.

Section 109. Liability

Nothing in these Regulations, including the approval and signature of any subdivision plat, shall be construed to insure or in any way guarantee any subdivision or building, structure, improvement, installation or use therein against defect, failure or other shortcoming, and the Town shall not be liable for same.

Section 110. Appeals

Any requests for an appeal shall be made to the Town of Richford Board of Appeals.

Section 111. Effective Date

This law shall take effect upon filing with the New York Secretary of State.

ARTICLE II. DEFINITIONS

Section 201. Words and terms defined

For the purposes of these Regulations, the language set forth herein shall be interpreted by reference to the words and meanings as defined below. If not specifically defined, words and terms shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations the most reasonable applications. For the purposes of these Regulations, the singular includes the plural; the plural includes the singular; the masculine includes the feminine; the present tense includes the future. The words "shall" and "will" mean the action is mandatory; the words "may" and "should" mean the action is elective. "Building" or "structure" includes any part thereof. The word "person" includes an individual, person, firm, corporation, co-partnership, or any other agency of voluntary action.

Applicant - The party applying for a subdivision approval. Written consent shall be required from the legal owner when a representative makes application.

Block - Tract of land which has been or will be subdivided into a number of lots with or without streets or highways.

Bond - A performance bond issued by a bonding or surety company approved by and with security acceptable to the Town Board or a performance bond duly issued by the developer-obligator accompanied by security in the form of cash, certified check, United States Government bonds or other security acceptable to the Town Board.

Building: A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattels (movable items of personal property).

Building Permit - A permit issued by the Code Enforcement Officer which indicates the applicant has submitted an approved application and plan for building construction in compliance with the Town of Richford requirements.

Code Enforcement Officer (C.E.O.) - The public official appointed by the Town Board responsible for administering and enforcing the Uniform Code and the applicable laws, rules and regulations of the Town of Richford or the State of New York. The Town may employ a contractor to perform technical duties and advise the C.E.O.

Comprehensive Plan - The Comprehensive Plan for the development of the Town, prepared by the Planning Board pursuant to Section 272-a of the NYS Town Law and including any part of such plan separately prepared and any amendment to such plan.

Construction Drawings - The maps and/or drawings accompanying a subdivision plat and showing the specific locations and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board as a condition of the approval of the plat.

Consultant - A professional person or firm retained by the Town Planning Board either free of charge or for a fee who gives professional advice or services on matters before the Board. The fee, if any, shall be billed to the applicant.

Dead End Street - A street or portion of a street with only one vehicular traffic outlet: this should be avoided.

Easement - A conveyance by a property owner granting to another the right to use the grantor's property as described in the easement for a specific purpose, reserving fee title to the property to the grantor.

Environmental Assessment Form (EAF) - A form used by the Planning Board in the SEQRA process to assist in determining the environmental significance or nonsignificance of an action or project.

Environmental Impact Statement (EIS) - A written document required for each SEQRA Type I and Unlisted Action which the Planning Board determines may have a significant effect on the environment.

Final Plat - A drawing prepared in a manner described in these Regulations that shows a proposed subdivision and containing all information required to appear on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat.

Final Plat Approval - The signing of a plat in final form by the Chair and the Secretary of the Planning Board of the Town of Richford pursuant to a Planning Board 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 Tioga County Clerk.

Final Plat Conditional Approval - Conditional approval by the Planning Board of a final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of building permits prior to the signing of the plat by the Chair and the Secretary of the Planning Board and the recording of the plat in the office of the Tioga County Clerk in accordance with the provisions of this chapter.

Final Subdivision Plat - A final plat with any required revisions incorporated and all necessary approvals indicated thereon.

Finished Grade - Completed surfaces of ground, lawns, walks, paved areas and streets brought to grades as shown on plans relating thereto or in existence at the time the certificate of occupancy is issued.

Improvements, Permanent - Any installation, structure, implement, device or part thereof, such as but not limited to sanitary sewer pipes, curbs and gutters, storm sewer pipes, manholes, catch basins, lateral sewers, bridges, water pipes, valves, pumps, open or enclosed culverts or any other facility which is or will be located on or in public property or could become public responsibility.

Lot - Any tract, block or site of land separated from other parcels or tracts by description, as on a subdivision or record of survey, or by metes and bounds for the purpose of sale, and/or any parcel of land shown on a subdivision plat. For the purposes of these Regulations, a Lot is a parcel of land that is a minimum of two (2) acres (or a minimum of one (1) acre if public services including water and sewer are available], with minimum dimensions of at least two hundred (200) feet in width and two hundred (200) feet in depth, and that is sufficiently large to allow adequate location of septic and well for all lots within the subdivision and on adjacent or distant properties, and that is not excessively deep in relation to the width (a proportion of two and one-half to one (2 ½:1) will normally be considered maximum). Each lot shall have a maximum of one residential building; construction of more than one residential building shall require

resubdivision.

Owner - The person or persons actually holding title to the tract of land proposed to be subdivided.

Performance Bond - A bond to assure the full and satisfactory completion of all required subdivision improvements as specified in the approved Final Plat.

Planning Board - The Town of Richford Planning Board.

Plat - A drawing of a subdivision (also see Preliminary Plat and Final Plat).

Preliminary Plat - A drawing prepared in a manner described in these Regulations, 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, including preliminary plans and profiles, at suitable scale and in such detail as required by these Regulations.

Preliminary Plat Approval - Approval by the Planning Board of a preliminary plat is the approval of the layout of a proposed subdivision as set forth in a preliminary plat, but subject to approval of the plat in final form in accordance with the provisions of this chapter.

Preliminary Subdivision Plat - A preliminary plat with any required revisions incorporated and all necessary approvals indicated thereon.

Resubdivision - Any change in a map of an approved or recorded subdivision plat if such change affects any road layout or any lot line shown on such plat or if it affects or changes any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Road - See Street.

Seasonal Road - A street the Town does not maintain in winter (between December 1 and April 1).

Screen Planting - Planting of trees and bushes with the object of minimizing visibility, sound, and/or through-access.

SEQRA - The State Environmental Quality Review Act constituting Environmental Conservation Law Article 8 and the implementing regulations found at 6 NYCRR part 617.

Sketch Plan - A sketch of a proposed subdivision, indicating salient existing features of a parcel and its surroundings and the general layout of a proposed subdivision, as specified in Article IV of these Regulations, to enable the subdivider and the Planning Board to reach general agreement as to the form of the layout and objectives of these Regulations.

Standards - The size, volume, area, shape, grade and/or other limiting factors, whether minimum or maximum, as set forth herein.

Street - Any public way for vehicular traffic which affords the principal means of access to abutting properties.

Street Pavement - The paved surface of the roadway or parking lanes used for vehicular traffic.

Subdivider - Any person, firm, corporation, company, partnership or association, or his or their authorized agent, who shall propose to lay out, for the purpose of sale or development, any subdivision or part thereof, either for himself or others.

Subdivision - The division of any tract of land into three (3) or more lots, plots, blocks, or sites or other division of land, with or without streets, highways, easements, rights-of-way or extension of town facilities, within a five (5) year period for sale, transfer of ownership, or development, and upon that event all provisions applying to "subdivisions" shall apply to all such parcels thereof, including the first three (3) parcels, regardless of whether said parcels have been sold, rented or offered for sale or lease, singly or collectively. The term "subdivision" shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register, with the exception of boundary line adjustments. The term "subdivision" includes resubdivision.

Survey - An actual field delineation of the boundary lines of the tract, giving complete description data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments and shall be referenced and shown on the Plat.

Town Board - Richford Town Board.

Tract - Any body of land, including contiguous parcels of land under one (1) ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

ARTICLE III. SUBDIVISION APPROVAL PROCEDURE

Section 301. Basic requirements

Whenever any subdivision or resubdivision of land is proposed to be made, before any contract for sale of any part thereof and before any permit for any type of construction, excavation, or grading, in such proposed subdivision shall be granted, the applicant shall apply in writing to the Planning Board for, and secure approval of, the proposed subdivision in accordance with the following procedure, as outlined in Articles IV-VI. No plat of a subdivision of land showing lots, blocks, or sites, shall be filed or recorded in the office of the county clerk or register until it has been approved by the Planning Board. Further, such approval must be endorsed in writing on the plat as described in Article VI, Section 611.

The Planning Board, in considering an application for the subdivision of land, shall be guided by, but shall not be bound by, the following considerations and standards. In general, these standards shall be considered to be the minimum requirements, and shall be waived by the Planning Board only under circumstances set forth in Article 1, Section 106, herein.

- A. **Fee.** The fee for the application, to be submitted with the sketch plan, will be determined by the Town Board.
- B. **Lot size.** Lots shall be a minimum of two (2) acres with minimum dimensions of two hundred (200) feet in width and two hundred (200) feet in depth, and shall be sufficiently large to allow adequate location of septic and well for all lots within the subdivision and on adjacent or distant properties. Excessive depth in relation to the width shall be avoided. A proportion of two and one-half to one (2 ½:1) will normally be considered maximum. Each lot shall have a maximum of one residential building; construction of more than one residential building shall require resubdivision.
- C. **Suitability.** Land to be subdivided shall be of such character that it can be used safely for building or recreation purposes without hazard to health or peril from fire, flood, or other predictable menace, both on the land to be subdivided and on adjacent or down-slope lands.
- D. **Road access.** All lots shall be located on an existing or proposed road. No lots shall be land-locked. Proposed roads shall be approved by the Town Board, and constructed and dedicated to the town, before any contract for sale of any lots located on the proposed roads. Costs for such road construction shall be borne in full by the developer unless other provisions are made, with the approval of the Town Board. If a subdivision is located on a seasonal road, the Town Board may require that costs for improving the seasonal road and/or converting the seasonal road to a full-season road shall be borne in full by the developer, based on recommendation made by the Highway Superintendent.
- E. **Utility Availability.** At the time of subdivision, the subdivider must provide the Planning Board with proof that power is accessible to the proposed subdivision, and if power is not accessible a note must be placed on the plat saying such. Wherever feasible, all utility lines (including electric, telephone, and cable) and related equipment for providing electric power and communication services, shall be installed underground in the manner prescribed by the regulations of the utility company having jurisdiction.
- F. **Water Quality.** The proposed subdivision shall not adversely affect surface or ground water quality within the tract to be subdivided or other properties, adjacent or distant. Consideration shall be given to accommodation of upstream drainage areas, downstream

drainage areas, wetlands, and floodplain areas.

- G. Water Supply.** The proposed subdivision shall have a supply of water adequate for the proposed uses without adversely affecting the availability of groundwater for other properties, adjacent or distant.
- H. Soil Preservation.** The proposed subdivision shall be designed in reasonable conformity to existing topography to minimize grading, cut and fill, to retain the natural contours, to limit storm water runoff, and to conserve the natural vegetation and soil. Construction on steep slopes (over fifteen percent [15%]) shall be avoided. Sediment control measures shall be incorporated as needed to protect soil and water quality both within the subdivision and downstream.
- I. Outstanding Natural Features.** The Planning Board may establish reasonable requirements for the preservation of outstanding natural features which add to the value of residential developments and to the community. These include large trees or groves, watercourses and falls, historic spots, exceptional views and similar irreplaceable assets.
- J. Exempt subdivision.** Transfer of title to land from its owner to an abutting owner for consolidation with an abutting lot, including boundary line agreements between adjoining owners, commonly referred to as lot line adjustments, shall be exempt from this subdivision law. All other subdivisions are subject to review.

Section 302. Subdivision review process

- A.** Subdivisions subject to review shall follow this process:
 - 1. Sketch Plan review Pages 10-11
 - 2. Preliminary Plat Review Pages 12-16
 - 3. Public Hearing
 - 4. Final Plat Review Pages 17-20
 - 5. Public Hearing
- B.** The interpretation and regulations of the Subdivision Regulation will be guided by the purposes, considerations, and standards contained in Sections 104 and 301, and by the following performance criteria:
 - 1. Will not result in undue surface water, groundwater, or air pollution.
 - 2. Has sufficient water available for the reasonable foreseeable needs of the subdivision or development, without lessening the quantity or quality of water available downstream.
 - 3. Will not cause unreasonable burden on an existing water supply, if one is to be utilized.
 - 4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water.

ARTICLE IV. SKETCH PLAN PROCEDURE

Section 401. Submission of sketch plan

The applicant shall, prior to subdividing or resubdividing land, submit to the Planning Board Chairperson at least forty-five (45) days prior to the regular meeting of the Planning Board seven (7) copies of a sketch plan of the proposed subdivision clearly marked "Sketch Plan", and supporting development data, for the purpose of preliminary discussion. The subdivider or his duly authorized agent shall attend the meeting of the Planning Board to discuss the requirements of these Regulations.

Section 402. Contents of sketch plan

The following information is recommended as part of a Sketch Plan:

- A. Base Map** - A base map of the proposed site, to scale, that enables the entire parcel which includes the proposed subdivision to be shown on one sheet. The base map shall include topographic intervals of not more than 10'. The base map and all other maps shall contain the subdivision name or title and the name of the town and county in which it is located and the scale, North point and date.
- B. Map Scale** - All maps shall be at a scale that clearly shows the proposed subdivision. Where such maps exceed 11" x 17", each map shall also be rendered to scale on 11" x 17" or 8.5" x 11" (whichever is more appropriate) paper.
- C. Existing Conditions** - Existing conditions of the site, including as appropriate;
1. Existing structures and adjacent roads and railroad rights-of-way;
 2. Property lines;
 3. Floodplains, wetlands, steep slopes (>15%);
 4. Vegetation, including woodlands, fields, pastures, tree lines
 5. Surface waters, including creeks, streams, springs, lakes and ponds;
 6. Historic, archeological, cultural sites or burial grounds; and
 7. Unique natural areas.
- D. Owner and Developer Information** - Developer information, including the name and address of the owner, applicant, subdivider and any professional advisors, and previous experience in subdividing and/or developing land.
- E. Adjoining Property Owners** - Names of all adjoining property owners as disclosed by the most recent municipal tax records within five hundred feet (500') of any perimeter boundary of the tract of land containing the proposed subdivision. A letter should be mailed to all property owners located within five hundred feet (500') of the perimeter boundary of the tract of land containing the proposed subdivision, giving notification of the intent to subdivide.
- F. Proposed Subdivision** - The proposed subdivision, including:
1. The subdivision boundaries and boundaries of all adjoining properties and tax parcels within five hundred feet (500') and the names of their owners;
 2. All existing restrictions on the use of land, including easements, rights-of-way, and covenants, if any;
 3. The location of that part which is to be subdivided, in relation to the entire tract;
 4. All existing and proposed utilities, streets and driveways
 5. Total acreage of the subdivision, number of lots proposed, and specifics of each lot, including acreage, dimensions, and price;
 6. The proposed pattern of lots, utilities, the street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivision area;
 7. Building types and approximate size and price;
 8. Suitability of land to support wells and septic systems for all proposed lots; or suitability of public systems (if any) to support the water and sewer needs of all proposed lots.
- G. Proof of Payment of Fee** - A receipt for the payment of the sketch plan application fee must be filed with the application as evidence of payment.

Section 403. Discussion of requirements

After submitting the Sketch Plan, the applicant shall attend a Planning Board meeting to discuss the requirements of these Subdivision Regulations. The Planning Board shall study the sketch plan to determine whether or not it conforms to or would be in conflict with these Subdivision Regulations, the Land Use Law, if any, the Comprehensive Plan, the developments proposed by any public agency, the existing private and public development, facilities and services, and the purposes of these Regulations, including reservations of land, street improvements, drainage, sewerage, water supply, fire protection and availability of services, and any special problems that may be encountered.

Section 404. Study

The Planning Board shall determine whether the sketch plan meets the purposes of these Regulations and shall, where it deems it necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission to the Planning Board. Written comments by the Board shall be made within forty-five (45) days of the Planning Board meeting when the proposed subdivision was discussed.

The Planning Board may transmit copies of the Sketch Plan to other interested officials or agencies of government for review and comment as may be necessary. Written comments, if any, from these officials and agencies shall be required within forty-five (45) days of their receipt of the Sketch Plan.

Section 405. SEQRA Classification

As part of the Sketch Plan Review, the Planning Board shall make a preliminary determination as to the applicability of SEQRA. An Environmental Assessment Form (EAF), to be completed by the applicant, is required if the proposed subdivision is classified under SEQRA as a Type 1 Action, a Type II Action, or an Unlisted Action. A completed EAF will assist the Planning Board in determining the environmental significance of the project.

Section 406. Waiving Submission Requirements

As part of a Sketch Plan application, the subdivider may request that the Planning Board waive the requirement for the submission of particular information as part of the Preliminary Plat Application or the Final Plat Application. The Board, in making its determination, shall consider whether the information required by these Regulations is relevant to the proposed subdivision.

ARTICLE V. PRELIMINARY SUBDIVISION PLAT PROCEDURE

Section 501. Discussion and action prior to submission

- A. Prior to making application to the Planning Board for consideration of a preliminary subdivision plat, and after approval of the Sketch Plan, the applicant shall discuss the plat with the appropriate state, county and local agencies as required by law and/or the Planning Board, including: the NYS Department of Health, the NYS Department of Environmental Conservation, the NYS Department of Transportation, the Tioga County Highway Superintendent, the Richford Town Highway Superintendent, the Fire Chief, the local school district(s), and the local emergency medical service.
- B. If the proposed subdivision is to use a form of subsurface leaching for waste disposal, soil tests shall be made in the approximate location of each house site and the results submitted to the Planning Board with the preliminary plat. Lot size shall be adjusted as needed to provide sufficient space for septic and well on all lots within the proposed subdivision and adjacent or distant properties, based on the soil percolation tests.
- C. If the proposed subdivision involves installation of a sewer system or water supply system, the applicant shall discuss the preliminary plat with the Planning Board. The Planning Board may require the services of a consultant, which consultant may be the Town Code Enforcement Officer or an Engineer or other knowledgeable professional. The cost for such services shall be borne entirely by the applicant.
- D. If a plat is located in two or more municipalities, lots shall not straddle or be divided by municipal boundaries unless necessary. If necessary, the Planning Board may require suitable legal agreements to assure that the portions of the lot shall not be separated in the future, and portion(s) of the lot located in the adjoining municipality will not be used for any purpose that would make it nonconforming if the entire lot were located within the Town. Whenever a subdivision includes land in two or more municipalities, the location of the municipal boundary line shall be shown on the plat.

If access to a proposed subdivision can be obtained only across land in another municipality, the subdivider shall furnish proof, satisfactory to the Planning Board, that such access has been legally established and that such access has been adequately improved or that a performance bond has been duly executed and is sufficient in amount to ensure the adequate construction of the access road. However, the Planning Board may condition its approval of those parts of a subdivision that have access only across land in another municipality, by providing that no Building Permit shall be issued on lots within the Town until such access to them has been properly established.

Section 502. Submission of Preliminary Plat

The applicant shall submit to the Planning Board Chairperson at least forty-five (45) days prior to the regular meeting of the Planning Board seven (7) copies of the Preliminary Plat, clearly marked "Preliminary Plat." The Preliminary Subdivision Plat shall comply with the requirements set forth in the provisions of Sections 276 and 277 of the NYS Town Law; the requirements made by the Planning Board in discussion of the Sketch Plan; and with these Regulations, except where a waiver may be specifically authorized by the Planning Board. The subdivider or

his duly authorized agent, shall attend the meeting of the Planning Board to discuss the requirements of these Regulations.

A preliminary plat application shall not be considered complete until a negative declaration has been filed or until a notice of completion of a Draft EIS has been filed in accordance with the provisions of SEQRA. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

The application shall include the information listed below, except where such submittals have been specifically waived by the Planning Board during the Sketch Plan Review. The drawing sheet size should not exceed twenty-four by thirty-six (24 x 36) inches, with one copy of each map also rendered on standard 11" x 17" or 8 ½" x 11" white paper. Supporting text should be on standard 8 ½" x 11" white paper.

A.

Title Block - All maps and drawings submitted as part of the Preliminary Plat Application shall include a title block including:

1. The proposed subdivision name or title, the name of the town and county (Town of Richford, Tioga County, New York), tax parcel number(s), scale, North point and date;
2. The name and address of the record owner, applicant, and subdivider;
3. Name of planner, architect, engineer, land surveyor (including license number), landscape architect, and other person(s) who prepared the plan; and
4. Name of owners of record and tax parcel numbers of adjoining property.

B. **Vicinity Map** - A vicinity map showing the general location of the subdivision, including all public lands within 1000 feet (1,000') of the proposed subdivision and all structures within 500 feet (500') of the proposed subdivision, at a scale that enables the entire parcel which includes the proposed subdivision and vicinity to be shown on one sheet. The vicinity map shall include topographic intervals of not less than 10'.

C. **Site Map** - If the application does not include the owner or subdivider's entire property, include a map of the entire tract showing the area of the proposed subdivision and a general layout of any probable future development, open space reservations, or other land use on the remainder of the property.

D. **Existing Conditions** - A preliminary plat(s) of the subdivision showing existing conditions of the site, including as appropriate;

1. Existing structures and adjacent roads and railroad rights-of-way;
2. Floodplains, wetlands, steep slopes (>15%);
3. Vegetation, including woodlands, fields, pastures, tree lines;
4. Surface waters, including creeks, streams, springs, lakes and ponds;
5. Existing wells, springs, and sewage systems on the property or within 500 feet of any boundary;
6. Existing drainage facilities, including ditches, ponds, and culverts, and, as appropriate, locations, invert elevations, sizes and gradients;
7. Topography with contours of no more than five (5) foot intervals elsewhere;
8. Historic, archeological, or cultural sites or burial grounds;
9. Streets and intersections, including name, location, width of right-of-way and pavement, centerline elevations at intersections and other critical points;
10. Rights-of-way and easements, including location, width, owner and any use restrictions;
11. Unique natural areas;
12. Utility systems, including water, sewage disposal, gas, electric, and as appropriate, size

and owner; and;

13. Test hole data with date, location, and graphic representation of findings.

E. Proposed Subdivision - The proposed subdivision, including as appropriate:

1. The names of all adjoining property owners and the names of adjoining developments;
2. Contours with intervals of not more than five (5) feet. An approximate grading plan shall be submitted if existing contours are to be changed more than five (5) feet.
3. A field survey map of the boundary lines of the tract, showing bearings and distances, made and certified to by a licensed land surveyor.
4. The location and dimensions of existing and proposed property lines, including the entire area proposed to be subdivided and the remainder of the tract belonging to the applicant.
5. All pertinent features, including existing and proposed structures, streets, railroads, water bodies, streams, swamps, forests, fields, rock outcrops, parks, playgrounds, green areas and other open space and screen plantings and street trees;
6. The location, width and approximate grade and names of all proposed streets. Elevations shall be shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in slope or direction;
7. The location, dimensions, area and number of all lots and blocks, proposed and existing.
8. The location and dimensions of all property to be dedicated for public use and the conditions of such dedication;
9. 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 private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to a public street or open space shown on the subdivision plat;
10. The location of existing and proposed septic systems, wells, sewers, water mains, storm drainage and culverts, with pipe sizes and direction of flow, both on the property and adjacent;
11. The location and type of erosion control measures;
12. The location and size of all existing and proposed ponds, drainage areas and other water retention areas designed for runoff control, recreation, or fire protection;
13. The location of existing and proposed utilities, on the property and adjacent, including gas lines, fire hydrants, electric and telephone facilities and streetlights;
14. The proposed provision of water supply, fire protection, disposal of sanitary wastes, stormwater drainage, electric lighting, and sidewalks. Where on-site water supply systems are proposed, the quality and quantity of water available shall be indicated;
15. The location of soil percolation tests;
16. Construction plans, profiles, cross-sections and other drawings as required to show the proposed location and types of all improvements;
17. Preliminary designs of any bridges or culverts that may be required; and
18. Any other data required by the Planning Board as discussed in the Sketch Plan Review (Sections 403 - 406).

F. Soil percolation tests - Soil percolation tests shall be required in all proposed subdivisions, where no public sewers are available, as follows:

1. Soil percolation tests shall be conducted according to the most recent standards set by the State Department of Health.
2. Tests should be made to ascertain the surface soil, rock and groundwater conditions; the depth to groundwater (unless the test pits are dry at a depth of five (5) feet below finished grade); and the location and results of soil percolation tests, if individual sewage disposal is contemplated.

3. Tests will be required on a basis of one (1) test for each lot, in the approximate location of the proposed building
4. The Code Enforcement Officer shall be notified of the time such tests are to be taken and may be privileged to observe tests at any time or may require further testing or soil investigation if there is any question about results or findings.
5. Results of the soil percolation tests shall be used to set minimum lot size: each lot must be of sufficient length and width so as to allow for installation and function of septic and well in all lots within the subdivision and adjacent or distant property.

G. Supporting documentation - Supporting documentation including, as appropriate:

1. Erosion control plans for any area to be developed;
2. A traffic access and impact study addressing the need for improvements to existing roads to maintain a satisfactory level of service and safety and appropriate access provisions for the proposed subdivision;
3. Fully completed Part 1 of the Full Environmental Assessment Form;
4. An engineering study providing estimated storm water runoff under pre-development conditions and under post-development conditions for a 2-year, 10-year, 25-year, and 100-year storm event.

H. Notification of neighbors - A copy of the letter mailed to property owners located within five hundred feet (500') of the perimeter boundary of the tract of land containing the proposed subdivision, giving notification of the intent to subdivide, and the names of notified property owners.

I. When officially submitted - The time of submission of the preliminary subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board at which such plan is considered.

J. Proof of Payment of Fee - A receipt for the payment of the Preliminary Subdivision Plat application fee must be filed with the application as evidence of payment.

Section 503. Discussion of requirements

The applicant and subdivider shall attend the meeting of the Planning Board to discuss the Preliminary Subdivision Plat. The Planning Board shall review the Preliminary Subdivision Plat for conformity with these Subdivision Regulations, taking into consideration the Sketch Plan discussion, practicability of the layout, the requirements of the community, lot size and arrangement, and the best use of the land being subdivided.

Particular attention shall be given to groundwater protection; environmental considerations; the arrangement, location, width and length of streets, and their relation to topography; water supply; sewage disposal; drainage; the future development of adjoining lands as yet unsubdivided; and the requirements of the Comprehensive Plan, Sewer Ordinance, Land Use Ordinance and Water Ordinance, if any.

Section 504. Study

The Planning Board may schedule a field trip to the proposed subdivision site accompanied by the applicant or his agent. In order to facilitate field inspection and review of the site, temporary staking along the centerline of all proposed roads at fifty-foot (50') intervals and lot corners may be required.

The Planning Board shall determine whether the sketch plan meets the purposes of these Regulations and shall, where it deems necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission to the Planning Board.

If the subdivision meets any Type 1 threshold listed in part 617.12 of the SEQRA regulations, lead agency for the SEQRA process shall be determined according to procedures outlined in Section 617.6 of the SEQRA regulations.

Section 505. Approval

- A. Within sixty-two (62) days after the receipt of such Preliminary Plat by the Chairperson of the Planning Board, the Planning Board shall hold a public hearing. This hearing shall be advertised as prescribed by law. The Public Hearing shall also be used to solicit comments on the Draft EIS under SEQRA, if required. The applicant shall notify by Certified Mail all property owners within five hundred feet (500') of the outside perimeter of the proposed subdivision, at least ten (10) days prior to the public hearing and shall furnish the Planning Board with copies of Post Office receipts as proof of notification. The Planning Board may notify other persons or agencies as it deems necessary.
- B. Within sixty-two (62) days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove, the Preliminary Plat. The grounds for modification or disapproval shall be stated in the records of the Planning Board. If the Planning Board disapproves the Preliminary Plat, it shall direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval.
- C. Notwithstanding the foregoing provisions of this Section, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the applicant and the Planning Board.
- D. When granting approval to a Preliminary Plat, the Planning Board shall state in writing the conditions of such approval, if any, with respect to:
 - 1. Specific changes which it will require in the final subdivision plat.
 - 2. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to public health, safety, morals and general welfare.
 - 3. The amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the subdivision plat.
- E. Within five (5) days of the approval of such preliminary plat, the action of the Planning Board, plus any conditions attached thereto, shall be noted on, or attached to, four (4) copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Planning Board, one forwarded to the Town Clerk and one forwarded to the CEO.
- F. Approval of a preliminary subdivision plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary subdivision plat as a guide to the preparation of the final subdivision plat, which will be submitted for approval of the Planning Board and for recording with the Tioga County Clerk. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study or new information obtained.

ARTICLE VI. FINAL SUBDIVISION PLAT

Section 601. Submission of Final Subdivision Plat

The applicant shall submit to the Planning Board Chairperson at least forty-five (45) days prior to the regular meeting of the Planning Board seven (7) copies, clearly marked, of the "Final Subdivision Plat" and one (1) copy of all offers of cession, covenants and agreements and two (2) prints of all construction detail drawings. The Final Subdivision Plat shall comply with the requirements made by the Planning Board (based on discussion of the Preliminary Subdivision Plat), and with these Regulations, except where a waiver may be specifically authorized by the Planning Board. The subdivider or his duly authorized agent, shall attend the meeting of the Planning Board to discuss the requirements of these Regulations.

The Planning Board may permit the Final Subdivision Plat to be divided into sections, subject to such conditions as it deems necessary to ensure orderly development of the subdivision. Any subdivision, or section thereof, which has not been recorded with the Tioga County Clerk within one (1) year of the recording of the previous section, shall be subject to complete review of the Planning Board for such action as it deems necessary.

The applicant shall, within six (6) months after the date of the transmittal letter returning the Preliminary Subdivision Plat showing the conditional approval of the preliminary subdivision plat, file with the Planning Board an application for approval of the Final Subdivision Plat. If the Final Subdivision Plat is not submitted within such time after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the Final Subdivision Plat and may require a resubmission of the Preliminary Subdivision Plat.

Section 602. Final Subdivision Plat data

The following information shall be submitted for consideration on a Final Subdivision Plat, unless specifically waived by the Planning Board:

- A.** All information required on the Preliminary Subdivision Plat, updated and accurate, indicating actual layout, areas and dimensions of the subdivision.
- B.** The street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- C.** Sufficient data acceptable to the Code Enforcement Officer 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.
- D.** 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 proposed or improved street. All dimensions shall be shown in feet and decimals of a foot and shall be given together with all angles of the lines of each lot and lot area in square feet.
- E.** The location, dimensions and names of all existing and proposed sites for multifamily, commercial, industrial, public and non-public uses in the vicinity.

- F. The boundaries and proposed uses of all property which is offered for dedication for public use.
- G. The boundaries and proposed uses of all property that is proposed to be reserved by deed or covenant for the common use of property owners in the subdivision.
- H. The location, material and size of all monuments.
- I. Construction detail drawings.
- J. Include a certificate by a professional engineer that any required improvements constructed by the applicant have been designed and inspected and meet the minimum standards in these Regulations or as otherwise required by law.
- K. Include drawings, certified by a land surveyor, showing the location of all required improvements that may have been constructed prior to final plat submission.
- L. Be endorsed by the District Engineer of the State Department of Health; The Town Code Enforcement Officer; The Town Highway Superintendent; The County Highway Superintendent if the proposed subdivision is within three hundred (300) feet of an existing or proposed county highway; and the New York State Department of Transportation District Engineer if the proposed subdivision is within three hundred (300) feet of an existing or proposed state highway.
- M. Include the performance bond.
- N. Include offers of cession to all streets, parks and public areas.
- O. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- P. Include any other information requested by the Planning Board during review of the Preliminary Subdivision Plat .

Section 603. Legal data required

The applicant shall submit the following data to the Planning Board before any subdivision plat can be approved and, before acceptance, the Town Attorney shall certify as to their legal sufficiency.

- A. A deed description and a map of survey of the tract boundary made and certified by a licensed land surveyor and, where practicable, tied into established boundary monuments.
- B. Formal offers of cession by the applicant of all streets, rights-of-way, parks and other sites for public use shall be presented to the Planning Board prior to subdivision plat approval.
- C. Notation shall be made on the subdivision plat of any streets, rights-of-way, parks and other sites specifically reserved by the applicant and for which formal offers of cession to the public are not made.
- D. The Final Subdivision Plat shall be endorsed with the necessary agreements in connection

with required easements or releases.

- E. Copies of agreements or other documents showing the manner in which areas reserved by the applicant are to be maintained.
- F. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in the enforcement of these Regulations.

Section 604. Construction detail drawings

- A. All plans shall conform to the following specifications and shall be subject to the approval of the Planning Board:
 - 1. Plans and profiles shall show existing and proposed elevations along center lines of all streets within the subdivision and, where a proposed street intersects an existing street, the elevation along the center line of the existing street within one hundred (100) feet of the intersection.
 - 2. Plans and profiles shall show the locations of street pavements, including curbs, gutters, sidewalks, manholes and catch basins and including preliminary design of any bridges or culverts which may be required.
 - 3. Plans shall show the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, water mains and fire hydrants.
 - 4. Plans shall show the location and size of gas, electricity, telephone and other utilities or structures.

Section 605. Performance Bond

Before any Final Subdivision Plat can be approved by the Planning Board, the applicant shall file either a performance bond or a certified check as follows:

- A. The applicant shall file with the Town Board a bond in the amount estimated by the Planning Board to secure the satisfactory construction and installation of the uncompleted parts of all required improvements.
- B. The bond shall guarantee the construction and installation of all streets and other required improvements in accordance with standards and requirements set forth in these Regulations.
- C. The Planning Board shall specify the time period within which the required improvements must be completed, and this period shall be expressed in the bond.
- D. In the event that any of the required improvements have not been completed under the terms of the bond, the Town Board, upon recommendation of the Planning Board, shall declare the bond to be in default and shall collect the sum remaining payable thereunder.
- E. The bond shall provide that an amount determined adequate by the Planning Board shall be retained for a period of one (1) year after the date of completion of the required improvements, to assure their satisfactory condition.

Section 606. Endorsement by other agencies

Prior to official submission of the Final Subdivision Plat to the Planning Board, the applicant shall submit the plat to the appropriate state, county and local agencies and shall secure their

endorsement and approval. Applications for approval of plans for sewer or water facilities shall be filed by the applicant with all necessary local, county and state agencies.

- A. Approval by water and sewer facilities by health official** - Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the District Engineer of the New York State Department of Health.
- B. Endorsement by the Town Code Enforcement Officer** - The subdivision plat shall be submitted to the Town Code Enforcement Officer for endorsement and approval.
- C. Endorsement by the Town Highway Superintendent** - The subdivision plat shall be submitted to the Town Highway Superintendent for endorsement and approval.
- D. Endorsement by the County Public Works Department** - If any part of the proposed subdivision is within three hundred (300) feet of an existing or proposed county highway, the subdivision plat must be submitted to the Tioga County Highway Department Superintendent for endorsement and approval.
- E. Endorsement by State Transportation Department** - If any part of the proposed subdivision is within three hundred (300) feet of an existing or proposed state highway, the subdivision plat must be submitted to the District Engineer of the New York State Department of Transportation for endorsement and approval.

Section 607. Environmental Impact Statement

If an Environmental Impact Statement was required, the Planning Board's action on the Final Subdivision Plat shall include either a negative declaration of the Final EIS or the Final EIS and a statement of findings on the subdivision as required under Section 8-0109-8 of the SEQRA Act of 1975, as amended. The public hearing for the Environmental Impact Statement shall be held jointly with the public hearing on the preliminary plat.

Section 608. When officially submitted

The time of submission of the Final Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at which such plan is considered.

Section 609. Review by Planning Board

The Final Subdivision Plat shall be reviewed by the Planning Board for compliance with these Subdivision Regulations, requirements made in discussion of the Preliminary Plat, and the Comprehensive Plan, Sewer Ordinance and Water Ordinance, if any.

Section 610. Public hearing

When the Planning Board deems the final plat to be in substantial agreement with the preliminary plat approved under Section 505 and modified in accordance with the requirements, in any, of such approval, the Planning Board shall schedule a public hearing. The public hearing shall be held by the Planning Board within sixty-two ((62) days after the official time of submission of the subdivision plat for approval. This hearing shall be advertised as prescribed by law.

The applicant, subdivider and/or their representatives shall attend the public hearing to be able to answer any questions concerning the subdivision plat. The public hearing will be closed after

all interested parties have been heard.

Section 611. Planning Board Action

A. After careful study the Planning Board shall, by resolution, conditionally approve, disapprove, or grant final approval and authorize the signing of such plat within sixty-two (62) days after the date of the public hearing. 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 applicant and the Planning Board.

B. The Planning Board shall state in writing the character and extent of public improvements required for which waivers may have been requested by the applicant and which in the judgment of the Planning Board may be waived without jeopardy to the public health, safety and general welfare. The Planning Board minutes shall show the specific reason(s) for the waivers, being careful to ascertain that these waivers are due to particular characteristics of this subdivision.

C. The Planning Board shall pass a resolution specifying one of the following actions:

Approval. If the Final Plat is approved, the Chairperson and Secretary of the Planning Board shall sign and date in ink the original and three (3) copies of the plat in the appropriate place. One (1) approved copy shall be retained by the Planning Board, one (1) shall be returned to the applicant, one forwarded to the Town Clerk and one forwarded to the CEO.

Disapproval. If the Final Plat is disapproved, the resolution shall state the grounds for disapproval.

Conditional Approval. If the Final Plat receives conditional approval, the resolution shall include a certificate of approval. If, after the date of the resolution, the Planning Board will give approval, and the Chairperson and Secretary of the Planning Board shall sign the original and copies of the plat in the appropriate place. One (1) approved copy shall be retained by the Planning Board. Conditional approval of a final plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless the plat endorsement has been signed.

D. Every approved Final Subdivision Plat shall carry the following endorsement:

Approved by resolution of the Planning Board of the Town of Richford, New York, on the ____ day of _____, _____, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval. Signed this ____ day of _____, _____ by Chair _____ and Secretary _____.

E. Approval of a subdivision plat shall expire two (2) years from the date of approval if no construction of the subdivision has been accomplished. An extension for a period of one (1) year may be granted by the Planning Board upon application, unless changed conditions or new information indicate the unsuitability of the development as shown on the subdivision plat.

Section 612. Filing of documents

If the final subdivision plat is approved, the applicant shall file one (1) approved copy of said final plat, or a section thereof, with the Tioga County Clerk's office within forty-five (45) days from the date of approval, or the approval of the subdivision plat will be void.

Section 613. Post-approval revisions prohibited.

- A. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approves any modifications.
- B. 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.

ARTICLE VII. ADMINISTRATION AND ENFORCEMENT

Section 701. Enforcing officials; compliance required

- A.** These Subdivision Regulations shall be administered by the Planning Board and the Code Enforcement Officer.
- B.** No building permit or certificate of occupancy shall be issued by the Code Enforcement Officer except where all provisions of these Regulations have been complied with.
- C.** The subdivision of any lot, or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer or lease with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Regulations.
- D.** No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provision of these Regulations.

Section 702. Higher standards to prevail

Whenever the requirements of these Subdivision Regulations are at variance with the requirements of any other laws, the most restrictive or that imposing the higher standards shall govern.

Section 703. Building permits

No permit for the erection of any building shall be issued unless a street giving access to such proposed structure is an existing street or unless such street appears on a recorded plat approved by the Planning Board and has been suitably improved or a performance bond has been posted to cover the full cost of such improvement.

No permit for the erection of any building shall be issued unless the applicant has received final approval for the subdivision from the Planning Board.

Section 704. Improvements in streets

No public municipal street utility or improvement shall be constructed in any street until it has become a public street.

A subsurface utility or improvement operated for revenue by the municipality or by a special district may be constructed in a private street or right of-way, provided that a public easement satisfactory to the Planning Board, Town Board and Town Attorney is obtained for such utility or improvement.

Section 705. Public acceptance of required improvements

Upon completion of the construction and installation of the required improvements in accordance with the approved plans, the applicant shall deliver to the Richford Town Board deeds, abstracts and easements for streets, waterlines, storm sewers, sanitary sewers and any other required improvements.

Prior to public acceptance by the Richford Town Board of any required improvements, the applicant shall submit an affidavit stating that all bills and accounts for material and labor used in the construction of improvements have been paid in full.

The applicant or developer shall make good, without cost to the town, any defects in any of the improvements constructed by him and any damage due to faulty workmanship on his part or due to imperfect material or equipment furnished by him in which defects or damage may appear within one (1) year after the acceptance of such improvements by the town.

Section 706. Penalties

Any person, partnership, association or corporation who violates any provision of this local ordinance shall be guilty of a violation of this local ordinance and subject to a fine as set by the Town Board fee schedule.