

## Chapter 220

### SUBDIVISION OF LAND

**[HISTORY: Adopted by the Town Board of the Town of Pendleton 10-7-2008<sup>1</sup>. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire prevention and building code administration — See Ch. 132.  
Flood damage prevention — See Ch. 135.  
Parks and recreation areas — See Ch. 191.  
Sewers and water — See Ch. 209.  
Streets and sidewalks — See Ch. 217.  
Zoning — See Ch. 247.

#### ARTICLE I

##### General Provisions

##### § 220-1. Legislative authority.

The Planning Board of the Town of Pendleton, by virtue of the authority vested in it by law, does hereby exercise the power and authority to approve plats showing lots, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary and final plats within the Town of Pendleton.

##### § 220-2. Title.

This chapter shall hereafter be known, cited and referred to as the "Town of Pendleton Land Subdivision Regulations."

##### § 220-3. Policy.

- A. It is hereby declared to be the policy of the Town to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the municipality pursuant to the Comprehensive Plan of the municipality for the orderly, planned, efficient and economical development of the municipality.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall impose a convenient system conforming to the Comprehensive Plan and shall be of such width, grade and location as to

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<sup>1</sup>. Editor's Note: This ordinance also superseded former Ch. 220, Subdivision of Land, adopted 11-5-1986, as amended.

accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that provision may be made for open spaces, parks and playgrounds.

**§ 220-4. Purposes.**

This chapter are adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare of the municipality.
- B. To guide the future growth and development of the municipality, in accordance with the Comprehensive Plan.
- C. To provide for adequate light, air and privacy, secure from fire, flood and other damage, and to prevent overcrowding of the land and undue congestion of the population.
- D. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic improvements appropriate to the various uses of land and buildings and to provide for the proper location and width of streets and building lines.
- E. To establish reasonable standards of design and procedures for subdivision and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- F. To ensure that public facilities are available and will have sufficient capacity to the proposed subdivision.
- G. To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land.
- H. To preserve the natural beauty of the municipality and to ensure appropriate development with regard to these natural features.
- I. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in Chapter 247, Zoning.

**§ 220-5. Interpretation.**

In their interpretation and application, the provisions of this chapter shall be held the minimum requirements for the promotion of the public health, safety, and general welfare.

**§ 220-6. Waivers.**

- A. Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or Chapter 247, Zoning.
- B. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

**ARTICLE II**  
**Word Usage and Definitions**

**§ 220-7. Word usage.**

- A. For the purpose of this chapter, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this article.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in this chapter"; the word "regulations" means "this chapter."
- C. A "person" includes a corporation, a partnership and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be occupied."

**§ 220-8. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ADMINISTRATIVE ASSISTANT TO THE PLANNING BOARD** — The officer as appointed by the Planning Board to administer this chapter. If no such officer shall be appointed, the Planning Board Chairman shall also serve as Administrative Assistant.

**APPLICANT**

- A. A. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
- B. B. The person making an application to an agency to grant an approval in connection with a proposed action.

**BLOCK** — A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

**BOND** — Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Town Board.

All bonds shall be approved by the Town Board wherever a bond is required by this chapter.

**BUILDING** — Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

**BUILDING INSPECTOR** — The Building Inspector of the Town of Pendleton or his designated assistant.

**CODE ENFORCEMENT OFFICER** — The Code Enforcement Officer of the Town of Pendleton or his designated assistant.

**COMPREHENSIVE PLAN** — A document and referenced map that sets forth the goals and objectives that will guide the physical development of the Town over a period of time.

**CONSTRUCTION PLAN** — The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board as a condition of the approval of the plat.

**CUL-DE-SAC** — A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**DEVELOPER** — The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

**EASEMENT** — Authorization by a property owner for the use by another and for a specific purpose of any designated part of his property.

**ESCROW** — A deposit of cash with the Town in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Town in a separate account.

**FINAL PLAT** — The map or plan of record of a subdivision and any accompanying material, as described in this chapter.

**FRONTAGE** — The side of a lot abutting on a highway, road or way.

**GRADE** — The slope of a road, street or other public way, specified in percentage terms.

**HIGHWAY SUPERINTENDENT** — The duly elected Highway Superintendent of the Town of Pendleton.

**IMPROVEMENT** — One of the physical changes to the land necessary to produce usable and desirable building lots from undeveloped acreage, including, but not limited to, installation of grading, pavement, curb, gutters, storm sewers and drains, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs, monuments and betterments to existing streets and watercourses.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM** — A septic tank's seepage tile sewage system or any other approved sewage treatment device.

**JOINT OWNERSHIP** — Joint ownership among persons shall be construed as the same owner.

**LOT** — A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

**LOT, CORNER** — A lot situated at the intersection of two streets. The interior angle of such intersection shall not exceed 135°. The least dimension shall be considered the front. However, minimum front yard setback must be maintained from both streets.

**LOT IMPROVEMENT** — Any building, structure, work of art or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements may require permits for bonding.

**PLANNING BOARD** — The Town Planning Board.

**PRELIMINARY PLAT** — A drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision, as specified in Article IV, § 220-19, of this chapter, submitted to the Planning Board for consideration prior to submission of the plat in final form and sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**REGISTERED ENGINEER** — An engineer properly licensed and registered in the state.

**REGISTERED LAND SURVEYOR** — A land surveyor properly licensed and registered in the state.

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

**RIGHT-OF-WAY** — A strip of land between property lines opened for use as a street, alley or crosswalk.

**SETBACK** — The distance between a building and the edge of right-of-way nearest thereto.

**SKETCH PLAN** — A sketch of a proposed subdivision showing the information specified in Article IV, § 220-17, of this chapter to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this chapter.

**STORMWATER MANAGEMENT AREA** — For use during excessive rainfall or water runoff conditions to prevent property damage; constructed under subdivision or site plan review regulations. [Added 11-8-2000]

**STREET (ROAD OR HIGHWAY)** — Includes streets, roads, avenues, or other traffic ways within rights-of-way.

**STREET PAVEMENT** — The wearing or exposed surface of the roadway used by

vehicular traffic.

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

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

**SUBDIVISION** — The division of a single lot, tract or parcel of land or a part thereof for the purpose of transfer of ownership or for building development; provided, however, that division of land for agricultural purposes into parcels of more than seven acres shall not be included within the meaning of "subdivision." The term "subdivision" shall also include "resubdivision."

- A. **MAJOR SUBDIVISION** — Any subdivision not classified as a minor subdivision or any size subdivision requiring any new street or extension of municipal facilities.
- B. **MINOR SUBDIVISION** — Any subdivision containing not more than four lots created within any three-year time period fronting on an existing street(s), not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan or Chapter 247, Zoning. See Article IV.

**SUBDIVISION PLAT or FINAL PLAT** — A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this chapter, to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk. See Article IV, § 220-20.

**TEMPORARY IMPROVEMENT** — An improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

**TOWN ATTORNEY** — The licensed attorney designated by the Town Board to furnish legal assistance for the administration of this chapter.

**TOWN BOARD** — The Town Board of the Town of Pendleton.

**TOWN ENGINEER** — The licensed engineer designated by the Town Board to furnish engineering assistance for the administration of this chapter.

**VACATION OF PLAT** — The provision in Article III, § 220-15C, of this chapter which provides for the legal voiding of a plat.

### ARTICLE III **Application Procedures**

#### **§ 220-9. Preapplication procedure.**

- A. Applicants must meet with the Planning Board Chairman or designated administrative assistant.

- B. The developer is made aware of the subdivision requirements.
- C. The developer is given copies of the subdivision application.
- D. The developer requests that the subdivision be placed on the Planning Board agenda for sketch plan review.
- E. There shall be no fee for this pre-application procedure.

**§ 220-10. Sketch plan.**

- A. Submission of sketch plan and fee.
  - (1) Any owner of land shall, prior to subdividing or resubdividing land, submit to the Administrative Assistant official application forms along with 14 copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article IV, § 220-17, for purposes of classification and preliminary discussion. The Administrative Assistant shall immediately forward seven copies to the Planning Board and one copy to the Town Board, Town Engineer, Code Enforcement Officer/Building Inspector, and Highway Superintendent and retain one file copy. All submissions for a sketch plan review shall be accompanied by a fee as established by the Town Board. All submissions of sketch plan applications for minor subdivisions shall be accompanied by a fee of \$20 per lot or dwelling unit, with a maximum of \$50. All submissions of sketch plan applications for major subdivisions shall be accompanied by a fee of \$20 per lot or dwelling unit, with a maximum of \$100.
  - (2) The names and addresses of all landowners immediately adjacent to and immediately across the street from proposed subdivision shall be provided as shown on the Town Assessor's current maps.
- B. Discussion of requirements and classification.
  - (1) The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of this chapter for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.
  - (2) Classification of the sketch plan as a minor or major subdivision is to be made at this time. If classified as a minor subdivision, the subdivider shall comply with Article III, §§ 220-11 and 220-15, of this chapter. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with some or all of the requirements specified for major subdivisions. If classified as a major subdivision, the subdivider shall comply with Article III, §§ 220-12 through 220-16.
  - (3) Once classified as major subdivision by the Planning Board, no alterations or improvements to the property may be made, e.g., excavation, topsoil stripping,

etc., without final plat approval or by special permission from the Town Board or Planning Board. Complete supervision by the Town's engineer must also be provided.

- C. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of this chapter and shall, where it deems it necessary, make specific recommendation, in writing, to be incorporated by the applicant in the next submission to the Planning Board.

**§ 220-11. Approval of minor subdivision.**

- A. Submissions and fee.
  - (1) Within six months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit to the Administrative Assistant a final subdivision plan in 14 copies. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board and to the requirements listed in Article IV, § 220-18.
  - (2) All submissions for final plat approval for minor subdivisions shall be accompanied by a fee as established by the Town Board.
- B. Distribution of copies. The Administrative Assistant shall retain one copy of the final subdivision plat and shall immediately forward seven copies to the Planning Board and one copy to the Town Board, Town Engineer, Assessor, Code Enforcement Officer/Building Inspector, and Highway Superintendent for review.
- C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the final subdivision plat.
- D. Review by Planning Board. The Planning Board, Highway Superintendent, Assessor, Town Engineer and Code Enforcement Officer/Building Inspector shall review the final plat prior to approval.
- E. When officially submitted. The time of submission of the final subdivision plat shall be considered to be the date on which the plat, complete and accompanied by the required fee and all data required by Article IV, § 220-18, of this chapter, has been filed with the Administrative Assistant.
- F. Public hearing. A public hearing shall be held by the Planning Board within 62 days from the time of submission of the final subdivision plat for approval. Said hearing shall be advertised in the official newspaper of the Town at least five days before such hearing.
- G. Action on final subdivision plat.
  - (1) The Planning Board shall, within 62 days from the date of the public hearing, act to conditionally approve, conditionally approve with modification,

disapprove or grant final approval and authorize the signing of the final subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

- (2) In the event of conditional approval (with or without modification) to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Administrative Assistant as conditionally approved, a copy shall be filed in his/her office and a copy mailed to the subdivider. The copy mailed to the subdivider shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly authorized officer. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if, in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

H. Any or all road frontage, lots or parcels approved by the Planning Board as part of the minor subdivision process shall meet the minimum lot area requirements in the applicable zoning districts as found in Chapter 247, Zoning of the Town Code:

- (1) R1 District: § 247-10C.
- (2) R2 District: § 247-11C.
- (3) CO1 District: § 247-12D and E.
- (4) CO2 District: § 247-13D and E.
- (5) LI District: § 247-14E and F.
- (6) SLI District: § 247-15E and F.

I. Transfer of excess land within the right-of-way. Prior to dedication of a street, any land in excess of the minimum requirement for a street right-of-way shall be deeded to the lot adjacent to the right-of-way.

#### **§ 220-12. Preliminary plat for major subdivision.**

A. Submission and fee.

- (1) Within six months after classification as a major subdivision by the Planning Board, the subdivider shall submit to the Administrative Assistant a preliminary plat in 14 copies. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. Said plat shall be clearly marked "preliminary plat" and shall be in a form as described in

Article IV, § 220-19, of this chapter.

- (2) The submission for approval of the preliminary plat shall be accompanied by a fee as determined by the Town Board.
- B. Distribution of copies. The Administrative Assistant shall retain one copy of the preliminary plat and shall immediately forward seven copies to the Planning Board and one copy to the Town Board, Town Engineer, Assessor, Code Enforcement Officer/Building Inspector Officer and Highway Superintendent for review.
- C. Review by Planning Board. The Planning Board shall review the preliminary plat for major subdivisions.
- D. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.
- E. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet subdivided and the requirements of the Comprehensive Plan and Chapter 247, Zoning.
- F. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date on which the submission for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article IV, § 220-19, of this chapter, has been filed with the Administrative Assistant.
- G. Public hearing. Within 62 days after the receipt of such preliminary plat by the Administrative Assistant, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in the official newspaper of the Town at least five days before such hearing. Notice by mail will be sent by the Town Clerk five days before a public hearing for the preliminary plat approval of a subdivision to all owners of property immediately adjacent to and immediately across the street from the proposed subdivision.
- H. Approval of the preliminary plat.
  - (1) Within 62 days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat, and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state, in writing, modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of such preliminary plat, it shall be certified by the Administrative Assistant as granted preliminary approval and a copy filed in his/her office

and a copy mailed to the owner. Failure of the Planning Board to act within such sixty-two-day period shall constitute approval of the preliminary plat.

- (2) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to:
  - (a) The modifications to the preliminary plat.
  - (b) The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.
  - (c) The amount of improvement or the amount of all the bonds which it will require as prerequisite to the approval of the final subdivision plat.
- (3) Approval of a preliminary plat shall not constitute approval of the final subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final subdivision plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of this chapter. Prior to approval of the final subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

**§ 220-13. Final plat for major subdivision.**

- A. Submission and fee. The subdivider shall, within six months after approval of the preliminary plat, file the final plat with the Administrative Assistant. The submission for final plat approval for a major subdivision shall be accompanied by a fee as established by the Town Board. If not submitted within six months after approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.
- B. Number and distribution of copies. The subdivider shall provide the Administrative Assistant with 14 copies, plus one copy, in ink on linen or an acceptable equal, of the plat, the original and one true copy of all offers of cession, covenants and agreements and five sets of all construction drawings. The Administrative Assistant shall retain one copy of the final plat and shall immediately forward seven copies to the Planning Board and one copy to the Town Board, Town Engineer, Assessor, Code Enforcement Officer/ Building Inspector and Highway Superintendent for review. Construction plans shall be sent to the Code Enforcement Officer/Building Inspector, Highway Superintendent and two sets to the Town Engineer.
- C. When officially submitted. The time of submission of the final subdivision plat shall be considered the date on which the plat, complete and accompanied by the required fee and all data required by Article IV, § 220-20, of this chapter, has been filed with the Administrative Assistant.
- D. Endorsement of state and county agencies. Submissions for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town,

county and state agencies. Endorsement and approval by the Niagara County Department of Health shall be secured by the subdivider before official submission of the final subdivision plat.

- E. Review by Planning Board. The Planning Board shall review the final subdivision plat.
- F. Public hearing. Within 62 days of the submission of a plat in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in the official newspaper of the Town at least five days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under § 220-12 of this article and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.
- G. Action on proposed final subdivision plat.
  - (1) The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Administrative Assistant if no hearing is held or, in the event that a hearing is held, within 62 days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Town Board. Failure to take action on a final plat within the time prescribed thereafter shall be deemed approval of the plat. The subdivider will be notified of Planning Board actions.
  - (2) Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Administrative Assistant as conditionally approved and a copy filed in his/her office and a copy mailed to the subdivider. The copy mailed to the subdivider shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board.
  - (3) Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval, unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

**§ 220-14. (Reserved)**

**§ 220-15. Filing of approved final subdivision plat.**

- A. Final approval and filing. Upon completion of the requirements in § 220-13 and notation to that effect upon the final subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the office of the County Clerk. Any final subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the Planning Board to act shall become null and void. The Planning Board may grant two additional ninety-day extensions for filing the final plat.
- B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any final subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approved any modifications. In the event that any such final subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.
- C. Vacation of plats.
  - (1) Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by written instrument, to which a copy of such plat shall be vacated.
  - (2) Such an instrument shall be approved by the Planning Board in like manner as plats of subdivisions. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or driveways.

**§ 220-16. Public streets and recreation areas.**

- A. Public acceptance of streets. The approval by the Planning Board of a final subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such final subdivision plat.
- B. Ownership and maintenance of recreation areas. When a park, playground or other recreation area shall have been shown on a final subdivision plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deeds and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

ARTICLE IV  
**Documents To Be Submitted**

**§ 220-17. Sketch plan.**

- A. The applicant shall submit an application form for review and approval of a

subdivision, including a sketch plan.

- B. The sketch plan initially submitted to the Administrative Assistant shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than 400 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:
- (1) The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection (if not included on map).
  - (2) All existing structures, wooded areas, floodplains, wetlands, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. Topographic contours shall also be indicated at intervals of not more than five feet based on United States Geological Survey datum.
  - (3) The Tax Map street, block and lot numbers, if available.
  - (4) All the utilities available and all existing streets and zoning districts of all surrounding lands.
  - (5) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply [see § 220-18A(3) below] within the subdivided area.

**§ 220-18. Minor subdivision plat and accompanying data.**

- A. In the case of a minor subdivision, the final subdivision plat shall include the following information (Note: A minor subdivision may not require the preliminary plat step.):
- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  - (2) An actual field survey of the boundary lines of the proposed subdivision, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Highway Superintendent and shall be referenced as shown on the final plat.
  - (3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Department of Health, and a note to this effect shall be stated on the final subdivision plat signed by a licensed engineer.
  - (4) The proposed subdivision name and name of the Town and county.
  - (5) The date, North point, map scale, name, signature and address of the record owner and/or subdivider.
- B. The plot shall be filed with the Town Assessor. (If more than four lots are created within three years, Niagara County imposes further restrictions.)

- C. Drainage details of each subdivided lot and of the entire tract shall be submitted. Elevations of at least the lot corners and first floor of the proposed house shall be shown. On-site drainage shall generally require that the finished first-floor elevation or garage floor be within one foot of the existing lot grade and/or within one foot of the elevations of adjacent properties.
- D. The Code Enforcement Officer/Building Inspector and/or Town Engineer shall review both the plan and the site for adequacy prior to issuing any building permits. No occupancy permit shall be issued until all subdivision drainage work is completed and accepted by the Building Inspector.
- E. A temporary occupancy permit may be issued for a maximum of 120 days by the Code Enforcement Officer/Building Inspector if weather conditions prohibit completion of drainage grading. Upon expiration, the temporary permit must be replaced with a permanent permit or be revoked.
- F. A stormwater pollution prevention plan (SWPPP), if required for the proposed subdivision under Article XIV of Chapter 247, Zoning, of the Town Code, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § 247-88B of the Town Code. If an SWPPP is submitted together with a minor subdivision plat pursuant to this section, such SWPPP and plat shall comply with the requirements of Article XIV of Chapter 247, Zoning, of the Town Code.

**§ 220-19. Major subdivision preliminary plat and accompanying data.**

- A. The following documents shall be submitted for approval:
  - (1) Fourteen copies of the preliminary plat prepared at a scale of not more than 100 feet but preferably not less than 50 feet to the inch, showing:
    - (a) Proposed subdivision name, name of Town and county in which it is located, date, true North point, map scale, name, signature and address of the record owner, subdivider and engineer or surveyor, including license number and seal.
    - (b) The name and map cover numbers of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property not in a recorded subdivision.
    - (c) Zoning district (including exact boundary lines, if more than one district) and any proposed changes in the Zoning Ordinance Map or text applicable to the area to be subdivided.
    - (d) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
    - (e) Location of existing property lines, easements, wetlands, floodplains, buildings, watercourses, marshes, rock outcrops, wooded areas and other significant existing features for the proposed subdivision and adjacent property.

- (f) Location of existing sewers, water mains, fire hydrants, culverts and drains on the property or in adjacent streets, with pipe sizes, manhole inverts, grades and direction of flow.
  - (g) Contours with intervals of five feet or less as required by the Board, including elevations on existing roads, and approximate grading plan if natural contours are to be changed more than two feet.
  - (h) The width, location, grades and street profiles of all streets or public ways proposed by the developer.
  - (i) The approximate location and size of all proposed waterlines, valves, hydrants and sewer lines, connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law and profiles of all proposed waterline and sewer lines.
- (2) Drainage. A storm drainage plan must be submitted showing the drainage of each lot and the overall drainage of the tract. The location and size of proposed lines and their profiles, connection to existing lines or alternate means of disposal shall be shown, including the engineering calculations for the sizing of these facilities. An evaluation of the effect of drainage on adjacent properties shall be included.
  - (3) Plans and cross sections showing the proposed location and type of sidewalks, street lighting standards, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and subbase, the location of manholes, catch basins, receivers and underground conduits.
  - (4) Preliminary designs of any bridges or culverts which may be required.
  - (5) Preliminary earthwork calculations to determine fill and topsoil needs.
  - (6) The proposed lot lines with approximate dimensions and area of each lot.
  - (7) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 15 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the Comprehensive Plan.
  - (8) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tracts shall also be located on the ground and marked by monuments of such size and type as approved by the Highway Superintendent and shall be referenced and shown on the final subdivision plat.
  - (9) Stormwater management. A stormwater pollution prevention plan (SWPPP)

shall be submitted, if required for the proposed subdivision under Article XIV of Chapter 247, Zoning, of the Town Code, together with the recommendation of the Stormwater Management Officer to approve, approve with modifications, or disapprove the SWPPP pursuant to § 247-88B of the Town Code. If an SWPPP is submitted together with a major subdivision preliminary plat pursuant to this section, such SWPPP and plat shall comply with the requirements of Article XIV of Chapter 247, Zoning, of the Town Code.

- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract shall be submitted.

**§ 220-20. Major subdivision final plat and accompanying data.**

The following documents shall be submitted for final subdivision plat approval:

- A. The plat to be filed with the County Clerk shall be original ink drawn on linen or tracing cloth or copies made by an Ozalid Machine on linen, tracing cloth or Mylar. The size of the sheets shall be a minimum size of 8 1/2 inches by 11 inches, with a maximum size of 34 inches by 44 inches.
  - (1) The plat shall show:
    - (a) The proposed subdivision name or identifying title and the name of the Town and county in which the subdivision is located; the name, signature and address of the record owner and subdivider; and the name, license number and seal of the licensed land surveyor.
    - (b) Streetlines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.
    - (c) Sufficient data acceptable to the Highway Superintendent to determine readily the location, bearing and length of every streetline, lot line and boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates and, in any event, should be tied to reference points previously established by a public authority.
    - (d) The length and bearing of all straight lines, the radii, length and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true

North point.

- (2) The plat shall also show, by proper designation thereon, all public open spaces and environmentally sensitive areas such as wetlands, floodplains and unstable soil areas for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
  - (3) All offers of cession and covenants governing the maintenance of open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
  - (4) Lots within a subdivision shall be sequentially numbered.
  - (5) Permanent reference monuments to include floodplains and wetland boundary limits shall be shown, as approved by the Planning Board, and shall be constructed in accordance with specification of the Highway Superintendent. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Highway Superintendent and the Planning Board and their location noted and referenced upon the plat.
  - (6) All lot corner markers shall be permanently located satisfactorily to the Highway Superintendent at least 3/4 inches (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
  - (7) Monuments of a type approved by the Highway Superintendent shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and may be required at all street intersections, angle points in streetlines, points of curve and such intermediate points as required by the Highway Superintendent.
- B. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins, stormwater erosion control facilities and other features as directed by the Planning Board or Stormwater Management Officer (SMO).
- C. Map, plan and report with all legal documentation submitted to create a stormwater drainage district or districts in consideration of a major subdivision. A district shall be defined as the watershed area under post-development conditions for a specified location where stormwater is discharged from this major subdivision on the public right-of-way.
- D. Stormwater pollution prevention plan (SWPPP), if required for the proposed subdivision under Article XIV of Chapter 247, Zoning, of the Town Code, together with the recommendation of the Stormwater Management Officer to approve,

approve with modifications, or disapprove the SWPPP pursuant to § 247-88B of the Town Code. If an SWPPP is submitted together with a major subdivision final plat pursuant to this section, such SWPPP and plat shall comply with the requirements of Article XIV of Chapter 247, Zoning, of the Town Code.

## ARTICLE V

### **General Requirements and Design Standards for Major Subdivision**

#### **§ 220-21. Standards to be minimum requirements.**

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth herein. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article I herein.

#### **§ 220-22. General provisions.**

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Conformity with the Comprehensive Plan. Subdivisions shall be in harmony with the Comprehensive Plan.
- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Highway Superintendent or found in this chapter.
- D. No building permit shall be issued prior to acceptance of a street by the Town Board.

#### **§ 220-23. Street layout.**

- A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Comprehensive Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
- B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivision and for proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Town, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- C. Minor streets. Minor streets shall be so laid out that their use by through traffic will

be discouraged.

- D. Provision for future resubdivision. The Board may require that streets be laid out to provide future development in accordance with the requirements contained in this chapter. Such streets shall be paved.
- E. Dead-end streets. The creation of dead-end or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a two-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing 20 lots or more may be required to have at least two street connections with existing public streets shown on the construction plan prior to preliminary plat approval.
- F. Block size. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved footpath be included.
- G. Intersections with collector or major arterial roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- H. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.
- I. Angle of intersection. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.
- J. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- K. Culs-de-sac.
  - (1) Culs-de-sac should be discouraged as they have proven to be a burden to the Town taxpayer as the maintenance of the Town property (street area) is far above the normal, snow removal is much more costly and extra consideration must be given to the entering and exiting of fire equipment, school buses and other large vehicles.
  - (2) A cul-de-sac shall not be approved when the Planning Board and the Town Engineer consider an alternative feasible.
  - (3) If it is determined that a subdivision cannot be practically designed without use of a cul-de-sac, cul-de-sac design standards will be determined by the

Planning Board on an individual basis.

**§ 220-24. Street design.**

- A. Widths of rights-of-way and pavements. The minimum right-of-way width shall be 90 feet (110 feet for a proposed island in the center of the pavement) where proposed collectors intersect with existing streets. This width shall extend along the proposed collector at least 250 feet from the edge of the right-of-way on the existing street. Afterwards the minimum right-of-way width shall be 60 feet. The center line of the paved area shall be aligned with the center line of the right-of-way, as close as deemed necessary by the Planning Board.
- B. Improvements.
  - (1) Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights, signs and fire hydrants, except that the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Highway Superintendent. Such grading and improvements shall conform to any stormwater pollution prevention plan submitted pursuant to the provisions of this chapter and shall be approved as to design and specifications by the Highway Superintendent.
  - (2) Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standing thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York and located approximately 500 feet apart on any newly dedicated or private street. In addition, a fire hydrant must also be located in any newly dedicated or private cul-de-sac or dead-end street.
- C. Utilities in streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the indirect right-of-way between the paved roadway and streetline to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- D. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 15 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded when required.
- E. Grades. Grades of all streets shall conform in general to the terrain and shall not be less than 1/2 nor more than 6% for major or collector streets or 10% for minor streets in residential zones, but in no case more than 3% within 50 feet of any intersection.

- F. Changes in grade. All changes in grade exceeding 1% in algebraic difference shall be connected by vertical curves of such length and radius as meet with the approval of the Highway Superintendent so that clear visibility shall be provided for a safe distance.
- G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least 40 feet radius, and curbs shall be adjusted accordingly.
- H. Steep grades and curves; visibility at intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, the ground shall be excavated to achieve visibility.
- I. Dead-end streets. Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets, a temporary turnaround shall be paved.
- J. Watercourses.
  - (1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Highway Superintendent.
  - (2) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, these shall be provided a stormwater easement or drainage right-of-way as required by the Highway Superintendent, and in no case be less than 20 feet in width.
- K. Curve radii. In general, streetlines within a block, deflecting from each other at any one point by more than 10°, shall be connected with a curve, the radius of which for the center line of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

**§ 220-25. Street names.**

- A. Type of name. All street names shown on a preliminary plat or final subdivision plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.
- B. Names to be substantially different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in street name.

**§ 220-26. Lots.**

- A. Lots to be buildable. The lot arrangement shall be such that, in constructing a building in compliance with Chapter 247, Zoning, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.
- B. Side lines. All side lines of lots shall usually be at right angles to straight streetlines and radial to curved streetlines, unless a variance from this rule will give a better street or lot plan.
- C. Corner lots. In general, corner lots should be 10 feet wider than interior lots to provide for proper building setback from each street and provide a desirable building site.
- D. Driveway access. Driveway grades between the street and the setback line shall not exceed 10%.
- E. Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this chapter for minimum pavement construction.

**§ 220-27. Drainage improvements.**

- A. Spring or surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width.
- B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Highway Superintendent, with concurrence of the Town Engineer, shall approve the design and size of the facility based on anticipated runoff from a twenty-five-year storm under conditions of total potential development permitted by Chapter 247, Zoning, in the watershed.
- C. Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, in such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- D. Land subject to flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood

hazard.

- E. Individual lot grading. The subdivider shall provide for proper grading of individual lots which will divert water away from buildings, prevent any standing water and soil saturation which are detrimental to structures and lot use, provide for disposal of water from the lot, preserve desirable site features, reduce stormwater runoff rates and volumes, erosion, and nonpoint source pollution and provide grades for safe and convenient access to and around buildings and lots. Individual lot grading shall conform to any stormwater pollution prevention plan submitted pursuant to the provisions of this chapter.
- F. Removal of excess (overburden) stone, gravel, sand or topsoil from the area of a major subdivision must be in accordance with plans approved by the Town Planning Board and permit issued by the Code Enforcement Officer/Building Inspector.

**§ 220-28. Parks, open spaces and natural features.**

- A. Parks and playgrounds. The Planning Board may require the dedication or reservation of an area or areas for a park or parks, playground, open space or other recreational use. This area or areas shall be not less than 10% of the total subdivision area and shall be of a character, extent and location suitable to the needs created by such developments.
- B. Waiver of reservation of areas.
  - (1) In cases where the Planning Board finds that, due to the size, topography or location of the subdivision, land for park, playground or other recreation purposes cannot be properly located therein or if in the opinion of the Board it is not desirable, the Planning Board may waive the requirements that the plat show land for such purposes. The Board shall then require payment of a fee, as set by the Town Board, per subdivision lot in lieu of the dedication or reservation of areas or sites for the above uses.
  - (2) Such fee shall be paid to the Town at or before the time when the fee for the public improvement permit per Chapter 200 (§ 200-4) of the Town Code is paid. The developer is required to pay at least for the number of lots to be constructed during that phase of the major subdivision. The Town Board may also allow the developer to pay the fee for any or all additional lots on the final plat for that subdivision at the same time. All such fees shall be placed in a reserve account for the acquisition or development of permanent parks or playgrounds available to the residents of the subdivision concerned and may become a part of any fund for general recreation purposes, but shall not become part of the general fund of the Town.
- C. Reserve strips prohibited. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself, shall be prohibited.
- D. Preservation of natural features. The Planning Board shall, wherever possible,

establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, historic spots, vistas and similar irreplaceable assets.