

TOWN OF STERLING

SUBDIVISION

**ADOPTED BY THE STERLING
TOWN BOARD ON
MARCH 15, 1999**

ARTICLE I: TITLE, PURPOSE & APPLICABILITY

A. TITLE

These regulations shall be known as the “Subdivision Regulations of the Town of Sterling”.

B. PURPOSE

These regulations are hereby adopted by the Planning Board of the Town of Sterling as to achieve the purposes intended by the Town Board of the Town of Sterling in its resolution dated March 15, 1999 authorizing the Planning Board to review and approve subdivisions. These purposes are to ensure that the division or consolidation of parcels of land adequately provides for:

- Future growth and development of the town
- Minimum legal lot dimensions
- Vehicular access
- Storm water drainage
- Protection of environmental features
- Open space
- Public Utilities
- Roads constructed to municipal standards

C. APPLICABILITY

These regulations apply to all subdivisions as described in Article 2 Section B and previously filed plats either partially or totally undeveloped.

D. ADMINISTRATION

These Subdivision regulations shall be administered by the Planning Board.

E. SEPARABILITY

The invalidity of any provision of these regulations shall not invalidate any other provision.

F. AMENDMENT

The Planning Board may on its own motion and after public hearing amend, supplement or change these regulations subject to the approval of the Town Board.

ARTICLE II: DEFINITIONS

- A. **FINAL PLAT** means a drawing prepared in accordance with these regulations showing all information shown on the preliminary plat if required and the modification of such information as was required by the Planning Board at the time it approved the preliminary plat, if it, in fact, did approve said preliminary plat.
- B. **SUBDIVISION** means the division of any parcel of land into a number of lots, blocks or sites with or without streets or highways, for the purpose of sale, transfer of ownership, or development. 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 of the county in which in which such plat is located. Subdivisions may be defined and delineated as either “major” or “minor”.
1. **Minor Subdivision** means any subdivision of a parent parcel of land into less than four (4) lots, unless such lots are to be serviced by new public roads or other new public infrastructure.
 2. **Major Subdivision** means any subdivision of a parent parcel of land into four (4) or more lots, or a subdivision of any number of lots to be serviced by new public roads, new public infrastructure or has been subdivided in the previous five (5) years.
- C. **PRELIMINARY PLAT** means a drawing prepared in accordance with these regulations showing the layout of the subdivision including the layout and dimensions of roads and lots, topography and drainage, existing and proposed public or private infrastructure (unsized).

ARTICLE III: PROCEDURE

A. GENERAL

1. Minor Subdivisions

- a. Subdivision Application
- b. Sketch Plan Conference
- c. Mandatory Public Hearing
- d. Final Plat Approval

2. Major Subdivisions

- a. Subdivision Application
- b. Sketch Plan Conference
- c. Mandatory Public Hearing
- d. Preliminary Plat Approval
- e. Optional Public Hearing
- f. Final Plat Approval

B. SUBDIVISION APPLICATION

At least 15 (fifteen) days prior to Sketch Plan Conference the Subdivider shall submit a subdivision application and Environmental Assessment Form Part 1 to the Town Clerk along with the subdivision application fee.

C. SKETCH PLAN CONFERENCE (Informal Discussion Stage)

- 1. The applicant shall request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The sketch plan shall be a sketch made directly on a print of the topographical survey of the proposed subdivision area. It shall show in simple sketch form the relationship between the existing physical conditions and any proposed layout of streets, lots, and other features and all topographic data required for the preliminary layout; or such data that the Planning Board considers necessary for its review of the sketch plan.
- 2. The Planning Board Clerk will notify the Applicant of the time, date and the place that the Planning Board will meet to consider and review such sketch plan. This meeting is intended to assist the Applicant in the planning and preparation of the preliminary or final plat to save the Applicant both time and money in preparing maps and plans.
- 3. The plan will be classified as a minor or major subdivision by the Planning Board as defined by these regulations.
- 4. Subdivision classification as minor may proceed directly to preparation of a final plat plan without submission and approval of a preliminary plat which shall be required for a major subdivision.

D. WAIVER OF REVIEW

- 1. If the Planning Board determines that there are no environmental issues evident and the proposal is consistent with the development and growth plans of the Town, it may waive these regulations. Such a determination shall be based upon the following:
 - A. The proposal presents no apparent impediments to the continuation of viable agricultural activity, when the proposal is located within a portion of the Town included in an agricultural district established under the NYS Agriculture and Markets law.
 - B. The proposal would establish lots that make efficient use of the land by avoiding lot layouts which are excessively long and narrow, minimize the number of access points (driveways) to the public road network, and minimize the need to alter natural features of the site. A lot layout with a ratio greater than 2.5 to 1 would generally be found to be inefficient,

except in the case of a flag lot where this ratio would only be applied to the buildable portion of the lot.

Note: At this stage, there is no authority for the planning board to either approve or disapprove the proposal. The board merely determines if the particular subdivision proposal under review presents any planning issues and, therefore, may waive these regulations.

E. APPLICATION REQUIREMENTS FOR WAIVER OF REVIEW

1. The lots must be surveyed by a duly licensed professional. The survey should show the boundaries of the parcel and demonstrate that it meets the lot size requirements of the zoning law.
2. Complete the subdivision review application and environmental assessment form as described in paragraph 3b. Be sure to describe the proposed use of the lot. Specify whether the use will be residential, commercial, or industrial.
3. Submit a copy of the survey and completed form to the Town Clerk. It will be forwarded to the Planning Board and the applicant will be asked to participate in an informal sketch conference as outlined in section 3c. Subdivisions which do not pose potential environmental or economic impacts on the Town will generally be exempted from the review process. The applicant will be notified of the Planning Board's action.
4. Should the Planning Board find circumstances that prevent granting a waiver of these regulations, the applicant shall follow the procedures for review as indicated by a minor or major subdivision as stated in the regulations.

F. PRELIMINARY PLAT

All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The Applicant shall file the Preliminary Plat at the Town Clerk's office accompanied by all documents specified in Article 4 herein.

1. *Review of Subdivision:* Following the review of the Preliminary Plat and supplementary material submitted for the conformity to these regulations, the Planning Board shall hold a hearing. This hearing shall be held within sixty-two (62) days of the official submission date of the plat. The applicant shall attend the hearing. This hearing shall also fulfill the requirements of the SEQR act on the draft environmental impact statement. Within sixty-two (62) days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the preliminary plat and state its reasons for disapproval.
2. *Preliminary Plat Fees:* Preliminary plat fees shall be submitted as per town fee schedule fixed by the Town Board.
3. *Notice of Public Hearing:* The hearing shall be advertised at least once in the town's official newspaper at least five (5) days before the hearing. Notice of the hearing shall be mailed to the owners of all adjoining properties of the subdivided property at least five (5) days before the hearing. The Planning Board shall be responsible for mailing the notice to all adjoining property owners.
4. *Filing of the Preliminary Plat:* Within five (5) days of the approval of such preliminary plat, it shall be certified by the chair of the Planning Board as having been granted preliminary approval, a copy filed in the Town Clerk's office, and a certified copy mailed to the applicant.
5. *Revocation of Approval of Preliminary Plat:* Within six (6) months of the approval of the Preliminary Plat the applicant must submit the plat in final form. If the final plat is not submitted within six months, approval of the Preliminary Plat may be revoked by the Planning Board.

G. FINAL PLAT

All subdivisions, as defined herein, shall require Final Plat approval by the Planning Board.

1. *Final Plat Fees:* Final plat fees shall be submitted as per town fee schedule fixed by the Town Board.
2. *Final Plats Which are in Substantial Agreement with Approved Preliminary Plats:* When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modifications, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days of its receipt by the chair of the Planning Board.
3. *Final Plats Which are Not in Substantial Agreement with Approved Preliminary Plats:* When a Final Plat is submitted which the Planning Board deems not in substantial agreement with the Preliminary Plat approved pursuant to this section, the following shall apply:
 - a. Final Plats not in substantial agreement with approved Preliminary Plats may require further review under State Environmental Quality Review Act (SEQR).
 - b. The Planning Board shall hold a public hearing on such Final Plat. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before the hearing.
 - c. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days after the date of the public hearing. The grounds for modification, if any or the grounds for disapproval shall be stated upon the records of the Planning Board. Notwithstanding the foregoing provisions of this subdivision regulation, the period in which the Planning Board must take action on the Final Plat may be extended by mutual consent of the applicant and the Planning Board.
4. *Final Plats When No Preliminary Plat Is Required To Be Submitted (minor subdivisions):* When no preliminary plat is required to be submitted, the following shall apply:
 - a. Such Plat shall be clearly marked "Final Plat" and shall conform to the definition provided by this section. The Planning Board shall hold a public hearing with in sixty-two (62) days after the receipt of a complete Final Plat by the chair of the Planning Board. Such hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such a manner as it deems most appropriate for full public consideration of such Final Plat.
 - b. Notice of the hearing shall be mailed to the owners of all adjoining properties of the subdivided property at least five (5) days before the hearing. The Planning Board shall be responsible for mailing the notice to all adjoining property owners.
 - c. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days after the date of the public hearing. The grounds for modification, if any or the grounds for disapproval shall be stated upon the records of the Planning Board.

5. *Extension of Time:* Notwithstanding the foregoing provisions of this subdivision regulation, the period in which the Planning Board must take action on the Final Plat may be extended by mutual consent of the applicant and the Planning Board.
6. *Approval by Default:* In the event a Planning Board fails to take action on a Final Plat within the time prescribed herein, or for such extended period established by mutual consent of the applicant and the Planning Board, the plat shall be deemed approved, and a certificate from the Town Clerk as 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.

H. CONDITIONAL APPROVAL OF FINAL PLATS

1. *Certification of Plat:* Upon resolution granting conditional approval of a final plat, the Planning Board shall empower a duly authorized officer to sign the plat subject to completion of any requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the chair of the Planning Board as conditionally approved and a copy filed in the Town Clerk's office. A copy of the resolution shall be mailed to the applicant, which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat.
2. *Duration of Approval:* Upon completion of such requirements, the Plat shall be signed by said duly authorized officer of the Planning Board.
3. Conditional approval of a 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.

I. EXTENSION OF TIME

Notwithstanding the foregoing provisions of this section, the Planning Board may extend the period in which a conditionally approved plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, which time shall not exceed two additional periods of ninety (90) days each.

J. APPROVAL OF PLAT IN SECTIONS

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

K. REQUISITES FOR APPROVAL

1. Prior to granting approval of a subdivision, at any stage in the review process, the Planning Board shall determine that the plat as presented shows that the land depicted thereon is of a character that would allow it to be used for building purposes without danger to health or peril from fire, flood, drainage, or other menace or cause such danger to neighboring properties or the general public health, safety and welfare.
2. In addition to the general determination made in accordance with Article 4 part (a), the Board shall reach the following specific determinations prior to granting approval of a proposed plat at any stage in the review process.

- a. Streets and highways will be of sufficient width and suitable grade and suitably located to: accommodate prospective traffic; facilitate fire protection and provide access for fire fighting equipment to buildings; afford adequate light and air; and are consistent with objectives of any applicable town plans or official maps.
 - b. Suitable monuments have been placed at block corners and at any other necessary points identified by the Board.
 - c. Streets or other public places shown have been suitably graded and paved. Streets signs, sidewalks, street lights, curbs, gutters, street trees, water mains, fire alarm signal devices and hydrants, sanitary sewers, and storm drainage management facilities, to the extent such are required by the Board or proposed by the applicant the standards, specifications, and procedures of the Town agency having jurisdiction over such facilities. As an alternative to installation prior to approval of the plat the applicant may post a performance bond or other security or request a conditional approval in accordance with Article 4 of these regulations.
 - d. If required by the Board, a park or parks suitable for a playground or other recreational purposes are shown on the plat. A park may only be required when the Board reaches a determination that such is needed in accordance with the provisions of Section 277 (a,b,c) of the Town Law.
 - e. Any required improvements are appropriate for the prospective character of the development. Character includes, for example, high or low density residential, business or industrial use.
 - f. The proposed lots must meet the dimensional requirements of any town zoning law.
 - g. The proposal is consistent with the planning objectives of the town.
3. Any improvement required by this regulation may be waived by the Planning Board subject to appropriate conditions when the Board finds that such improvement is not requisite to protecting the public health, safety and general welfare or inappropriate due to inadequacy or lack of connecting facilities adjacent to or near the subdivision under review.
 4. **Water Supply.** It shall be the responsibility of the Subdivider to demonstrate that water of a quantity and pressure sufficient to meet domestic needs and a quality that meets minimum health standards is available for every lot. Additionally, the Subdivider must demonstrate that the septic or sewer system proposed for the subdivision meets minimum standards set forth in any applicable local, county or state laws, ordinances and regulations. All health department regulations must be followed, and where necessary the approval of the Cayuga County Health Department is required. Notice to, and approval by, the water superintendent shall also be required for all subdivisions.
 5. **Lots.** All lots shall abut by their full frontage on a public road to ensure suitable access.

ARTICLE IV: PERFORMANCE BOND OR OTHER SECURITY

A. GENERAL

To assure the Town that the construction and installation of such improvements as storm sewers, public water supply, road signs, sidewalks, and roads will be constructed, the Subdivider shall enter into the following agreement with the Town:

1. Construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to final plat approval; or the Subdivider may:
2. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Town Attorney; or

3. Deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

B. CONDITIONS

1. If the Subdivider elects to furnish a security pursuant to Section 4A (20 or (3), before the final plat is approved, the Subdivider shall have executed a contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements.
2. The performance bond or certified check shall be to the Town of Sterling and the contract shall provide that the Subdivider, his heirs, successors, and assigns, their agents or servants, will comply with all applicable terms, conditions, provisions, and requirements of these regulations; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.
3. Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner or execution and surety.
4. Wherever a certified check is made, the same shall be made payable to the Town of Sterling.

C. EXTENSION OF TIME

1. The construction or installation of any improvements or facilities for which guarantee has been made by the Subdivider in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the final plat.
2. Road improvements shall be completed within two (2) years from the date of approval of the bond or certified check.
3. The Subdivider may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time.
4. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary.
5. This section shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

D. AGREEMENT – SCHEDULE OF IMPROVEMENTS

1. When a certified check or performance bond is made pursuant to the preceding sections, the Town and Subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the Subdivider upon completion and approval after inspection of such improvement or installation.
2. Ten percent (10%) of the check deposit or performance bond shall not be repaid to the Subdivider until one (1) year following completion, inspection and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the Subdivider's contract.

E. INSPECTIONS

1. Periodic inspections during the installation of improvements shall be made by the Code Enforcement Officer to insure conformity with the approved plans and specifications as contained in the Subdivider's contract and these regulations.

2. The Subdivider shall notify the Code Enforcement Officer when each phase of improvements is ready for inspection.
3. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the Subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified check deposit as designated in the Subdivider's contract to cover the cost of such completed work.

F. ACCEPTANCE OF ROADS AND FACILITIES

When the Code Enforcement Officer, following final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installation and improvements have been completed in accordance with the Subdivider's contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

ARTICLE V: DOCUMENTS FO BE SUBMITTED

A. INFORMATION REQUIRED FOR ALL PLAT SUBMISSIONS

The following shall be required for all plat submissions:

1. Name and address of Subdivider, owners and professional advisors, including license numbers and seals.
2. Survey map of property, drawn to scale, at the scale of one (1) inch to one hundred (100) feet, showing:
 - a. Subdivision name, scale, north arrow and date.
 - b. Subdivision boundaries.
 - c. Contiguous properties and names and addresses of owners.
 - d. Existing properties and names and addresses of owners.
 - e. Water courses, wetlands, wooded areas, public facilities and other significant physical features on or near the site.
 - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewerage, and water supply.
 - g. Land contours at ten (10) foot intervals, or other suitable indicators of slope.
3. Copy of tax map.
4. Copy of all covenants or deed restrictions as are intended to cover all or part of the tract.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost.

B. MINOR SUBDIVISIONS

The following shall be submitted with all applications for approval on a Final Plat Plan for a minor subdivision:

1. Information required in Section A of this Article.
2. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line; such data will be sufficient to allow the reproduction of such lines on the ground.
3. Additional information as deemed necessary by the Planning Board.
4. Any required fees.

C. PRELIMINARY PLAT, MAJOR SUBDIVISIONS

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

1. Information required in Section A of this Article.
2. Five (5) copies of the plat survey map, drawn to scale. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading and landscaping plans.
5. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
6. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
7. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining Properties, including storm water management plan and/or soil sedimentation control plan, where applicable, in the discretion of the Planning Board.
8. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor, The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
11. A draft Environmental Impact Statement, if required.
12. Where preliminary plat submitted covers only a part of the Subdivider's entire holding, a sketch of any prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
13. Additional information as deemed necessary by the Planning Board.
14. Any required fees.

D. FINAL PLAT, MAJOR SUBDIVISION

The following shall be submitted with all applications for approval of a Final Plat for a major subdivision:

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on Mylar or cloth, plus four (4) copies. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. Proposed subdivision name and the name of the Town of Sterling and County of Cayuga in which the subdivision is located; the name and address of owner of record and Subdivider; name, address, and license number and seal of the surveyor.

3. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
4. Sufficient data acceptable to the planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line; such data will be sufficient to allow the reproduction of such lines on the ground.
5. The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for every road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale and true north point.
6. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
7. Permanent reference monuments shall be shown and constructed in accordance with the Planning Board specifications.
8. Approval by the Cayuga County Health Department and Town of Sterling as applicable of sewage and water supply systems proposed or installed.
9. An approved Environmental Impact Statement, if required.
10. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements and sub-base and other facilities.
11. Evidence of legal ownership of property.
12. A certificate by the Code Enforcement Officer certifying that the Subdivider has complied with one or the following alternatives:
 - a. All improvements have been installed in accord with requirements in these regulations and with the action of the Planning Board giving approval of the preliminary plat, or,
 - b. A performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvements.
13. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of these regulations.

ARTICLE VI: SPECIFICATIONS

A. Streets (width, location and construction)

1. All streets, whether intended for dedication as public streets or not, shall be of sufficient width, suitably located and adequately constructed to accommodate prospective traffic and afford access for fire fighting, snow removal, and road maintenance equipment. Streets should be located so as to compose a convenient overall street system within the proposed subdivision and in relationship to the overall area or neighborhood.
2. All streets, whether intended for dedication as public streets or not, shall be located within a right-of-way of at least 60 feet width. Unless exceptional circumstances can be demonstrated, the center of the street shall be located at the center of the right-of-way within which it is located.
3. All streets intended for dedication as public streets, and all non-residential streets shall be constructed in accordance with the most current specifications obtained from the Town Highway Superintendent and shall only be eligible for dedication upon determination by the Town Highway Superintendent that said specification were employed.

4. When deemed appropriate, the Planning Board may permit a subdivision to be served by a private residential street. In such cases any plans filed or offerings made to the sell the lots served by such private street shall clearly label the street as “private, not eligible for dedication to the town as a public street”, and contain an explanation as to the manner by which the private street shall be maintained and kept free of snow or other blockage.
5. The arrangement, character, extent, width and location of all streets shall conform to the requirements of this article and standards as established by the Town Engineer or Highway Superintendent. The design of proposed streets shall provide for both continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served with a coordinated street system.
6. Road improvements shall be installed at the expense of the Subdivider.
7. Street Classification
 - a. Major arterial thoroughfares shall be planned for continuation of movement of fast traffic between points of heavy traffic generation and from one section of the community to the other. They shall contain as few intersections with minor streets as possible. Such thoroughfares should traverse the community and should be spaced approximately one (1) mile apart.
 - b. Collector streets shall provide a traffic route for local streets to major arterial thoroughfares. Collector streets normally contain a relatively large number of intersections with local streets and few intersections with major arterial thoroughfares. These streets should be spaced at least one fourth (1/4) mile apart.
 - c. Local streets shall provide direct access to each lot and shall be laid out so that their use by through traffic will be discouraged.
 - d. Parallel streets or marginal access streets, rear service alleys, reverse frontage lots may be required to provide adequate and safe access to major arterial thoroughfares.
 - e. Service drives shall be designed to provide only secondary access.
8. To the extent feasible, based upon the geography of the site, provision shall be made for the extension of roads to adjoining areas at future dates. When a proposed street is continued to the edge of a presently undeveloped area, a temporary turnaround shall be provided.
9. Unless there is an existing or proposed street to be extended, it shall generally be undesirable to terminate a street at a property line. When this creates a problem in providing access to corner lots, an “eyebrow” may be used or other technique employed.
10. When a subdivision abuts any New York State highways, special measures may be required by the Planning Board to minimize traffic impact on these major arterials. Such measures may include requiring a marginal access road, requiring reverse frontage lots with screen planting and no vehicular access, limiting points of access to none, or other means of preventing excessive private vehicle access to the arterial.
11. Dead-end streets or cul-de-sacs may be employed where appropriate to the geography of the area and density of the development. When permitted, unless other standards are set by the general standards for roads issued by the Highway Superintendent, a cul-de-sac shall have a paved turn around area at its point of termination with a right-of-way radius of 60 feet. A dead-end street when permitted, shall have a hammer head at its point of termination sufficient to permit a vehicle to reverse direction in three maneuvers. A dead-end street or cul-de-sac street shall not exceed 800 feet in length.

12. Taken as a whole, the streets within a proposed subdivision shall form a system of blocks. No single block shall be less than 400 feet nor greater than 1200 feet in length.
13. In order to provide for traffic visibility, a combination of steep grades and curves shall be avoided. Also, twenty (20) foot end portions of any corner lot shall be kept free of any obstruction greater than three (3) feet in height and depicted upon any approved plan as so restricted.
14. All intersections shall be rounded with a curved radius of at least twenty (20) feet.
15. Streets should intersect at right angles and not acute angles. Centerline of street intersections should be offset far enough to deter traffic cutting diagonally across them. Intersections should be located on straight sections of streets rather than slopes. Four way intersections should be avoided except at the crossing of major streets where traffic signals are or will be installed.
16. Street names shall be included on a final plat and approved by the Planning Board. Names shall be substantially different from those in the Town or in other towns near the subdivision. Generally, no street shall change direction by more than 90 degrees without a name change.

B. SIDEWALKS

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the Subdivider, at such locations as the Planning Board may deem necessary.
2. Sidewalks must be constructed to comply with the detail specifications of the Planning Board.
3. Sidewalks shall be concrete or other approved material, and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas.

C. UTILITIES

1. Where available, all subdivisions shall include public water and public sewer service. Lines for these services and any other public utilities serving the subdivision shall be installed underground and in street right-of-ways between the street and property lines. Connections to the property line of each lot shall be installed by the developer prior to street surfacing.
2. Fire hydrants and street lighting shall be installed by the developer in accordance with the standards of the Town. Fire hydrants shall meet the requirements of the fire department having jurisdiction. Street lights shall meet the requirements of the electrical utility having jurisdiction.
3. Power lines may and should be encouraged to be placed underground in accordance with the related laws of New York State.

D. WATERCOURSES (including flood prone areas, wetlands)

1. An effort should be made to avoid locating lots so that they can only be accessed by crossing a watercourse. Where this cannot be avoided and a watercourse separates a proposed street from abutting property, provision shall be made to access lots by means of culverts or other structures designed by a licensed engineer and approved by the Town. Where watercourses, drainage way, channel, or stream traverses the subdivision, a storm water easement or drainage right-of-way shall be provided of not less than twenty (20) feet in width.

2. Lots shall be laid out so as to locate areas included in a storm water or drainage easement along property lines. While easements are not required for flood prone or protected wetland areas, areas designated on FEMA Flood Insurance Maps as prone to flooding and areas identified by State or Federal authorities as protected wetlands shall generally be located along property lines.
3. Where a lot includes a flood prone or wetland area, or storm water or drainage easement, the approved plat shall clearly identify such portions of the lot as unbuildable. If necessary, the size of such a lot shall be increased to provide sufficient area for construction.

E. DRAINAGE

NOTE: this section is intended to comply with the requirements of the Federal Clean Water Act of 1987 and rules issued by the NYS DEC there under.

1. All subdivision proposals shall demonstrate by narrative and drawings that the proposed project when complete will not result in a greater quantity or rate of storm water runoff (drainage) for the site than occurred prior to the development, nor change the quality of such runoff. Where actions such as the construction of structures, retention ponds, detention ponds, or other devices must be taken by the developer in order to achieve this standard such actions shall be shown on the preliminary plat and incorporated into the final plan as a permanent element of the project. A separate drainage management plan may be submitted by the developer, or required by the Planning Board as part of the subdivision proposal.
2. All subdivision proposals shall demonstrate by narrative and drawings that during the construction phase appropriate methods will be employed to control erosion. Generally acceptable methods will be those recommended in the most current edition of "New York Guidelines for Urban Erosion and Sediment Control" published by the Soil and Water Conservation Service.
3. The means employed to control drainage shall be designed to provide the greatest community benefit while achieving the primary objective of storm drainage control. Such measures may include protecting open space, increasing recreational opportunities, enhancing landscaping, or similar amenities.
4. Should the site include lands with slopes greater than 35 %, the plat shall clearly indicate those areas with a 35% or greater slope as unbuildable.
5. In order to evaluate the adequacy of proposed drainage control measures the developer shall provide the Planning Board with the following information:
 - a. Volume of storm runoff and peak discharge rates under pre-development and post-development conditions (with proposed management practices).
 - b. Pre and post development calculations for the runoff generated by 1, 2, 10, and 100 year storms and a 24 hour storm independently and the standard TR29 or TR55 methodologies developed by the USDA Soil and Conservation Service shall be employed in making calculations.
 - c. Presentations of the above required discharge and volume estimates in both tabular and hydrographic form.
 - d. If appropriate, the Planning Board may require a comparison of pollutant loading by a generally accepted methodology, under pre-development and post-development conditions (assuming no treatment measures).

F. PRESERVATION OF NATURAL AND AESTHETIC ELEMENTS

1. Whenever possible all natural features that add to the value and appearance of the residential setting or contribute to the rural character of the Town should be preserved.
2. In the event trees are removed or not found upon the site, the Planning Board may require that one tree per lot be planted by the developer in accordance with a plan to be submitted by a licensed landscape architect or qualified nursery.
3. When a significant natural feature (s) is identified such shall be shown on the plat and the plat shall clearly indicate that such an area is not to be built upon so as to preserve the feature.

G. LOTS

1. **Pedestrian Walkways:** Pedestrian walkways, not less than ten (10) feet wide, or of such greater width as deemed necessary by the Planning Board, shall be required across blocks, where the Planning Board deems that pedestrian access to schools, playgrounds, shopping centers, transportation, and other community facilities is necessary.
2. **Zoning Conformance:** The lot size, width, depth, and minimum building setback lines shall conform to the existing town zoning regulations.
3. **Corner Lots:** Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets.
4. **Access to Public Streets:** The subdividing of land shall provide each lot with access to an existing public street.
5. **Double-frontage Lot:** Lots shall not be so laid out that they have frontage on more than one (1) street except:
 - a. Where lots are adjacent to the intersection of two (2) streets.
 - b. Where it is necessary to separate residential lots from major arterial thoroughfares. Where double-frontage lots are created adjacent to major arterial thoroughfares, a reserve strip along the major arterial thoroughfare shall be deeded to the Town. The plat shall state that there shall be no right of access across such reserve strip. The Planning Board may require that a six (6) foot high solid board fence or masonry wall be constructed or that a ten (10) foot wide planting screen be provided.
6. **Lot Lines:** Lot lines shall be substantially at right angles or radial to street lines.
7. **Lot Depth:** No lot shall exceed three and one-half (3 ½) times the lot width.

ARTICLE 7: ENFORCEMENT

A. VIOLATIONS:

The Subdivider of real property regulated under any provision of these regulations who commits or permits any acts in violation of any of the provisions of these regulations or fails to comply with the provisions thereof shall be deemed to have committed an offense against the Subdivision regulations for the Town of Sterling and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

B. PENALTIES FOR OFFENSES

1. For every violation of any provision of these regulations, the person violating the same shall be subject to a fine of not more than two hundred fifty dollars (\$250.00) for each such

offense. Such penalty shall be collectable by and in the name of the Town of Sterling for each day that such violation shall continue.

2. In the event that the Town of Sterling maintains a legal action, pursuant to the provisions set forth in this Article, and a violation continues to exist after finding of a violation by a court of competent jurisdiction, the person held to be in violation of these regulation shall be subject to a fine of not more than five hundred dollars (\$500.00) for each day that the violation continues to exist after finding of said violation.

C. ENFORCEMENT

In addition to the above mentioned violations and penalties, the Town Board or Town Planning Board may also maintain an action or proceeding in the name of the Town of Sterling in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provisions of these regulations.

ATTACHMENT A

REGULATIONS APPLICABLE TO LANDSCAPING AND BUFFERS

A. Authorization: Landscaping and buffering are permitted in any zoning district. When required by this Section in conjunction with a particular use said landscaping and buffering shall be deemed to be a mandatory element of any permit granted for said use.

B. Definitions: When used in this Chapter, the following words and terms shall have the meanings herein assigned.

1. Berm-an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
2. Buffer-a combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
3. Screen-a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, or wall, or any appropriate combination thereof.
4. Shrub-a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.
5. Tree-a large, woody plant having one or several self supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.
6. Woodlands, existing-existing trees and shrubs of number, size and species that accomplish the same general function as new plantings.

C. Buffer Areas:

1. A hierarchy of buffers has been created corresponding to the degree of incompatibility. The more incompatible the proposed use the more physical space and vertical elements are required.
2. Determining required buffer-the buffer design required in a particular situation is designated by a letter. The following chart shall be used to determine the buffer required in a particular situation.

Proposed Use	Single family detached	2 family detached townhouse or garden apartment	Other residential	Commercial	Industrial
Single family detached	None	A	B	D	D
2 family detached; townhouse; garden apartment	A	None	A	D	D
Other residential	B	A	None	C	D
Commercial	D	D	C	None	C
Industrial	D	D	D	C	None

3. Determining size of required buffer-The area to be devoted to the buffer varies depending upon the letter designation application according to Chart 1. This area shall be determined by the following chart.

CHART 2-SIZE OF REQUIRED BUFFER

Type	Buffer Yards Required for Residential Use	
	Min. Buffer Yard	Number of Plants Units*
A	10 feet	40
B	20 feet	80

Type	Buffer Yards Required for Commercial-Industrial Uses	
	Min. Buffer Yard	Number of Plants Units*
C	50 feet	140
D	60 feet	180

*Number of plant units required per 100 linear feet of property line or right of way

- Determining number of plant units-The plant units required by Chart 2 shall be determined by the following chart:

	Height	Units
1 shade tree	12-14 feet	10 plant units
1 evergreen or ornamental tree	7-9 feet	5 plant units
each shrub	1.5 feet	1 plant unit

D. Landscaping:

- General requirements for landscaping plan-all uses subject to site plan review and approval by the Planning Board shall include a landscaping plan with the site plan submission. The Planning Board may require the landscaping plan be prepared by a landscaping plan with the site plan submission. The Planning Board may require the landscaping plan be prepared by a landscape architect.
- Specific requirements for land