

## Title.

These rules and regulations shall be known and may be cited as the "Town of Lysander Subdivision Regulations of 1977 as amended. in 2015

## ARTICLE II

### § 117-2 Authority to approve plats; approval required.

By virtue of a resolution adopted by the Town Board of the Town of Lysander on the second day of May 1957, pursuant to the provisions of Article 16 of the Town Law, the Planning Board of the Town of Lysander has the power and authority to approve plats of a subdivision or resubdivision of land, with or without streets or highways within that part of the Town of Lysander outside the limits of the Village of Baldwinsville. Such approval shall be in accordance with the procedures and regulations set forth below and is prerequisite to the filing of any plat for the subdivision or resubdivision of land, as defined herein, in the office of the Onondaga County Clerk. Subdivision approval in accordance with these regulations shall be prerequisite to the issuance of any building permit or certificate of occupancy for construction or use of subdivided land.

*Editor's Note: See also Article [XII](#), Policy on Residential Subdivision Development, of this chapter.*

### § 117-3 Declaration of policy.

It is hereby declared to be the policy of the Town of Lysander that the subdivision and development of land for agricultural, residential, commercial and industrial purposes shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth:

- A. Land to be subdivided or developed shall be of such character that it can be used safely without danger to health or peril from fire, flood, erosion, excessive noise or smoke or other menace.
- B. Proper provisions shall be made for drainage, water supply, sewerage and other appropriate utility services.
- C. The proposed streets shall provide a safe, convenient and functional system for vehicular circulation and shall be properly related to the Comprehensive Land Use Plan of the area.
- D. Streets shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses.

E. Buildings, lots, blocks and streets shall be so arranged as to afford adequate light, view and air to facilitate fire protection and to provide ample access for fire-fighting equipment to buildings.

F. Land shall be subdivided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced to the satisfaction of the Planning Board.

G. Provisions shall be made for open land, including sites for schools, parks, pathways, playgrounds and other community services as determined by the Planning Board.

H. Where appropriate, utilization of Incentive Zoning by the Town Board and Planning Board to preserve open space and farmland and or the provision of public infrastructure and the extensions there of.

#### ARTICLE IV Definitions and Word Usage (§ 117-4 - § 117-4)

##### § 117-4 Definitions and word usage.

A. Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof." The word "street" includes "road," "highway," and "lane," and "watercourse" includes "drain," "ditch" and "stream." The words "shall" or "will" are mandatory and not directive; the word "may" is permissive.

B. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

DIVISION OF LAND – Includes the following:

[Pursuant to Home Rule Law Section 10 and 22, to the extent necessary, any and all references to Division of Land in this Chapter 117 is intended to supersede the provisions of Section 276 of Town Law setting forth the procedures for subdivision]

(1) Division of land involving a *de minimis* adjustment of existing lot lines or lot lines shown on an approved final subdivision map, without the creation of new streets, curb cuts, infrastructure or building lots. For purposes of this subsection "(1)" a *de minimis* adjustment shall mean the movement of existing lot lines or lot lines shown on an approved final subdivision map provided such adjustment does not create new streets, curb cuts, infrastructure or building lots, or otherwise cause one or more of the subject lots to fail to meet to any other applicable provisions of the Code.

(2) Division of land including the elimination of existing lot lines so as to consolidate one or more lots into a lesser number and not involving the creation of new streets, curb cuts, infrastructure or building lots (also may be referred herein as Resubdivision), and

provided the resulting lot or lots otherwise meet all other applicable provisions of the Code.

Those physical additions and changes to the land to be subdivided that may be necessary to produce usable and desirable lots (including, but not limited to, grading, paving, curbing, fire hydrants, water mains, sanitary sewers, storm sewers and drains, sidewalks, crosswalks, street signs, streetlighting standards and monuments).

## LOT

A parcel of land intended for transfer of ownership, lease or building development, that is presently occupied or capable of being occupied by one principal building or use and by those buildings or uses accessory to the principal buildings or uses and having as a minimum such open spaces as required by the Planning Board and provisions of the Town of Lysander Zoning Ordinance of 1974, as amended in 2015 and as may be further amended.

Editor's Note: See Ch. 139, Zoning.

## PLANNING BOARD

The Planning Board of the Town of Lysander.

## PLANS AND PLATS

### (1) SKETCH PLAN

— An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision. Where applicants property is located in the Incentive Overlay District and the applicant is requesting the Town to utilize Incentive Zoning for a project the developer shall do a cost benefit analysis regarding the benefits proposed for the Town in return for the modified zoning requirements.

### (2) PRELIMINARY PLAN

— A tentative subdivision plan, in lesser detail than the final plat, indicating the approximate proposed layout of a subdivision as a basis for study and consideration prior to preparation of the final plat. (For the purpose of the public hearing, the "preliminary plan" shall be regarded as the plat on which the hearing shall be held.)

### (3) FINAL PLAT

— The final map, plat, plan or drawing on which the exact subdivision plan is presented for approval and which, if approved, will be submitted to the County Clerk for recording.

[The terms plan(s), plat(s) and map(s) herein may be used interchangeably]

## STREETS

A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, drive, place or other similar designation. "Streets" shall be classified as follows:

### (1) ARTERIAL STREETS

— Those which are used primarily for fast or heavy traffic, usually with complete or partial control over access from abutting property.

### (2) COLLECTOR STREETS

— Those which carry traffic from local streets to the major system of arterial streets and highways.

### (3) LOCAL STREETS

— Those which are used primarily for access to the abutting properties.

### (4) MARGINAL ACCESS STREETS

— Local streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

### (5) CUL-DE-SAC STREETS

— Local streets with one end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround. The length of a cul-de-sac street shall be measured along the center line from its intersection with the center line of the street from which it runs to the point of curvature of the entrance to the cul-de-sac turnaround.

### (6) SERVICE DRIVES

- Private ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

### (7) PRIVATE STREETS

— Those which are required or permitted at the discretion of the Planning Board so long as they are built to Town standards. Private streets shall only be

permitted with the formation of a Home Owners Association filed the New York State Attorney Generals Office.

## SUBDIVISION

The division of a parcel of land into two or more lots, blocks or sites, with or without streets or highways, for the purpose of conveyance, lease or building development. A "subdivision" shall not include the Division of Land as defined herein. (Note: The word "person" is defined in the regulations to include corporations, unincorporated associations, partnerships and individuals.)  
[Amended 4-3-1986]

### (1) MINOR SUBDIVISION

— A subdivision, or a subdivision and a resubdivision or resubdivisions within a ten-year period, dividing a parcel of land into four or fewer lots or subparcels each containing at least the minimum frontage on existing public streets required by the Zoning Ordinance

### (2) MAJOR SUBDIVISION

— Any subdivision not classified as a "minor subdivision."

## ARTICLE V Procedures for Subdivision Approval and Division of Land Approval (§ 117-5 - § 117-11)

### § 117-5 Summary of procedures.

Planning Board approval of any subdivision shall be evidenced by a final plat containing all required signatures, filed in the Onondaga County Clerk's office, which approval shall be prerequisite to the issuance of any building permit or a certificate of occupancy for residential construction or use of land. Such approval shall hereafter be initiated and processed in accordance with the following procedure:

A. The applicant shall file a sketch plan, which shall be reviewed by the Planning Board with the applicant for purposes of classification and initial discussion concerning layout, availability of utilities, services and responsibility for required improvements.

B. If the proposed subdivision is classified by the Planning Board as a "minor subdivision," the Planning Board will entertain the applicant's formal application for subdivision approval and schedule a public hearing on the final plat, upon its submission with required fee, in accordance with the terms and conditions imposed by the Planning Board in its review of the sketch plan. Final approval shall be subject to fulfillment of all conditions imposed by the Planning Board in its review of the sketch plan. [Pursuant to Home Rule Law Section 10 and 22, to the extent necessary, any and all references to subdivision procedures that may conflict with Section 276 of the Town Law are intended to supersede the provisions of Section 276 of Town Law setting forth the procedures for subdivision]

C. If the proposed subdivision is classified as a "major subdivision," the applicant shall obtain the Planning Board's approval or disapproval of a preliminary plan following a public hearing and shall either install all required street and utility improvements or provide a bond for their completion as a condition to obtaining final approval of the final plat.

§ 117-5.1. Division of Land procedure.

The Division of Land, as identified in Section 117-4(B) above, shall be governed by the following administrative review process:

A. Upon receipt of a request for Division of Land, including a location survey plan map showing all buildings, easements, existing infrastructure, existing and proposed lot lines, as well as receipt of the fee therefore as specified by the Town Board, the Town Planning Board Attorney shall review such request and may recommend approval of the same to the Chairman of the Town Planning Board, providing that the proposed Division of Land complies with all Town zoning and other laws, rules and regulations.

B. In the event that such Division of Land does not comply with all of the Town zoning and other laws, rules and regulations, the Town Planning Board Attorney shall disapprove such request and advise the party(ies) submitting such request of the nature of the defect.

C. Upon receiving the Town Planning Board Attorney's recommendation of approval of the Division of Land, the Town Planning Board Chairman shall review the request and either: (1) endorse the map indicating the new lot line boundaries and require the applicant to file said map with a deed indicating the new metes and bounds description of any lot affected by the Division of Land and provide such proof of filing to the Codes Enforcement Officer; or (2) submit the request to the Town Planning Board for its consideration in accordance with the remaining provisions of the Code.

D. The applicant for the Division of Land shall provide such number and type of copies of the approved plan as the recommended by the Planning Board Clerk shall specify for the Town's records.

E. Notwithstanding anything contained in this Section, the Planning Board Attorney may, in his/her sole discretion, abstain from making a recommendation and refer any such request for a Division of Land to the Planning Board for its advice and approval.

§ 117-6 Sketch plan procedure.

The applicant may obtain copies of these Subdivision Regulations and application forms from the Town Planning Board Clerk. The applicant shall prepare and distribute copies of

the sketch plan to the Planning Board Clerk. At the next available Planning Board meeting, as determined by the Planning Board Clerk, the Planning Board shall receive informal comments, questions and recommendations, if any, from the applicant and or its professionals and shall discuss with the applicant the classification of the subdivision, recommended changes, if any, and subsequent procedure for subdivision approval before the Planning Board.

§ 117-7 Minor subdivision procedure.  
[Amended 4-3-1986; 11-16-1987]

Upon classification of the proposed subdivision as a minor subdivision, the applicant shall prepare and file with the Planning Board a formal application for approval of the final plat, accompanied by the original final plat. The applicant shall also supply to the Planning Board four (4) duplicates of the application and final plat for distribution to the Planning Board Clerk, the Syracuse — Onondaga County Planning Agency [two] if necessary, and the Town Engineer. The final plat shall be prepared and certified as accurate by a licensed land surveyor, in accordance with the requirements of Article IX of these regulations and the conditions, if any, imposed by the Planning Board in classifying the tract as a minor subdivision. Unless the Planning Board Clerk is advised or is of the opinion that the submission does not substantially comply with the Planning Board's review and approval of the sketch plan, the application shall be scheduled and advertised for a public hearing at the next available meeting of the Planning Board, but in no instance more than 62 days after receipt of the completed application by the Planning Board Clerk. The Clerk shall cause 5 days' notice of the hearing to be published in the official town newspaper and shall, to the extent possible, mail written notice to the applicant and all neighboring residents and property owners within 300 feet of the boundaries of the tract, as shown on the current town tax rolls. Such written notice to the neighbors is a courtesy and failure of such written notice shall not invalidate the hearing or any action taken thereafter on the subdivision. All interested parties shall be given opportunity to be heard at the public hearing based on rules to be set by the Chairman of the Planning Board. Following the public hearing and within 62 days thereafter, the Board shall approve, approve with modifications or disapprove the application unless, by mutual consent of the Planning Board and the applicant, the time may be extended. [Pursuant to Home Rule Law Section 10 and 22, to the extent necessary, any and all references to subdivision procedures that may conflict with Section 276 of the Town Law are intended to supersede the provisions of Section 276 of Town Law setting forth the procedures for subdivision]

§ 117-8 Major subdivision procedure.

A. Upon classification of the proposed subdivision as a "major subdivision," the applicant shall prepare and supply to the Planning Board seven duplicates of the proposed preliminary plan in the form specified in § 117-29 for distribution to the Town Clerk, the Planning Board Clerk, the Syracuse — Onondaga County Planning Agency [two], if necessary, and the Town Engineer. The applicant and one or more representatives of the

Town as designated by the Planning Board Chairman shall conduct an onsite walk through of the property to evaluate the proposed development relative to the Town's Comprehensive Land Use Plan. If a quorum of the board wishes to be present for the site walk through the meeting shall be open to the public. This shall be done as soon as reasonably possible after submittal of the Sketchplan.

[Amended 4-3-1986]

B. The Planning Board shall receive comments, questions and recommendations, if any, on the proposed preliminary plan from the Onondaga County planning staff, when necessary,, the Town Engineers and the Planning Professionals and shall discuss with the applicant at the first available meeting of the Planning Board, the alterations, omissions or additions, if any, which it deems necessary to meet the requirements of these regulations. Engineering and legal requirements and procedures for the installation, maintenance, financing and ownership of all required utilities and improvements in the tract shall be established prior to formal filing of the preliminary plan for approval. If the tract is to be developed in sections, the Board shall approve the number and location of lots in each section, which shall be designated in the preliminary plan.

C. The applicant shall prepare and file with the Planning Board the original and five duplicates of the completed application for preliminary subdivision approval, which application shall include the revised preliminary plan and all of the supporting data required by § 117-29 of these regulations.

[Amended 4-3-1986]

D. The application shall be scheduled and advertised for a public hearing at the next available meeting of the Planning Board occurring more than 20 days after the filing of the application with the Planning Board Clerk. The Planning Board Clerk shall cause 10 days' notice of the hearing to be published in the official town newspaper and shall, to the extent possible, mail written notice to the applicant and all neighboring residents and property owners within 300 feet of the boundaries of the tract, as shown on current town tax rolls. Such written notice to the neighbors is a courtesy and failure of such written notice shall not invalidate the hearing or any action taken thereafter on the subdivision. All interested parties shall be given opportunity to be heard at the public hearing based on rules to be set by the Chairman of the Planning Board. Verbatim minutes need not be taken except upon request of the applicant, an aggrieved property owner or in the discretion of the Planning Board Chairman. Following the public hearing and within 62 days thereafter, the Planning Board shall disapprove or approve, with or without modifications, the application unless, by mutual consent of the Board and the applicant, the time may be extended.

E. In the event of disapproval, the grounds of such disapproval shall be specified in the resolution; and in the event of approval, there shall be specified in the resolution the conditions for approval of the final plat, including the improvements to be required and the amount of the performance bond which may be furnished at the Town Boards Discretions in lieu of the complete installation of such improvements before final approvalThe Planning Board may waive, subject to appropriate conditions and



guaranties, for such period as it may determine, the provision of any or all such improvements as, in its judgment of the special circumstances of a particular plat or plats, are not requisite in the interest of the public health, safety and general welfare or which, in its judgment, are inappropriate. A certified copy of the resolution shall be mailed to the applicant at his address set forth in his formal application within 10 days after its adoption.

F. Within the period set forth in the approval of the preliminary plan of a subdivision and before final plat approval, the applicant shall construct all of the improvements required to serve the subdivision, including streets, water, sanitary and drainage utilities, trails, monuments and other improvements shown on the preliminary plan. The applicant shall submit the final plat prepared in accordance with § 117-30 of these regulations, together with as-built engineering drawings certifying the proper location and installation of such improvements, bills of sale to all utilities, tender of dedications and deeds to all streets and easements to be accepted by the Town. Private Streets shall not be dedicated to the Town but must receive approval of the Town Engineer and Attorney and approval of the required homeowners association by the New York State Attorney Generals office.

G. Alternatively to F above, the applicant may submit the final plat with tender of dedication and deeds to all Town streets and easements prior to installation of all required improvements, upon entering into an agreement with the Town Board for the applicant's subsequent completion of such improvements, secured by an adequate performance bond or other security to assure proper and timely installation.

H. The final plat shall be scheduled and advertised for a public hearing within 62 days of its submission in final form unless the Planning Board deems the final plat to be in substantial agreement with the approved preliminary plat, in which case it may waive such public hearing. The Planning Board shall approve, conditionally approve with or without modifications or disapprove the final plat within 62 days of either the public hearing or, if the Planning Board has waived the hearing, receipt of the final plat by the Planning Board Secretary, unless, by mutual consent of the Planning Board and the applicant, the time is extended.

I. If the Planning Board conditionally approves the final plat, the applicant is not entitled to immediately file the plat with the County Clerk but must first fulfill any conditions set forth by the Planning Board. Upon fulfillment of these conditions, the Chairman of the Planning Board, at the direction of the Board may endorse the map and it may be filed. The applicant has 180 days to fulfill the conditions of approval, extendable by the Planning Board for an additional 180 days at its sole discretion.

J. An approved plat must be filed in the office of the Onondaga County Clerk within 62 days of the final endorsement by the Chairman. If it is not, such approval by the Planning Board shall have expired.

[Amended 11-16-1987]

K. The cost of subdivision improvements shall generally be borne by the applicant. The Town Board shall determine the basis and the legal entity upon which it will accept title and future responsibility for subdivision improvements.

L. The installations, improvements and development of any subdivision shall be subject to inspection at all stages by the Town of Lysander Engineer and, for such purpose, free access shall be accorded, and requested information shall be promptly submitted.

M. Performance bond.

(1) Any performance bond furnished in lieu of the installation of the required improvements shall be in the amount fixed by resolution of the Town Board, shall be secured by such cash deposit of the applicant or issued by such bonding or surety company as shall be approved by the Town Board and shall be approved by the Town Board as to form, sufficiency and manner of execution. The bond shall assure the complete installation of the required improvements within such period, not longer than three years, as shall be fixed by the Town Board. The Town Board, with the consent of all parties to the bond, may extend such period upon written application of the applicant filed with the Town Clerk prior to the expiration of such period or upon its own motion at any time prior to a declaration of a default in the bond by the Town Board.

(2) The Planning Board, with the approval of the Town Board and upon findings either that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such bond or that the required improvements have been installed in sufficient amount to warrant reduction in the face amount of such bond, may modify its requirements. Such modification shall not take place until after a public hearing of which notice is published and mailed as provided in Subsection D of this § 117-8.

(3) Except as provided in the preceding subsection, the bond shall be released only upon complete installation of the required improvements and the submission of the certified as-built drawings as required in Subsection F of this § 117-8.

(4) If the required improvements are not completely installed within the period fixed or extended by the Planning Board, the Town Board may declare the performance bond in default and collect the amount payable thereunder. Upon receipt of such amount, the Town has the authority to install such improvements as were covered by the bond and are commensurate with the extent of building development which has taken place in the subdivision, not exceeding in cost, however, the amount collected upon the bond.

N. Maintenance bond or security. The applicant, prior to the time of acceptance by the Town Board, shall provide a maintenance bond or other acceptable security for the value of completed streets, water, sanitary and drainage utilities and other improvements shown on the final plat in such form and amount as the Town Board shall determine. The bond or other security shall be conditioned upon the faithful performance by the applicant of the repair or replacement on account of any and all deficiencies of or damage to the

streets, utilities or other improvements from the time of acceptance by the Town Board to the time of completion of construction on the last building lot in the subdivision, but in no case longer than three years.

[Added 11-16-1987]

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§ 117-10 Applications for subdivision approval.

[Added 4-3-1986]

Applications for subdivision approval shall be made on a form prescribed by the Planning Board. All such applications shall be made by and shall bear the signature of the owner of the property proposed to be subdivided or by the owner's duly authorized agent. If the subdivision application is signed by an agent, the Planning Board may require such agent to provide written evidence of his authorization by the owner to apply for and obtain subdivision approval.

#### ARTICLE VI Design Standards (§ 117-11 - § 117-16)

§ 117-11 General requirements.

In the layout, development and improvement of a subdivision, the applicant shall comply with all standards, specifications, codes and ordinances of the Town and, in addition, the applicant shall meet, as minimums, the standards of design and principles of land subdivision set forth in this section. If the Planning Board finds that because of unusual features or conditions of the area to be subdivided or its immediate environs the minimum standards set forth herein are insufficient to effectuate the purposes and requirements of § 117-3, the Planning Board may impose such different standards as necessary to satisfy the purposes of § 117-3.

§ 117-12 Flood hazard areas.

Editor's Note: See also Ch. 75, Flood Damage Prevention.

Land prone to flooding and land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may involve danger to health, life or property or aggravate the flood hazard, but such land within the area of the plan shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

§ 117-13 Streets and roads.

A. Street system.

(1) The development plan shall conform to such plan or plans for the Town as shall have been prepared and adopted by the Planning Board.

(2) Local streets in a new development shall be so laid out as to discourage through traffic, but provision for the extension and continuation of major streets into and from adjoining areas is required, to the extent possible. If the subdivision abuts a present or proposed arterial street, marginal access streets running parallel to the thoroughfare should be provided, to the extent deemed necessary to the Planning Board.

(3) The street layout should be logically related to the topography of the land.

(4) Where the center lines of local streets opening into opposite sides of a collector street are within 200 feet of each other, they shall be made to coincide by curving or angling the local streets.

(5) If the lots resulting from the original development are large enough for further subdivision or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality should be provided at the Planning Board's request.

(6) Culs-de-sac in the local street system shall not exceed (increase to 750 ft. maximum allowed under state law) 500 feet in length and must be designed with a turnaround having an outside roadway diameter of at least 130 feet and a street property line diameter of at least 160 feet. Upon the showing of good cause and after consultation with the appropriate fire department personnel relevant to the applicants property, the Planning Board may waive the length restriction up to a maximum length of 750 feet as allowed by New York State Law.

#### B. Street alignment.

(1) The minimum radius at the center line for curves on arterial streets shall be 800 feet; for collector streets, 300 feet; and for local streets, 150 feet.

(2) Local streets shall have a tangent of at least 100 feet measured at the center line between reverse curves. All other streets shall have a tangent of at least 200 feet, except for arterial streets which shall have a tangent of at least 300 feet.

(3) Proper sight distances should be provided with respect to both horizontal and vertical alignment. Sight distances shall be measured along the center line of the street., Sight distances shall be in accordance with the American Society of Highway Traffic Officials (ASHTO) design standards.

#### C. Street grades.

(1) There shall be a minimum grade of at least 1/2 of 1% on all streets; a maximum grade of 6% on arterial streets and collector streets; and 10% on local streets for maximum distances of 400 feet.

(2) Vertical curves shall be used in changes of grade exceeding 1% and should be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Such leveling areas shall extend for a distance of 100 feet from the point of intersection of the center lines of the intersecting streets and within which no grade shall exceed a maximum of 1% on arterial streets, 2% on collector streets and 3% on all other streets and roads. The grade of actual intersections shall not exceed 1% in any direction.

#### D. Street and pavement widths.

(1) The minimum street width shall be 60 feet, except for collector streets which shall have a right-of-way width of 80 feet, and the minimum pavement width for local streets shall be 24 feet and 30 feet for collector streets exclusive of any gutter. Where divided pavements are proposed, as in arterial roads, the minimum street width shall be 120 feet, and the minimum pavement width shall be 28 feet.

(2) Additional widths may be required by the Planning Board upon finding that the same are required for:

- (a) Public safety and convenience.
- (b) Parking in commercial, industrial or public use areas.
- (c) Old roads which do not provide the proper widths and where, as a consequence, additional dedication is necessary.
- (d) Or as required as a result of any incentive zoning application.

#### E. Street intersections.

(1) Multiple intersections involving the junction of more than four roadways shall be avoided, and, where such avoidance is impossible, such intersections shall be designed with extreme care for both vehicular and pedestrian safety.

(2) Right angle intersections are desirable when arterial or collector streets are involved. When they are not, there shall be no intersection angle, measured at the center line, of less than 80° nor greater than 100°.

(3) Street curb intersections shall be rounded by a tangential arc with a minimum radius of 30 feet for local streets and 35 feet for intersections including collector streets and arterial streets.

#### F. Other requirements.

(1) The dedication of half streets at the edge of a new subdivision is prohibited, i.e. single lane streets.

(2) Reserve strips controlling access or egress are prohibited, unless specifically approved for good cause by the Planning Board. New streets shall be provided through to the boundary lines of the development to the greatest extent possible.

(3) All streets constructed in the Town shall conform to all of the specifications set forth in the Town Street Specifications, chapter A148 of the Town Code, including private streets constructed in the AR-40 Zone.

§ 117-14 Blocks and lots.

A. Blocks.

(1) All blocks in a subdivision shall have a minimum length of at least 500 feet with a maximum length of 1,200 feet. Such blocks containing individual lots shall be at least two lot depths in width. Modifications of the above requirements are possible in commercial and industrial developments.

(2) In large blocks with interior parks, in exceptionally long blocks or where access to a school or shopping center is necessary, a crosswalk with a minimum right-of-way of 12 feet and a paved walk six feet in width shall be provided.

B. Lots.

(1) The minimum lot size and road frontage shall be controlled by the provisions of current Zoning Ordinance of the Town of Lysander, as amended and as may be further amended.

Editor's Note: See Ch. 139, Zoning.

(2) All lots shall abut on a street, but double-frontage lots are prohibited except where the lots abut an arterial or a collector street on which access is not permitted. To the greatest extent possible, all lot lines, to the greatest extent possible, should, , be at right angles to the street or to a tangent of the arc of a curved street. If, after subdivision, there exist remnants of land, they shall be merged into proposed or existing lot areas.

(3) Corner lots should, to the greatest extent possible, be at least 1 1/2 times the width of single-frontage lots.

(4) Lot depth should not exceed four times the lot width, unless approval is granted by the Planning Board.

§ 117-15 Building lines; utilities; alleys.

A. Building lines. The minimum building setback shall be controlled by the provisions set forth in the current Zoning Ordinance of the Town of Lysander.

Editor's Note: See Ch. 139, Zoning.

B. Utilities.

(1) Where sanitary sewer, storm sewer, open drainage facilities water, gas, electrical, streetlighting or other public utility facilities are to be located within the street right-of-way, their location and installation shall be coordinated so that they may be added to, repaired or enlarged at minimum cost. They shall be located underground to the greatest extent possible.

(2) If easements are used at the rear of lots to provide such facilities, an easement shall be required having a minimum width of 30 feet. (Where lots back up to each other and the applicant proposes to straddle the boundary line, this would require a fifteen-foot easement from each lot.)

C. Alleys. Alleys are prohibited in residential developments.  
§ 117-16 Reservation and dedication of lands for public use.

A. In the event that the Planning Board determines that reservation of land of adequate size and suitable purpose cannot be practically located in a proposed subdivision, the Board may condition its approval of the subdivision upon payment to the Town of a fee of \$150 per lot for minor subdivisions and \$350 dollars per lot for major subdivisions, which sum shall constitute a trust fund of the town to be used exclusively for the acquisition and development of parks, playgrounds, recreation, community trails or open land areas in the town.

B. The Town Board, after due consideration and as a result of the continued residential development of the Town, hereby finds that all further residential development shall include a provision for parkland. To meet the requirements of § 117-3G, the Planning Board shall require reservation and dedication of at least 8% of the area of land to be subdivided for park, playground, recreation, community trails, bicycle paths, open land or other public purposes. In locating lands to be reserved and dedicated, the Board shall consider preservation of special environmental and geographic features, unsuitability of certain lands for building purposes, future expansion of public-use lands upon development of adjoining areas, the most appropriate type of public land use for the area and the conditions necessary to preserve access, use and maintenance of such lands for their intended purpose.

C. Such lands will be retained in the ownership of a homeowners association registered with the New York State Attorney General, absent a determination to the contrary by the Town Board provided that they are permanently dedicated and maintained for their intended use by recorded covenant and security deemed adequate to the Town Board. Alternatively, lands may be offered to the Town as a gift to be accepted at the discretion of the Town Board.

## ARTICLE VII Required Improvements (§ 117-17 - § 117-28)

### § 117-17 List of improvements to be installed.

The following is a complete list of required improvements to be installed either by the applicant or by the Town with the applicant paying the cost as outlined in § 117-28.

### § 117-18 Tract grading.

Before grading and improving land to be subdivided, the applicant shall obtain Town approval of grading plans which shall assure adequate protection against excessive grades, surface water runoff, ponding and soil erosion, both during and after completion of tract development. Compliance, with approved grading plans, shall be assured by undertaking and security acceptable to the Town Board and in accordance with all requirements set forth in Town Code section 139-69.

### § 117-19 Street grading.

All streets shall be graded to the grades shown on the street profile and cross-section plans as submitted and approved with the preliminary plan. Where installed by the applicant, they shall be inspected and checked for accuracy by the town or its representatives. All land within the street right-of-way shall be graded toward the pavement at a minimum slope of 2% and a maximum slope of 15%. When installed by the applicant, an as-built center-line profile shall be furnished prior to acceptance.

### § 117-20 Pavement.

The pavement for all streets shall be installed as shown on the preliminary plan. All pavements shall conform to the then current road construction specifications of the Town of Lysander. [Editor's Note: See Ch. A148, Street Specifications] Curbs or gutters shall be required on both sides of all streets. JL

This section left intentionally blank.

### § 117-22 Storm and surface drainage.

All storm sewers and drainage facilities, such as gutters, catch basins, bridges and culverts, shall be installed and the land graded for adequate drainage as shown on the grading plan submitted and approved with the preliminary plan. These also shall be inspected and checked for adequacy by the town or its representatives. Stormwater shall not be carried overland in roadside gutters or ditches for a distance of more than 400 feet.

### § 117-23 Sanitary sewers.

All plans for sanitary sewers and sewage disposal facilities shall conform to the Onondaga County Code and shall be approved by both the Onondaga County Department



of Health and the Town. Individual septic systems, if permitted, shall be inspected and approved by the Onondaga County Department of Health.

§ 117-24 Water supply.

All plans for municipal or individual water supplies shall conform to the Onondaga County Department of Health and the Town. Fire hydrants shall be placed along all water mains at maximum intervals of 800 feet and shall be located for easy access by the Fire Department. Waterline sizes and fire hydrant locations shall be subject to Fire Department approval.

§ 117-25 Plantings.

Adequate tree planting shall be completed by the applicant as directed by the Planning Board. Street trees will not be permitted within the street right of way. Trees shall not be less than two inches in diameter at breast height (DBH) at time of planting. Trees must be adequately supported by guy wires until firmly rooted. Trees selected for planting shall be in accordance with the Onondaga County recommended tree species list.

§ 117-26 Monuments.

A. Permanent reference monuments of aluminum at least 3 ½" inches in width or diameter and at least 36 inches in length shall be set about three inches below final grade at all street intersections and such intermediate points as may be required so each monument will be within a distance of another to allow for control to be established with one instrument setup.

B. All lot corner markers shall be at least a half-inch metal pin with a minimum length of 24 inches and shall be permanently located in the ground to final grade and shall be capped and legibly stamped or imprinted to identify the land surveyor who set them.

§ 117-27 Street signs.

A. Permanent street signs, of the same specifications as those of the Town Highway Department, showing the names of the intersecting streets shall be erected at each intersection.

B. All street signs, including but not limited to street name signs, speed limit signs, stop signs, yield signs and any other signs required by the New York State Manual of Uniform Traffic Control Devices or by the Planning Board shall be provided by the applicant and installed in accordance with the approved sign plan.

[Added 11-16-1987]

§ 117-28 Construction of streets and utilities.

The applicant shall either construct all sanitary sewers, waterlines, drainage facilities and streets and turn them over to the Town at no cost or expense for operation and maintenance or may request the Town to install the improvements and make a cash payment to the Town prior to construction in an amount to be determined by the Town Board.

#### ARTICLE VIII Preliminary Plan (§ 117-29 - § 117-29)

§ 117-29 Submission of preliminary plan; contents.

The applicant shall submit to the Planning Board a preliminary plan of the proposed subdivision, complete topography of the area at two-foot intervals on NAVD 88 elevation datum or its successor, unless otherwise specified for profiles and cross sections. These shall all be submitted in triplicate at a scale of not less than 100 feet equals one inch and shall contain the following information:

A. The proposed subdivision name or identifying title and the tract in which the subdivision is located. A location map at a small scale showing the subdivision in relation to, and the distance from, major roads or other landmarks.

B. The name and address, personally signed, of the record owner, applicant and designer of the preliminary plan in India ink.

C. A deed description and map of survey of the tract boundary made and certified by a licensed surveyor referenced to New York State Plane Coordinate System Central Zone including at least one coordinate point containing meta-data, to be a closed and balanced traverse and showing the location of property lines, existing easements, buildings, watercourses and other essential features.

D. The names of all subdivisions immediately adjacent and the names of owners of record for adjacent acreage.

E. The location and size of any existing sewers, water or gas mains, culverts and drains on the property to be subdivided.

F. Sanitary sewers, detailed as follows:

(1) Plan and profile of all sewers showing all special features such as inverted siphons, extra-strength pipe, sewer bridges, stream crossings, etc.

(2) Figures showing the manhole stationing, size of sewers, surface and sewer invert elevations at manholes and the grade of all sewers between two adjacent manholes must be shown on the profiles. All sewers are to be sufficiently deep to serve adjacent basements except where otherwise noted on the plans.

(3) Details of all ordinary sewer appurtenances, such as manholes, drop manholes, inspection chambers and inverted siphons, as well as of any special appurtenances or structures, such as regulators, tide gates, sewer bridges, pumping stations, etc.

G. Storm drainage and sewers, detailed as follows:

(1) All details required for the collection and disposal of surface drainage shall be the same as that required for sanitary sewers.

(2) Details of catch basins, open channels, culverts, conduits, ditches and headwalls.

(3) A summary of design data for all storm drainage shall be furnished if requested by the town.

H. The location, names and existing widths of present and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces.

I. The width, location, grades and street profiles of all proposed streets or other public ways.

J. Typical cross sections of the proposed grading of the roadways and sidewalks and the topographic conditions. Additional cross sections at points where cut or fill exceeds three feet or multiples of three feet.

K. The zoning regulations for the area with zoning district boundaries affecting the area. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

L. The date, scale and grid north point.

M. All proposed lot lines with approximate dimensions and building setback lines.

N. The proposed location of and type of sidewalks; the location and species of street trees; the location, size and types of curbs and gutters; the location and size of water, gas and electrical mains and lines; the character, width and depth of pavement and subbase.

O. All necessary easements to service public areas.

P. When and if the subdivision covers only a portion of the applicant's entire holding, a sketch of the prospective future street system of the entire area shall accompany the preliminary plan. In addition, the sketch shall show all prospective sewer and drainage facilities with sizes, slope, location and area served.

Q. All preliminary plans must be submitted as one of the following sized drawings: 18 inches by 24 inches, 24 inches by 36 inches or 36 inches by 48 inches. A suitable border line shall be placed on all drawings with a margin of not less than 1/2 inch on all sides.

R. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of §§ 139-70 and 139-71 of the Zoning Law shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in §§ 139-70 and 139-71 of the Zoning Law. The preliminary subdivision plat shall be consistent with the provisions of §§ 139-70 and 139-71 of the Zoning Law.  
[Added 2-11-2008]

#### ARTICLE IX Final Plan (§ 117-30 - § 117-30)

##### § 117-30 Submission of final plan; contents.

The applicant shall submit two mylar prints and three paper prints, and a .pdf electronic file of the final subdivision plan clearly and legibly drawn at a scale of not more than 100 feet equals one inch. The final plan shall include the following.

A. The proposed subdivision name or identifying title and the name of the tract in which the subdivision is located; the name and address of the record owner and subdivider; the name, license number and seal of the registered professional surveyor.

B. Street lines, pedestrian ways, lots, reservations, easements and areas dedicated to public use.

C. Sufficient data to determine readily the location, bearing and length of every street, lot line and boundary line and to reproduce such lines upon the ground.

D. The length and bearing of all straight lines, radii, and length of curves shall be given for each street. All dimensions of the lines of each lot shall be shown in feet and decimals of a foot. The property boundaries, location, scale and North points shall also be shown.

E. The final plan shall also show, by proper designation thereon, all public open spaces for which deeds of dedication are included. All offers of dedication shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

F. Lots within a subdivision shall be numbered. In addition, house numbers shall be shown in accordance with the Town of Lysander House Numbering Plan.

G. Permanent reference monuments shall be shown.

H. Where improvements have been installed by the applicant, three copies of as-built drawings shall be submitted, together with a certification by the applicant's engineer that all utilities were properly constructed in accordance with approved plans and Health Department regulations. As-built drawings shall show final rim and invert elevations and the final stationing of all catch basins and manholes, physical ties to all manholes and water valves, location and length to the property line of all house connections and any other necessary information for the proper maintenance and operation of the system.

I. Certification of approval by the appropriate public agency, when and where required, as well as such other certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in the enforcement of these regulations.

J. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of §§ 139-70 and 139-71 of the Zoning Law shall be required for final subdivision plat approval. The SWPPP for the final subdivision plat may, in the discretion of the Planning Board, be the same as the SWPPP submitted for the preliminary plat approval if there have been no significant changes to the final plat from the preliminary plat. The SWPPP shall meet the performance and design criteria and standards in §§ 139-70 and 139-71 of the Zoning Law. The final subdivision plat shall be consistent with the provisions of §§ 139-70 and 139-71 of the Zoning Law.

[Added 2-11-2008]

#### ARTICLE X Waiver (§ 117-31 - § 117-32)

§ 117-31 Waiver from regulations authorized.

Where the Planning Board finds that hardships may be a result from strict compliance with these regulations, it may waive the regulations so that substantial justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purpose of the Current Zoning Map, Current Comprehensive Land Use Plan and this Chapter 117 [Editor's Note: See Ch. 139, Zoning.] or these regulations. Nothing contained herein shall be construed to provide the Planning Board with the authority to provide waiver from dimensional requirements set forth in Chapter 139 of the Lysander Town Code.

§ 117-32 Planned Unit Developments

The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for a Planned Unit Development, a or a which, in the judgment of the Planning Board, provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.

#### ARTICLE XI Fees

§ 117-33 Schedule of fees and deposits for expert fees shall be established by the Town Board at their annual organizational meeting.

The Town of Lysander subdivision fees shall be as follows:

A. Minor subdivisions fees shall be established by the Town Board at their annual organizational meeting:

B. Major subdivisions fees shall be established by the Town Board at their annual organizational meeting:

(a) The applicant shall make an initial deposit with the Town in an amount established by the Town Board at their annual organizational meeting and include the following.

[1] Basic deposit: amount per lot in proposed subdivision, up to a maximum of \$5,000 per lot;

[2] New roads required

[3] Town water system

[4] Public sanitary sewers (wet or dry):

[5] Storm Sewers

(b) Said deposits shall be used by the Town to fund the Planning Board Budget. Additional deposits for the payment of fees and expenses retained or employed by the town including engineers, attorneys or other consultants retained by the town in connection with the review of the subdivision application and all related submissions; the inspection of the subdivision and improvements therein; the establishment or extension of improvement districts for the subdivision; and other consulting services rendered to the Town Planning Board or Town Board in connection with the subdivision review process. and shall be paid by the applicant, when and if required. Initial and additional deposits shall be held in a separate account for each subdivision and any balance remaining shall be refunded to the applicant after final approval of the last section of the subdivision, or when the subdivision application is denied. Failure to make deposits when due shall be grounds for denying the subdivision application.

(c) Withdrawals from deposit accounts shall be made only after approval by the Town Board and Planning Board Chairman (or designee in his absence) of a statement for services rendered and voucher from the consultant in accordance with usual town procedures. Consultant's statements shall contain a brief description of services rendered, date for such service, the number of hours expended or other basis for the charge and the hourly rate if applicable. Rates charged for services to be reimbursed from deposit accounts shall not exceed rates charged to the Town by consultants for comparable contractual services in other matters. The applicant shall be entitled, upon request and the payment of any

applicable copying charge, to a copy of vouchers and statements reflecting charges reimbursed from the applicant's deposit account and to a copy of town records reflecting the balance in the applicant's deposit account.

ARTICLE XII Policy on Residential Subdivision Development (§ 117-34 - § 117-34)  
[Added 7-16-1984; Editor's Note: This policy was ratified by resolution 4-4-1996]

§ 117-34 Issuance of building permits and certificates of occupancy; street acceptances.

A. Building permits may be issued for construction in residential subdivisions prior to final subdivision approval and prior to acceptance of streets, but only if preliminary subdivision approval has been obtained and reasonable access from a public road to the construction site is provided.

B. No certificate of occupancy shall be issued and no structure shall be occupied as a residence until final subdivision approval has been obtained and streets accepted by the Town. (This means streets are completed or, if incomplete, streets must be passable and plowable, and a performance bond must be posted to ensure completion.)

C. A cash deposit or irrevocable letter of credit from a banking institution may be accepted by the Town Board in lieu of the maintenance bond specified in Section 2.6 of the Town of Lysander Highway Specifications Ordinance.

[Editor's Note: See Ch. A148, Street Specifications.]

The amount of such bond, deposit or letter of credit shall be specified by resolution of the Town Board but shall in no event be less than 25% nor more than 100% than the value of the completed street.