

September 10, 2019

Regular Meeting

Minutes of a Regular Meeting of the Town Board of the Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue on September 10, 2019.

Members Present: Supervisor Kathleen Szerszen, Council Members Glenn Gunderman, Daniel Hurley, Joseph Roman, Timothy Steed

Others Present: Attorney Kimberlee Balok-Middaugh, Code Enforcement Officer Peter Rocchi, Highway Superintendent Steven Renko, Director of Recreation David Ellis, Town Clerk Carolyn Renko, Deputy Town Clerk Marianne Schrom

The meeting was called to order by Supervisor Szerszen at 7:00 p.m., followed by the Pledge of Allegiance to the Flag of the United States of America.

Moment of Silence – Kathleen Szerszen

Monthly reports were received as follows:

Town Clerk Carolyn A. Renko

Town Clerk & Dog License Fees	\$ 3,429.21
Fitzsimmons Lot Sales	\$ 275.00
Funds Turned to State & County Agencies	<u>\$ 7,438.79</u>
	\$ 11,143.00

Code Enforcement Office

Fees Collected	Building Permit Fees	\$ 2,069.60
	Building Permit Values	\$ 493,921.00
	Operating Permit Fees	\$ 300.00
	Site Plan Fees	\$ 75.00

City of Elmira Animal Control
Justice Office
Recreation/Aging/Youth Services
Residential Deputy

Council Member Gunderman made a motion, Council Member Steed seconded to accept the monthly reports as filed.

Council Member Roman made a motion, Council Member Gunderman seconded to accept the minutes of August 13, 2019 Regular Meeting.

Under Correspondence, Supervisor Szerszen read a letter from the U.S. Board on Geographic Names informing the Town that the proposal to apply the new name Minnow Creek to a previously unnamed stream located partly in the Town of Southport was approved.

PUBLIC HEARING 7:10 P.M. – for the purpose of hearing any and all public comment regarding proposed amendment to Chapter 464; Subdivision of Land.

Town Clerk Carolyn Renko read the legal notice that appeared in the Star Gazette.

Code Enforcement Officer Peter Rocchi explained the reasoning behind updating the Subdivision Law, as it hasn't been done since 1954.

Supervisor Szerszen opened the public portion of the Public Hearing at 7:12 p.m.

No one wished to speak, therefore the Public Hearing was closed at 7:13 p.m.

Council Member Steed stated this is a standard document and a much needed update.

RESOLUTION NO. 123-2019

AMENDING TOWN OF SOUTHPORT MUNICIPAL CODE, CHAPTER 464 SUBDIVISION OF LAND

Resolution by: Roman
Seconded by: Steed

RESOLVED, that the following amendments to the Town of Southport Municipal Code be and the same hereby are enacted and ordained:

Subdivision Law: Chapter 464

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Article I: General Provisions:

Section 1: Enactment, Authorization, and Title

- A. Pursuant to the provisions of Article 16 of the Town Law, the Town of Southport Town Board has, by resolution, authorized the Town of Southport Planning Board to review and approve, approve with conditions, or disapprove plats showing lots, blocks or sites, with or without roads, within the area of the Town of Southport.
- B. This law shall be known as the "Town of Southport Subdivision Law".

Section 2: Purpose

- A. This Chapter has been adopted for the following purposes:
 - 1. Provide for the orderly growth and coordinated development of the Town;

2. Affording adequate facilities for the housing, transportation, distribution, comfort, convenience, health and safety of Town residents;
3. Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with the development of land;
4. Protecting the attractiveness of the Town's environment by the requirement of effective design of all subdivisions.

Section 3: Policy

- A. In order to accomplish the purposes set forth above, it is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This policy shall be interpreted to include the following objectives, which shall guide the Planning Board's decisions:
1. 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;
 2. Proper provision shall be made for drainage, water supply, disposal of sewage, and other necessary and required improvements;
 3. Proposed streets shall consist of a convenient system conferring to the existing highways and roadways and shall be properly related to any proposals shown within the Town Plan (if such Plan exists);
 4. Streets and driveways shall be of such widths, grade and location as to accommodate prospective traffic, to afford adequate light and air and to facilitate fire protection;
 5. Lots shall be laid out so as to be in harmony with the development pattern of neighboring properties and with the surrounding topography;
 6. Acres of suitable size, location, and character for community purposes shall be shown on the final plat wherever appropriate;
 7. To ensure that the burden of financing improvements and infrastructure in new subdivisions is on the subdivision owner or developer, rather than on the particular district or the Town.

Section 4: Severability

- A. If any clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered or as determined by such judgment.

Section 5: Fees

- A. Every application for approval of a subdivision shall be accompanied by a fee as set forth within the most recent resolution adopted by the Town Board.
- B. Engineering consultants: The Planning Board may employ the services of a licensed professional engineer to consult with such Board concerning matters before it. The costs shall be paid by the subdivider based upon engineering estimates submitted to the Town and its Planning Board by the engineering firm reviewing the particular project at hand. The Town and/or the Planning Board may require payment in advance, and any unused portion of the estimated cost will be returned to the subdivider upon completion of the subdivision or alternatively, after rejection of the proposed subdivision by the Planning Board.
- C. Legal/Planning consultants: The Planning Board may employ the services of a licensed attorney and/or a professional planner to consult with such Board concerning matters before it. The costs shall be paid by the subdivider based upon legal and/or planning estimates submitted to the Town and its Planning Board by such firm reviewing the particular project at hand. The Town and/or the Planning Board may require payment in advance, and any unused portion of the estimated cost will be returned to the subdivider upon completion of the subdivision or alternatively, after rejection of the proposed subdivision by the Planning Board.

Section 6: Zoning Compliance and Variances

- A. Where a zoning ordinance or local law has been adopted by the Town, the lots shown on the proposed subdivision plat shall at least be in compliance with the dimensional requirements set forth within the Town of Southport Zoning Law, as well as comply with the requirements thereof subject, however, to the provisions of section two hundred seventy-eight (278) of Article 16 of NYS Town Law.
- B. Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to section two hundred sixty-seven-b (267-b) of Article 16 of the NYS Town Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

Section 7: Waivers

- A. Where compliance with these regulations would cause extraordinary difficulties or would be inappropriate because of exceptional and unique conditions, the Planning Board may waive the minimum requirements of these regulations, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these regulations, Chapter 525 (Zoning), and the Town Plan (if such exist).

Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connection facilities adjacent or in proximity to the subdivision. Such waiver shall be in coordination with two hundred seventy-seven - seven (277-7) of Article 16 of the NYS Town Law.

Section 8: Resubdivision

- A. If the proposed subdivision consists solely of the simple alterations of lot lines, then normal subdivision procedures may be waived at the discretion of the Planning Board. Such subdivision shall be deemed a resubdivision. If normal subdivision procedures are not waived, then such resubdivision shall be deemed to be a major or minor subdivision at the discretion of the Planning Board, of a duly authorized representative, in which case the appropriate procedure set forth in this Chapter shall apply.

Section 9: Supersedence and Conflict

- A. It is the express intent of the Town Board that this chapter shall supersede § 261-b, 274-b, 276, 277, 278, 279 and any other provision of Article 16 of the NYS Town Law inconsistent with the provisions herein, pursuant to §10 of the Municipal Home Rule Law.
- B. This chapter is not intended to interfere with, abrogate or annul any other law, rule or regulation, statute or provision of law. Where any of the provisions of this chapter impose restrictions different than any other law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control; provided that, in the event of an apparent conflict between this Chapter and Chapter 525, Town of Southport Zoning Law, of the Code of the Town, the latter shall control. This chapter, however, shall repeal and replace in its entirety the "Subdivision of Land Law" Chapter 464 previously approved by the Town Board, including all amendments thereto preceding the enactment of this Chapter as a local law.

Article II: Interpretation

Section 1: Word Usage

- A. Unless the context clearly indicates to the contrary, reference made to a section, to a part of a section or to a subsection of a part of a section, is to such section, part or subsection of these regulations.
- B. Words and terms not specifically defined herein shall be the definition provided, if any, in the State Building Code, as amended from time to time. If no definition is provided in the State Building Code, then such word or term shall have the definition provided in the Merriam-Webster's Collegiate Dictionary, 11th or most current edition. A copy of the State Building Code is available for inspection in the office of the Building Inspection of the Town of Southport.

- C. All words used in the present tense shall include the future tense. All words in plural number shall include the singular, unless the natural construction of the wording indicates otherwise. The terms “building” and “structure” include any part thereof. The word “land” includes all ground within the Town of Southport, including surface water bodies overlying such ground. The word “he” includes “she” or “they.” Unless otherwise specified, all distances shall be measured horizontally.
- D. The word “shall” is used in its mandatory sense. The word “may” is permissive.
- E. The word “Town” means the Town of Southport. The term “Town Board” means the Town Board of the Town of Southport; the term “Zoning Board of Appeals” means the Zoning Board of Appeals of the Town of Southport; and the term “Planning Board” means the Planning Board of the Town of Southport.
- F. The word “State” or the abbreviation “NYS” shall refer to New York State.
- G. The word “County” shall refer to Chemung County, New York.

Section 2: Defined Terms

- A. For the purpose of these regulations, certain words and terms used herein are defined as follows:

Applicant: Any person, firm, corporation, partnership or association who shall lay out for the purpose of sale or development any subdivision, or part thereof, as defined herein.

Block: A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Town, or by any combination of the above.

Board or Planning Board: The Planning Board of the Town of Southport

Builder: An individual, partnership, LLC or corporation who obtains a building permit for construction of a structure or structures on lots within the proposed development.

Central Sewage Disposal or Water Supply: A sewage system or water supply system designed to serve more than one dwelling unit or building, not including the use of a single well or disposal system for two dwellings on the same parcel of land. See “On-site Sewage or Water Supply.”

Conditional Approval of a Final Plat: The approval by the Town Planning Board of a final plat subject to conditions set forth in a resolution. Such conditional approval does not qualify a final plat for recording in the office of the Chemung County Clerk nor does it provide authorization for the issuance of building permits.

Contractor: An agent acting for the applicant to construct the required improvements of the project. The contractor shall be responsible to perform the work in conformance with these requirements.

Designer: The professional engineer, architect, landscape architect or land surveyor, licensed in New York State, retained by the applicant to prepare the required plans and supervise the construction of the project.

Driveway: A defined private access from an individual lot to a public or approved private right-of-way.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Final Plat or Final Subdivision Plat / Plan: The final map, drawing or chart upon which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

Final Plat Approval: The signing of a plat in final form by the duly authorized officer of the Planning Board pursuant to a resolution granting final approval to the plat and after conditions specified in a resolution granting conditional approval of the plat are complete. Such final approval shall qualify the plat for recording in the office of the County Clerk.

Grading Plan: A plan showing all present and proposed grades for stormwater drainage, together with existing grades of land and proposed finished grades of the project.

Improvements: Those physical additions and changes to the land that may be necessary to produce functional lots, including but not limited to grading, paving, curbing, fire hydrants, water mains, sanitary sewers and drains, sidewalks, pedestrian access walkways and required plantings which may or may not be offered for dedication.

Land, Recreation: That portion of the preserved land in a subdivision designed and developed with permanent facilities for recreation use in accordance with a plan approved by the Planning Board.

Lot: A tract or parcel of land held in single or joint ownership, not necessarily shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean parcel, plot, site or any similar term.

Lot Line Adjustment: Relocation of a lot line for two or more lots and which does not create any new lots or result in the ability for lots to be subdivided. The term "lot line adjustment" shall also mean resubdivision.

On-Site Sewage or Water Supply: Any sewage system designed to treat sewage by subsurface means or to provide water from a drilled well or spring, within the boundaries of an individual lot. See "Central Sewage Disposal or Water Supply" for further information.

Parent Tract: Any parcel of land which has a total area which exceeds the minimum requirements of the Zoning Law and for which there exists the legal possibility of subdivision or resubdivision. The parcel of land which is being proposed to be subdivided by the owner, developer, and/or applicant.

Preliminary Plat / Plan: A drawing prepared in the manner set forth herein showing the layout of a proposed subdivision, including but not restricted to road and lot layout, with approximate dimensions, location, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at a suitable scale and in such detail as specified in these regulations.

Preliminary Plat / Plan Approval: The approval of the layout of a proposed subdivision as set forth in a preliminary plat, but subject to approval of the plat in final form in accordance with the provisions of these regulations.

Resubdivision: Revision of all or part of an existing filed plat including consolidation of lots and/or the alteration of previously approved lot boundaries.

SEQRA: State (New York) Environmental Quality Review Act.

Sketch Plat: An optional rough sketch of a proposed subdivision which indicates generally the proposed layout, contours, street and lot locations, future proposed development of surrounding area owned or controlled by the applicant and existing utilities and drainage.

Street: A way for vehicular traffic or a public thoroughfare recognized or intended to be recognized as such by the Department of Public Works.

Public Street: A street owned and maintained by the Town.

Major Street, Arterial Street or Arterial Highway: A street carrying or designed to carry fast or heavy traffic or a recognized part of a through route.

Collector Street or Feeder Street: A street which carries traffic from minor to major streets, or vice versa, including the principal entrance streets of a residential development and streets for circulation within such development.

Minor Street: A street used primarily for access to the abutting properties.

Marginal Access Street: A residential or non-residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through traffic.

Alley: A minor way used primarily for vehicular service to the back or side of properties otherwise abutting on a street.

Dead-End Street, Cul-De-Sac or Loop Street: A residential street with one end open for public vehicles and pedestrian access and the other end terminating in a vehicular turnaround.

Street Trees: Those trees within 20 feet of the road right-of-way.

Subdivider: Same as “applicant”

Subdivision: The division of any parcel of land, regardless of use, into two (2) or more lots, plots, blocks, sites or parcels, with or without the creation of new roads, and shall include any change of existing property lines or of property lines shown on a plat recorded in the office of the County Clerk.

Minor Subdivision: A minor subdivision shall consist of the subdivision of four lots or less, as long as such subdivision does not require the creation or extension of a Town road, or the extension of Town water and/or sewer services.

Major Subdivision: A major subdivision shall consist of either the subdivision of five lots or more; or the subdivision of land into any number of lots which involves the creation or the extension of a Town road, or the extension of Town water and/or sewer services. A proposed subdivision involving the further division of a parcel previously approved as part of a minor subdivision shall be considered a major subdivision if submitted to the Planning Board for approval within a period of three (3) years from the date of the pervious minor subdivision approval, unless the applicant can demonstrate to the satisfaction of the Planning Board, by means of a sketch plan indicating the layout of the entire tract, that such further subdivision will not adversely affect the development of the remainder of the parcel or adjacent properties.

Superintendent: The duly elected Town Superintendent of Highways or such other person as the Town Board may determine.

Town: Town of Southport, Chemung County, New York

Town Law: The New York State Town Law that governs the operation of all towns within the State.

Watercourse: A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations, including intermittent streams but excepting drainage ditches, swales or diversion terraces.

Wetlands: Wetlands as mapped by the New York State Department of Conservation (DEC), the United States Army Corps of Engineers, or the United States Fish and Wildlife Service, including surface water.

Article III: Review and Approval Procedure

Section 1: Compliance and Approval Required

- A. Full compliance with the provisions of Article 16 of the NYS Town Law, with applicable provisions of the Public Health Law, with SEQRA and with this Chapter concerning the preparation of a subdivider's sketch plan, preliminary plat, and subdivision plat, except where variations of these requirements may be expressly authorized by the Planning Board, is necessary for the information of the Planning Board and of the public at public hearings as provided in this chapter. Due care in the preparation of the maps and other information called for will expedite the process of obtaining the Planning Board's decision.
- B. In order to avoid violation of §334 of the Real Property Law and §136 of the Highway Law, when any subdivision of land is proposed and before any contract for the sale of land or any offer to sell such subdivision or any part thereof is made or any grading, clearing, construction, or other improvement is undertaken therein, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

Section 2: Submission of Concept Plat

- A. Prior to filing a formal application for approval of a preliminary plat the subdivider may submit to the Planning Board a concept plat, in accordance with the submission requirements set forth in Article V §1.
- B. The subdivider, or the duly authorized representative, shall make the effort to attend the meeting of the Planning Board to discuss the requirements of these regulations for compliance with zoning, layout of the buildings, street improvements, drainage, sewage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.
- C. At this meeting, the Planning Board will classify the concept plat into one of the two categories as defined herein: minor subdivision or major subdivision.
 - 1. If classified as a minor subdivision, the subdivider shall then comply with the procedures outlined in Article III, §3 of these regulations.
 - 2. If classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article III, § 4 and § 5 of these regulations.
- D. The Planning Board shall determine whether the concept plat meets the purposes of these regulations and shall, where it deems necessary, make specific suggestions, in writing, to be incorporated by the applicant in the subsequent submission.

Section 3: Review and Approval of Minor Subdivision

A. Application and Fee

1. Within one hundred eighty (180) days after the Planning Board, or duly authorized representative, has classified the concept plat as a minor subdivision, the subdivider shall submit an application for approval of a final plat. The plat shall conform to the layout shown on the concept plat plus any recommendations made by the Planning Board. Said application shall also conform to the submission requirements specified in Article V, § 2.
2. All applications for plat approval for minor subdivisions shall be accompanied by an application fee in the amount set by resolution of the Town Board in the Fee Schedule.

B. An original and a minimum of twelve (12) copies of the final plat shall be presented to the Department of Code Enforcement in accordance with the submission deadlines set forth by the Planning Board.

C. The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat. At the same time, if any waiver of the submission requirements provided for in these regulations is necessary for plan approval, such waiver shall be requested.

D. A public hearing shall be held once the Planning Board has made the determination that the application for a minor subdivision is complete, as set forth through the submission requirements of Article V, Section 2 of this Chapter. Such hearing shall be held in accordance with Article III, Section 8 of this Chapter and Section 276 of Article 16 of the NYS Town Law.

E. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law, as amended or changed, and its implementing regulations. Such review shall be performed as early as possible in the review process.

F. Applications for final minor subdivision approval shall be subject to referral to the Chemung County Planning Board pursuant to Section 239-n of the General Municipal Law.

G. Approval of Final Plat for a Minor Subdivision: When a final plat is submitted which the Planning Board deems to be in substantial agreement with the submission requirements in Article V, § 2 of these regulations, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat. Such decision shall be made within sixty-two (62) days from the date of the public hearing.

- H. Conditional approval of the subdivision plat shall expire one-hundred eighty (180) days after the date of the adoption of the resolution granting such approval unless all of the conditions required to be fulfilled prior to the signing of the plat by the Planning Board Chair, or duly authorized representative, have been fulfilled. Upon such expiration, the conditional approval shall become null and void. The Planning Board may extend said time in which a conditional approved plat must be submitted for signature by not more than two additional ninety (90) days each if, in the Planning Board's opinion, such extension is warranted by the particular circumstances involved.

Section 4: Preliminary Plat for Major Subdivision

A. Application and Fee

- 1. Within one hundred eighty (180) days after the Planning Board, or duly authorized representative, has classified the concept plat as a major subdivision, the subdivider shall submit an application for approval of a preliminary plat. The plat shall conform to the layout shown on the concept plat plus any recommendations made by the Planning Board. Said application shall also conform to the submission requirements specified in Article V, § 3.
- 2. All applications for plat approval for major subdivisions shall be accompanied by an application fee in the amount set by resolution of the Town Board in the Fee Schedule.

- B. An original and a minimum of twelve (12) copies of the final plat shall be presented to the Department of Code Enforcement in accordance with the submission deadlines set forth by the Planning Board.

- C. The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary subdivision plat. At the same time, if any waiver of the submission requirements provided for in these regulations is necessary for plan approval, such waiver shall be requested.

- D. A public hearing shall be held once the Planning Board has made the determination that the application for a preliminary plat for a major subdivision is complete, as set forth through the submission requirements of Article V, Section 3 of this Chapter. Such hearing shall be held in accordance with Article III, Section 8 of this Chapter and Section 276 of Article 16 of the NYS Town Law.

- E. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law, as amended or changed, and its implementing regulations. Such review shall be performed as early as possible in the review process.

- F. Applications for major subdivision preliminary plat approval shall be referred to the Chemung County Planning Board pursuant to Section 239-n of the General Municipal Law after it has been determined by the Planning Board, or duly authorized representative, that the application is complete.

- G. The Planning Board shall determine the practicability of the preliminary plat, taking into consideration the requirements of the community, the findings of any consultant utilized by the Planning Board, 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 unsubdivided; and the requirements of the Town Plan and zoning requirements.
- H. Upon review of the complete preliminary plat, the Planning Board shall, by resolution, approve with or without conditions, disapprove, or grant final approval and authorize the signing of the preliminary plat within the time limits. If the Planning Board is to disapprove said application, such resolution shall state the reason(s) as to why such application was disapproved.
- I. Planning Board approval of a preliminary plat shall expire one hundred eighty (180) days after the date of such formal action. The applicant may request a ninety (90) day extension of approval, and two such extensions may be granted by the Planning Board. No Planning Board action will be taken after such expiration until a new application and filing fee are submitted. A waiver for a reasonable period of time may be given in cases of hardship upon petition to the Planning Board.

Section 5: Final Plat for Major Subdivision

- A. After receipt of preliminary plat approval, the applicant shall submit a final plat and required supplementary data for the proposed subdivision as outlined in Article V Section 4.
- B. Official submittal date: The final plat shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the application procedure outlined below:
 - 1. Number of copies: The subdivider shall provide the Department of Code Enforcement with a copy of the application and a minimum of twelve (12) copies (including one mylar copy). Such submittal shall also include all offers of cession, covenants and agreements.
 - 2. Endorsement of State and County agencies: Application for approval of plans for sewer and water facilities will be filed by the subdivider with all necessary Town, County, and State agencies. Endorsement and approval by the Chemung County Department of Health shall be secured by the subdivider before official submission of the subdivision plat.
 - 3. Public Hearing: The Planning Board may waive the requirement for a second public hearing if the Board deems the final plat to be in substantial agreement with the preliminary plat and any recommended requirements.
 - 4. Action on the proposed subdivision plat:

- a. The Planning Board shall, through a resolution, conditionally approve with or without modifications, disapprove or grant final approval of the subdivision plat. The action shall be taken within sixty-two (62) days of the receipt by the Department of Code Enforcement of a completed application or, in the event a hearing is held, within sixty-two (62) days after the date of such second hearing. If the plat is conditionally approved, the Department of Code Enforcement shall, within five (5) days of such action, notify the owner by mail of such requirements which, when completed, will authorize the signing of the final plat. The subdivision plat shall not be signed for recording until the subdivider has complied with the provisions of this Chapter.

Section 6: Filing of Approved Subdivision Plat

- A. Final approval and filing: Upon completion of the requirements within Article 3 above, and notation to that effect upon the final plat, it shall be signed by the Chairperson of the Planning Board, or duly authorized representative, and must be filed by the applicant in the office of the Chemung County Clerk. Any final plat not so filed or recorded within sixty-two (62) days after the plat is signed by the Chairperson, or duly authorized representative, shall become null and void, unless the Planning Board, upon good cause shown, grants an extension which shall not exceed two additional periods of ninety (90) days each.
- B. Final plat void if revised after approval: No changes, erasures, modifications, or revisions shall be made in any final plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications, after a public hearing. In the event that any such final plat is recorded without complying with this requirement, such plat shall be null and void and no lots sold there from or building permits issued with regard thereto.
- C. No building permits may be issued prior to the time that such final plat is filed in the office of the Chemung County Clerk.
- D. Signing of the plat:
 - 1. Every final plat submitted to the Board for its approval shall carry the following endorsement:

Approved by resolution of the Town of Southport Planning Board, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval.

Signed this _____ day of _____, _____, by

Chairperson

Vice-Chair

2. In the absence of the Chairperson or Vice-Chair, the Acting Chairperson, respectively, may sign.

Section 7: Public Acceptance of Streets and Recreation Areas

- A. Public Acceptance of Streets: The approval by the Planning Board of a 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 subdivision plat.
- B. Ownership and Maintenance of Recreational Areas: When a park, playground, or other recreation area is shown on a subdivision plat, the approval of said plat shall not constitute an acceptance by the Town of such area(s). The Planning Board shall require that the plat be endorsed with specific and 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 deed and title, dedication and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Section 8: Public Hearing

- A. A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of a complete application, as set forth in Article V.
- B. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least ten (10) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat.
- C. The applicant shall allow for a sign, supplied by the Town, to be posted on the site of the proposed subdivision. Such sign shall aid in the public's knowledge and participation of the proposed subdivision.
- D. The hearing on the final plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

Section 9: Default Approval

- A. In accordance with Section 276 through 278 of Article 16 of the NYS Town Law, the Planning Board must take action on a preliminary plat or final plat within the time periods prescribed within this Chapter. The time periods are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications.
- B. Such periods may be extended only by mutual consent of the owner and the Planning Board.

- C. In the event a Planning Board fails to take action on a preliminary plat or a final plat within the time prescribed therefore after completion of all requirements under the State Environmental Quality Review Act, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such preliminary or final plat shall be deemed granted approval.
- D. The certification of the Town Clerk as to the date of submission of the preliminary or final plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

Article IV: General Requirements and Design Standards

Section 1: Guidelines: The Planning Board, in considering an application for the subdivision of land, shall be guided by the policy consideration specified in this chapter, including the standards that follow.

Section 2: Preservation of Existing Features; Grading; Soil Analysis

- A. To the fullest extent possible, all existing trees and shrubbery shall be conserved by the subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end.
- B. To the greatest extent possible, precaution shall be taken to protect existing trees and shrubbery during the process of grading the lots and roads.
- C. Unique physical features, such as historic landmarks and sites, rock outcroppings, hilltop lookouts, desirable natural contours and similar features, shall be preserved if possible.
- D. Where a subdivision is traversed by a natural lake, pond or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision or the utilization of such features by the future residents of the subdivision. All proposed changes in the watercourse alignment shall be in accordance with the New York State Department of Environmental Conservation.

Section 3: Grading

- A. No final slope on the property shall exceed the normal angle of repose of the soil of such slope, and, except where slope consists of a natural rock formation, in no case shall it be greater than one to three, unless such slope has an established grass cover and /or is supported by a retaining wall of a design acceptable to the Board.

Section 4: Soil Analysis

- A. Soil characteristics shall be accounted in the planning of the subdivision, and the plan shall relate to the ability of the soil to accommodate proposed uses. Generally, wetlands and floodplains should be set aside for recreation and open space use; steep topography and rocky land should not be used intensely.

Section 5: Street design

- A. Relation to topography: Streets shall be logically related and conform insofar as possible to the original natural topography. They shall be arranged so as to obtain as many building sites as possible at, or slightly above, the grade of the street. The grade of the street shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- B. Intersections
 1. Subdivisions containing fifty (50) lots or more shall have at least two (2) connections with existing streets, if possible.
 2. Intersections of major streets by other streets shall be at least eight hundred (800) feet apart.
 3. Cross (four-cornered) street intersections shall be avoided, except at important traffic intersections.
 4. A distance of at least one hundred fifty (150) feet shall be maintained between offset intersections
 5. Streets shall be laid out so as to intersect as nearly as possible at right angles (90°), and no street shall intersect any other street at an angle less than sixty (60°) degrees. Grades shall be limited to a maximum of one and a half (1.5%) percent for a distance of seventy-five (75) feet from the center of the intersection.
 6. All street intersection corners shall be rounded by curves at least twenty-five (25) feet in radius at the property line and curb line. The Planning Board may require a greater radius where deemed necessary and may permit comparable cutoffs of chords in place of rounded corners.
 7. Within the triangle area formed at corners by the intersecting street lines, for a distance of sixty (60) feet from the intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary.
 8. A clear sight distance acceptable to the County Highway Department of the New York State Department of Transportation shall be provided in both directions of a county highway or a state highway where intersected by a subdivision street.

9. Nothing such as fences, walls, hedges or other landscaping shall be permitted to obstruct visibility at any intersection.

C. Temporary Dead-ends and Street Continuations:

1. The arrangement of streets shall provide for their continuation between adjacent properties where such continuation is determined necessary for proper traffic movement, effective fire protection, efficient provision of utilities, snow removal and other services, and/or where such continuation is in accordance with the Town development plan or is otherwise considered by the Planning Board to be in the public interest, so as to help create a convenient and safe system. Alternatively, if a street continuation is not determined to be warranted by the circumstances, including severe environmental constraints, or would result in unsafe traffic conditions or otherwise jeopardize the public safety and welfare, the Planning Board may designate such street as a “permanent dead-end” to be designed in accordance with the standards in subsection D of this section.

D. Permanent dead-end roads:

1. Where a street does not extend to the boundary of a subdivision tract and its future continuation is determined by the Board not to be necessary, in accordance with subsection C of this section, it shall be separated from such boundary by a distance not less than the minimum required lot width. The Planning Board may require the reservation of an easement extending from the end of the road to the boundary, sufficient width enough to accommodate utilities, drainage facilities and/or pedestrian traffic. A turnaround shall be provided at the end of a permanent dead-end street.
2. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length, exclusive of the turnaround, to one-thousand two hundred (1,200) feet.
3. No permanent dead-end street may be constructed that provides access to more than sixteen (16) building lots.
4. The Planning Board may require that a permanent dead-end street in a subdivision be designed as an internal loop system, so as to provide efficient access to all building lots and to avoid the need to create turnaround areas on the site.

- E. Road names: All roads shall be named, and such names must be approved by the Town Board before a formal application will be accepted. Names shall be sufficiently different in sound and in spelling from other road names in the Town so as to not cause confusion. A road which is a continuation of an existing road shall bear the same name. As general policy, the use of personal names for new roads is discouraged. Historical names are preferred, or names appropriate to the particular development or general neighborhood.

- F. Location, width and improvement of roads: Roads shall be suitably located, of sufficient width and adequately improved to accommodate the prospective traffic and to afford satisfactory access to police, fire-fighting, snow removal or other road maintenance equipment and shall be coordinated so as to comprise a convenient system. The location, arrangement or design of roads shall be such as to cause no undue hardship to adjoining properties. Roads must meet requirements of Town Highway Superintendent, Town Code Chapter A534.
- G. Reserve strips: The creation of reserve strips adjacent to a proposed road in such a manner as to deny access from adjacent property to such road shall be permitted only at the end of a temporary cul-de-sac.
- H. Design standards for new roads:
 - 1. Streets shall meet the following standards unless otherwise indicated on the Town Plan or Official Map, if such exist. Standards are not shown for arterial streets that are built by the State or County.

Standards	Street Classification	
	Minor	Collector
Minimum width of right-of-way (feet)	50 ft.	60 ft.
Minimum width of pavement of roadway (feet)	28 ft.	36 ft.
Minimum radius of horizontal curves (feet)	150 ft.	Determined by the Board
Maximum grade (percent)	10%	7%
Minimum grade (percent)	1%	1%
Minimum sight distance (feet)	400 ft.	1,400 ft.

- 2. No horizontal curve shall coincide with a crest vertical curve.

Section 6: Utilities

A. General:

1. Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines when they require attention. Where utilities cannot be placed between the roadway and the street line, appropriate easements shall be utilized and shall conform to Section 10 of this Article.
2. The subdivider shall install underground service connections to the property line of each lot before the street is paved.
3. Pad-mounted transformers for underground electric service should be located outside the public right-of-way on private property on an easement provided by the subdivider.
4. Sewer lines and water lines which will cross under buried electric cables should be installed before the trench is dug for the wiring.
5. Street lighting facilities compatible with proposed underground electric facilities shall be provided for at the time of initial construction.

B. Water Supply: All subdivision shall be served with an adequate water supply meeting the following standards:

1. Public Water Supply: When a proposed subdivision is located within an existing water district or where a public water supply is available within one thousand (1,000) feet of the proposed subdivision, the subdivider shall, if technically feasible and practical, construct a system of water mains tied to such system and provided a connection for each lot.
 - a. Plans and specification for extension of an existing system shall be prepared by a licensed professional engineer and shall conform to the requirements of the New York State Department of Health.
 - b. Suitable agreements with the water district shall be made for design, specifications, construction, ownership and maintenance of such distribution system and copies thereof provided to the Planning Board for review and approval prior to final approval of the subdivision.
 - c. All public water supply system installations and testing thereof shall be inspected by an appropriate agency designated by the Planning Board i.e. Chemung County Health Department or Elmira Water District or their designee before any backfilling of lines, unless the subdivider shall have provided for full-time inspection by a licensed professional engineer. A licensed professional engineer's certification shall be required prior to dedication of the improvement.

2. Community water supply systems: Where it is proposed to provide water supply to a subdivision by constructing a new or connecting to an existing private community water supply, the subdivider shall have plans and specifications, conforming to accepted engineering practices, prepared by a licensed professional engineer. The system shall be designed to furnish adequate main sizes and, where necessary, fire hydrants located to meet the specifications of the Association of Fire Underwriters and applicable fire district requirements. Adequate documents providing for ownership and maintenance of such system shall be developed and copies thereof provided to the Planning Board for review and approved prior to Final Approval of the subdivision.
 - a. The applicant must demonstrate the ability to provide a minimum of one hundred fifty (150) gallons of water per capita (GPCD) or four hundred (400) gallons per day (GPD) for each single-family residential dwelling unit or equivalent to be serviced. Service to industrial or commercial establishments shall meet standards established by the American Water Works Association or insurance industry underwriting standards.
 - b. New community water supply wells shall be sited, drilled and tested under the direct supervision of a licensed professional engineer or a professional groundwater geologist and inspected by an engineer designated by the Planning Board.
 - c. All community water system installations and testing thereof shall be inspected by an appropriate agency designated by the Planning Board i.e. Chemung County Health Department or Elmira Water District or their designee before any backfilling of lines, unless the subdivider shall have provided for full-time inspection by a licensed professional engineer. A licensed professional engineer's certification shall be required prior to final approval of the subdivision.
 - d. Performance guarantees shall accompany a final plat application involving a community water supply system. Any such guaranty must be provided pursuant to a written security agreement with the Town, approved by the Town Attorney as to form and manner of execution and by an Engineer designated by the Planning Board as to sufficiency.
 - e. Where a community system is to be transferred to a property owners association (POA), the Town Board shall be satisfied that the POA possesses the administrative and financial ability to operate and maintain such system before the performance guarantee is released.
3. On-site water supply systems: On-site water supply systems shall meet applicable New York State Department of Health guidelines.

C. Sewage Disposal Systems

1. Public Sewage Systems: When a proposed subdivision is located within an existing sewer district or when a public sewage disposal system is located within one thousand (1,000) feet of the proposed subdivision, the subdivider shall, if technically feasible and practical, provide a system of collection lines to connect to said system.
 - a. Plans and specifications for extension of an existing system shall be prepared by a licensed professional engineer and shall conform to the requirements of the New York State Department of Environmental Conservation.
 - b. Suitable agreements with the sewer district shall be made for design, specifications, construction, ownership, and maintenance of such collection system and copies thereof provided to the Planning Board for review and approval prior to final approval of the subdivision.
 - c. All public sewage system installations and testing thereof shall be inspected by an appropriate agency designated by the Planning Board i.e. Chemung County Health Department or the Chemung County Sewer District before any backfilling of lines, unless the subdivider shall have provided for full-time inspection by a licensed professional engineer. A licensed professional engineer's certification shall be required prior to dedication of improvements.
2. Community Sewage Disposal Systems: Community sewage disposal systems are required for all subdivisions where public sewage disposal systems are unavailable and a licensed professional engineer is unable to certify that soil conditions are suitable for on-site sewage disposal systems meeting New York State Department of Health criteria.
 - a. All elements of any community sewage disposal system shall be designed and constructed in strict accordance with New York state Department of Environmental Conservation standards, and any permits required there under shall be obtained as a prerequisite to final approval of any subdivision.
 - b. All community sewage disposal system installations and testing thereof shall be inspected by an appropriate agency designated by the Planning Board i.e. Chemung County Health Department or the Chemung County Sewer District before any backfilling of lines, unless the subdivider shall have provided for full-time inspections by a licensed professional engineer. A licensed professional engineer's certification shall be required prior to final approval of the subdivision.
 - c. Performance guarantees shall accompany a final plat application involving a community sewage disposal system. Any such guaranty must be proved pursuant to a written security agreement with the Town, approved by the Town Attorney as to form and manner of execution and by an Engineer designated by the Planning Board as to sufficiency.

- d. Where a community system is to be transferred to a property owners association (POA), the Town Board shall be satisfied that the POA possesses the administrative and financial ability to operate and maintain such a system before the performance guarantee is released.
3. On-site sewage disposal systems:
- a. On-site sewage disposal systems may be utilized for subdivision located outside sewer districts, provided suitable soil characteristics are present.
 - b. Suitable soil characteristics may be demonstrated by either:
 - i. Submission of a percolation testing, performed by a licensed professional engineer, resulting in a percolation rate of one inch in sixty (60) minutes; or
 - ii. Submission of a septic system design plan, prepared by a licensed professional engineer, meeting the requirements of the New York State Department of Health.

Section 7: Drainage

- A. General Planning: All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provisions for adequate storm drainage facilities. Storm drainage plans shall:
 - 1. Reflect potential surface runoff within the drainage area after development and also the runoff that will occur when property at higher elevation in the basin is developed.
 - 2. Provide a storm drainage easement or right-of-way along any watercourse, drainage channel or stream that traverses the subdivision of a width sufficient to accommodate runoff from developed land during a twenty-five (25) year storm.
 - 3. Place drainage facilities within existing or proposed street rights-of-way except where topography or other conditions made such an arrangement impractical.
 - 4. Furnish perpetual unobstructed easements twenty (20) feet or more in width along rear or side lot lines where conditions preclude use of street rights-of-way.

Section 8: Blocks

- A. General Planning:
 - 1. The length, width and shape of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

- b. The need for convenient access, circulation, control and safety of street traffic.
 - c. Limitations as well opportunities offered by topography.
2. Residential lots shall conform to the provisions of the Zoning Ordinance for the district in which they are located.
- B. Block size: Block dimensions shall generally be two lots in depth and not more than twelve (12) lots in length. In long blocks, the Planning Board may require the reservation of a twenty (20) foot wide easement through the block to accommodate utilities and / or pedestrian traffic.
 - C. Irregular shapes: Irregular block shapes or oversized blocks indented by cul-de-sacs, parking courts or loop streets and containing interior parks or playgrounds will be acceptable when properly designed, as determined by the Planning Board. Such blocks shall include adequate off-street parking, facilities for pedestrian access, proper easements for utility lines and satisfactory provision for maintenance of park and open space, where included.
 - D. Non-residential Blocks: Non-residential blocks intend for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and servicing.

Section 9: Lots

- A. General Planning: The size, shape and arrangement of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Such lot size, shape and arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in locating a building on each lot and in providing access to buildings on such lots from an approved street.
- B. Lot dimensions and area: Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities require by the type of use and development contemplated.
- C. Corner lots: Corner lots and lots adjacent to pedestrian crosswalks shall be of sufficient width so as to provide appropriate sight distance. Radial corners shall be provided on the property line substantially concentric with the curb corner radius.
- D. Side lot lines: Side lot lines shall be substantially at right angles or radial to street lines unless a variation from this rule will give a better street or lot plan.
- E. Access: Each lot shall front on an existing public street or a proposed street to be ceded to the Town at the time of subdivision plat approval unless otherwise provided by the Planning Board in accordance with Article 1 Section 6 of this Chapter.
- F. Access from major streets: Lots shall not, in general, derive access exclusively from a major street. Where driveway access from a major street may be necessary for several adjoining

lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street.

G. Access across a watercourse: Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure approved by the Highway Superintendent which shall be sufficient in size and configuration to accommodate high water flows and to preclude development of flood conditions immediately upstream to the point of access.

H. Land in floodplain:

1. Land subject to flooding or other menace shall not be platted for residential or any other use where there is potential danger to life or property or where its development will aggravate flood conditions or other hazards. Such land should be set aside for uses which will not be endangered by periodic or occasional inundation, subject to the provisions of the Zoning Ordinance.

Section 10: Easements

A. Public sites and open spaces:

1. The Planning Board may require dedication or reservation of sites of a character, extent and location suitable to the needs created by the subdivision for a park or parks for playground, other recreational purposes, or for other public use.
2. Generally, the minimum area of continuous open space acceptable for dedication for public use shall be 10% of the gross area of the subdivision or two (2) acres, whichever is greater. The Planning Board may approve open spaces with a lesser area whenever it deems that the difference between the area offered and two (2) acres may be made up in connection with the future subdivision of adjacent land.
3. The Planning Board shall give due credit for the provision of open space reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds.
4. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, the Planning Board may require, as a condition of approval of any such plat, a payment to the Town of an amount to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town exclusively for the acquisition and /or development of property for neighborhood park, playground or recreational purposes.

B. School Site: The Planning Board may also require a subdivider to set aside such area as it may deem to be required for a school. Upon the failure of the proper authorities to purchase such school site within two (2) years after the date of the approval of the plat, the subdivider, upon application to the Planning Board and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.

- C. Natural and Historic Sites: The Planning Board may require the preservation of all natural or historic features, which add value to residential developments and to the community.
- D. Areas bordering watercourses: Areas bordering streams, lakes or other water courses shall be given special consideration by the Planning Board in excess of the minimum establishments by subsection A above. The Town may accept these areas as gifts or purchase them should they be desirable for public open spaces.
- E. Realignment or widening of existing streets: Where the subdivision borders on an existing street and the Planning Board's review indicates that plans for realignment or widening of the street would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "Reserved for Street Alignment (or Widening) Purposes".
- F. Utility and Drainage Easements:
 - 1. Where topography or other conditions are such as to make impractical the inclusion of utility or drainage facilities within street right-of-ways, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines wherever possible.
 - 2. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Planning Board shall require a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
- G. Easements for pedestrian access: The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width
- H. Responsibility for ownership of reservations: Ownership and responsibility for maintenance shall be clearly indicated on all reservations.

Section 11: Parks and Playgrounds

- A. Park and Playground sites:
 - 1. The Planning Board shall require that the plat of a proposed major subdivision show sites of a character, size and location suitable for the development of permanent parks.
 - 2. Where a proposed park, playground or other permanent recreation area is shown within the Comprehensive Plan to be located in whole or in part in a proposed subdivision, the Planning Board shall require that such area or areas be shown on said plat.

3. The Planning Board shall require for proposed major subdivisions that not more than ten (10%) percent, but not less than five (5%) percent, of the gross area of the proposed subdivision be shown as park, playground or recreational area.
 4. The minimum area of contiguous open space acceptable in fulfillment of this requirement shall be generally two (2) acres and may be made up in connection with the subdivision of adjacent land.
 5. In the event that an area to be used for permanent recreational facilities is require to be so shown, the subdivider shall submit to the Planning Board a suitable tracing, at a scale of not less than thirty (30) feet to an inch, showing the following:
 - a. The boundaries of said recreation area
 - b. Existing physical features such as brooks, ponds, trees, rock outcrops, structures, etc.
 - c. Existing and, if applicable, proposed changes in grades of said area and the land immediately adjacent.
- B. Payment in lieu of Parkland:
1. In cases where the Planning Board finds that due to the size, topography or location of the subdivision, or for other reasons, land for park, playground or other purposes cannot be located therein, or, if in the opinion of the Planning Board it is not desirable, the Planning Board may waive the requirement that the plat show land for such purposes.
 2. The Planning Board shall then require, as a condition to approval of the plat, a payment to the Town in an amount that shall be deemed reasonably necessary for the acquisition of permanent recreation land or for the construction of capital recreation improvements and /or facilities for existing recreation land.
 3. Such amount shall be paid to the Town at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made.
 4. Such amount shall be held by the Town in a special "Town Recreation Site Acquisition and Improvement Fund" and applied to any one or more of the aforementioned recreation purposes.

Article V: Required Submissions

Section 1: Concept Plat

- A. The concept plat initially submitted to the Planning Board shall be based upon tax map information or some other similarly accurate base map. Such submission shall be preferably not less than two hundred (200) feet per inch, to enable the entire tract to be shown on one sheet.
- B. Such concept plat shall indicate the following:
 - 1. Boundary map of the entire holding, indicating the location of that portion which is proposed to be subdivided in relation to the entire tract of land.
 - 2. The name of the owner and of all adjoining property owners according to the most recent tax records.
 - 3. Tax map section, block, and lot numbers.
 - 4. Acreage of each land use and proposed density.
 - 5. Zoning district or districts.
 - 6. Utilities available and streets which are either proposed, mapped or built.
 - 7. Current aerial photograph of parent tract and tracts within five hundred (500) feet of said property.
 - 8. Any land to be reserved as open space when required.
- C. Location map, at a scale not less than one inch equals one thousand (1000) feet, showing the location of natural features, historic resources, community facilities, and development patterns within one thousand (1,000) feet of the lot or lots proposed for a subdivision. A location map shall not be required for a lot line alteration that creates no new lots. Such map shall contain, at a minimum, the following:
 - 1. General location of the proposed subdivision
 - 2. Natural features, which shall include watercourses, wetlands, surface water bodies, floodplains, topography, wooded areas, orchards, and critical environmental areas.
 - 3. Historic resources, which shall include structures and places listed or eligible for listing on the State or National Register of Historic Sites.
 - 4. Community facilities, which shall include major traffic arteries, shopping areas, schools, parks, employment centers, and places of worship.

5. The location map may be based on readily available data from published sources, such as aerial photographs, USGS topographical sheets, FEMA floodplain maps, tax maps, and State DEC and U.S. Fish and Wildlife Service wetlands maps. The applicant shall not be required to conduct field surveys to prepare the location map. The development patterns shall include significant existing community facilities, such as major streets, shopping areas, schools, parks, and housing developments.

Section 2: Minor Subdivisions

- A. In the case of minor subdivision only, the subdivision plat and application shall include the following information:
 1. A copy of such covenants or deed restrictions as intended to cover all or part of the tract.
 2. An actual field survey (plat) of the boundary lines of the entire parent tract, as well as the proposed lot(s), giving complete descriptive data by bearings and distances (including metes and bounds), made and certified by a licensed land surveyor.
 - a. The corners of the existing tract shall be located on the ground and marked by monuments as referenced and shown on the plat.
 - b. The corners of all proposed lots shall be located on the ground and marked by monuments as referenced and shown on the final plat, prior to the issuance of a building permit.
 3. The existing and proposed property owners, the applicant's name(s), and the tax parcel number of the parent track.
 4. A table outlining the bulk and density requirements for appropriate zoning district(s), as well as the lot area(s), front/side/rear yard setback(s), lot width(s) and lot coverage(s) for the proposed lot(s) to ensure compliance with said bulk and density requirements.
 5. Existing and proposed uses of the parent tract, as well as the proposed lot(s).
 6. Existing and proposed zoning districts of the parent track and proposed lots.
 7. Existing roads, as well as existing and proposed driveways, bike paths, hiking trails, and/or pedestrian walkways.
 8. Existing and proposed easements; including but not limited to utility, drainage, and conservation easements.
 9. Existing and proposed structures located within the parent track, and proposed building footprint(s).

10. Existing natural features and agricultural lands. Such features shall include, but shall not be limited to, waterways, wooded areas, agricultural fields, pasture lands, orchards, and any unique natural features.
 11. Existing Regulatory Floodplain and Floodways located within the parent track or within five hundred (500) feet of the parent track.
 12. Existing and proposed district boundaries. Such districts shall include but shall not be limited to Fire, School, Water and/or Sewer.
 13. Existing and proposed steep slopes. Steep slopes shall consist of land where the change in topography is twenty five (25) percent or greater.
 14. Existing topography at ten (10) ft. contours (USGA mapping), proposed topography changes at one ft. contours (Licensed Land Surveyor).
 15. All on-site sanitation and water supply facilities shall be designated to, at the least, meet the minimum specifications of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 16. The date such subdivision is proposed, North point, and map scale.
 17. The location and design of any existing or proposed stormwater management systems to be utilized.
 18. The location and design of any existing or proposed erosion and sediment control plan elements.
- B. Soil Tests: Documentation as may be required by the New York State Department of Health and/or the Chemung County Department of Health, including a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal, shall be submitted.
- C. Driveway permits: A completed application to the Town of Southport Highway Superintendent, the State Department of Transportation and/or the Chemung County Public Works Department, as the case may be, for a driveway permit(s) shall be required.
- D. Location map, at a scale not less than one inch equals one thousand (1,000) ft., showing the location of natural features, historic resources, and development patterns within one thousand (1,000) ft. of the lot or lots proposed for a minor subdivision. A location map shall not be required for a lot line alteration that creates no new lots. Such map shall contain, at a minimum, the following:

1. General location of the proposed subdivision
2. Natural features, which shall include watercourses, wetlands, surface water bodies, floodplains, topography, wooded areas, agricultural lands, orchards, and critical environmental areas.
3. Historic resources, which shall include structures and places listed or eligible for listing on the State or National Register of Historic Sites.
4. Community facilities, which shall include major traffic arteries, shopping areas, schools, parks, employment centers, and places of worship.
5. The location map may be based on readily available data from published sources, such as aerial photographs, USGS topographical sheets, FEMA floodplain maps, tax maps, and State DEC and U.S. Fish and Wildlife Service wetlands maps. The applicant shall not be required to conduct field surveys to prepare the location map.

Section 3: Major Subdivisions – Preliminary Plat and Location Map

- A. In the case of a major subdivision only, the preliminary subdivision plat and application shall include the following information:
 1. A copy of such covenants or deed restrictions as intended to cover all of part of the tract.
 2. An actual field survey (plat) of the boundary lines of the entire parent tract, as well as the proposed lot(s), giving complete descriptive data by bearings and distances (including metes and bounds), made and certified by a licensed land surveyor.
 - a. The corners of the existing tract shall be located on the ground and marked by monuments as referenced and shown on the plat.
 - b. The corners of all proposed lots shall be located on the ground and marked by monuments as referenced and shown on the final plat, prior to the issuance of a building permit.
 3. The existing and proposed property owners, the applicant's name(s), and the tax parcel number of the parent track.
 4. A table outlining the bulk and density requirements for appropriate zoning district(s), as well as the lot area(s), front/side/rear yard setback(s), lot width(s) and lot coverage(s) for the proposed lot(s) to ensure compliance with said bulk and density requirements.
 5. Existing and proposed uses of the parent tract, as well as the proposed lot(s).
 6. Existing and proposed zoning districts of the parent track and proposed lots.

7. Existing and proposed roads, driveways, bike paths, hiking trails, and/or pedestrian walkways.
 8. Existing and proposed easements; including but not limited to utility, drainage, and conservation easements.
 9. Existing and proposed structures located within the parent track, and proposed building footprint(s).
 10. Existing natural features and agricultural lands. Such features shall include, but shall not be limited to, waterways, wooded areas, agricultural fields, pasture lands, orchards, and any unique natural features.
 11. Existing Regulatory Floodplain and Floodways located within the parent track or within five hundred (500) feet of the parent track.
 12. Existing and proposed district boundaries. Such districts shall include but shall not be limited to Fire, School, Water and/or Sewer.
 13. Existing and proposed steep slopes. Steep slopes shall consist of land where the change in topography is twenty five (25) percent or greater.
 14. Existing topography at ten (10) ft. contours (USGA mapping), proposed topography changes at one ft. contours (Licensed Land Surveyor).
 15. All on-site sanitation and water supply facilities shall be designated to, at the least, meet the minimum specifications of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 16. The date such subdivision is proposed, North point, and map scale.
 17. The location and design of any existing or proposed stormwater management systems to be utilized.
 18. The location and design of any existing or proposed erosion and sediment control plan elements.
- B. Soil Tests: Documentation as may be required by the New York State Department of Health and/or the Chemung County Department of Health, including a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal, shall be submitted.
- C. Driveway permits: A completed application to the Town of Southport Highway Superintendent, the State Department of Transportation and/or the Chemung County Public Works Department, as the case may be, for a driveway permit(s) shall be required.

- D. Location map, at a scale not less than one inch equals one thousand (1,000) ft., showing the location of natural features, historic resources, and development patterns within one thousand (1,000) ft. of the lot or lots proposed for a proposed major subdivision. Such map shall contain, at a minimum, the following:
1. General location of the proposed subdivision
 2. Natural features, which shall include watercourses, wetlands, surface water bodies, floodplains, topography, wooded areas, agricultural lands, orchards, and critical environmental areas.
 3. Historic resources, which shall include structures and places listed or eligible for listing on the State or National Register of Historic Sites.
 4. Community facilities, which shall include major traffic arteries, shopping areas, schools, parks, employment centers, and places of worship.
 5. The location map may be based on readily available data from published sources, such as aerial photographs, USGS topographical sheets, FEMA floodplain maps, tax maps, and State DEC and U.S. Fish and Wildlife Service wetlands maps. The applicant shall not be required to conduct field surveys to prepare the location map.

Section 4: Final Subdivision Plat, Subdivision Improvements, and Supporting Documentation

- A. In the case of a major subdivision only, the final subdivision plat and application shall include the following information:
1. The final subdivision plat shall conform substantially to the preliminary plat as approved by the Planning Board. It shall incorporate any modifications or other features that may have been recommended by the Planning Board at the preliminary plat state, and all such compliance shall be clearly indicated by the applicant on the appropriate submission.
 2. If the applicant wishes to develop the subdivision in stages, applicant may prepare and submit a subdivision plat for a portion of the area encompassed by the preliminary plat, provided that the proposed development stages were indicated on the preliminary plat reviewed by the Planning Board. However, no more than two individual sections of a subdivision shall be in process or under construction at the same time.
 3. Signing of the plat. Every final plat submitted to the Planning Board for final approval shall carry the endorsement stated in Article III Section 6-D-1 so as to aid in the endorsement of such final plat.
 4. Utilities. Documentation of actual arrangements made with the appropriate utility companies or agencies for supplying each lot within the subdivision.

5. Covenants and restrictions. A final version of all restrictions and covenants, if any, the subdivided intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included. A final management plan of a homeowners' association (HOA) shall also be submitted, setting forth all relevant details of its proposed operation, as determined by the Planning Board.

Under Taxpayer's Comments, Agenda and Discussion items only, no one wished to speak.

RESOLUTION NO. 124-2019

APPROVING ABSTRACT OF GENERAL FUND CLAIMS

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of General Fund Claims submitted by the Town Clerk for the month of September 2019, No. 473 through No. 535, not to exceed \$104,873.53, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen
NOES: None
CARRIED.

RESOLUTION NO. 125-2019

APPROVING ABSTRACT OF HIGHWAY FUND CLAIMS

Resolution by: Roman
Seconded by: Steed

RESOLVED, that the Abstract of Highway Fund Claims submitted by the Town Clerk for the month of September 2019, No. 164 through No. 181, not to exceed \$229,812.99, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen
NOES: None
CARRIED.

RESOLUTION NO. 126-2019

APPROVING ABSTRACT OF LIGHT FUND CLAIM

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that the Abstract of Light Fund Claim submitted by the Town Clerk for the month of September 2019, No. 7, not to exceed \$7,667.09, has been audited and approved for payment by this Town Board.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen
NOES: None
CARRIED.

RESOLUTION NO. 127-2019

ACCEPTING RESIGNATION OF GERALD STRONG AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: Gunderman
Seconded by: Steed

WHEREAS, Gerald Strong has submitted his resignation as Permanent School Traffic Officer effective September 9, 2019.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts the resignation of Gerald Strong as Permanent School Traffic Officer.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen
NOES: None
CARRIED.

RESOLUTION NO. 128-2019

RATIFYING APPOINTMENT OF WILLIAM WHITFORD AS PERMANENT SCHOOL TRAFFIC OFFICER

Resolution by: Gunderman
Seconded by: Hurley

RESOLVED, that pursuant to Section 208-A of the General Municipal Law, as amended, William Whitford be and he hereby is appointed Permanent School Traffic Officer on a part-time basis for the 2019-2020 School Year, effective September 1, 2019, and that his duties be limited to acting full-time School Traffic Officer and assisting at school crossings prior to the opening and closing of schools.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen
NOES: None
CARRIED.

RESOLUTION NO. 129-2019

SETTING PUBLIC HEARING

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Town Board of the Town of Southport will hold a public hearing on Tuesday, October 8, 2019 at 7:00 p.m., or as soon thereafter as it can be heard, for the purpose of hearing any and all public comment regarding Local Law #3 of 2019, to Override Tax Levy Limit for taxable 2020 year established in General Municipal Law.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen
NOES: None
CARRIED.

RESOLUTION NO. 130-2019

AUTHORIZING TOM WESTEFER TO PERFORM UPDATE MAINTENANCE TO
FITZSIMMONS CEMETERY MARKERS

Resolution by: Roman
Seconded by: Gunderman

RESOLVED, that the Town Board of the Town of Southport does hereby authorize the Supervisor to hire Tom Westefer to perform update maintenance to Fitzsimmons Cemetery markers at a rate of \$15.00 pr/hr.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen
NOES: None
CARRIED.

Under Discussion was referral to the Planning Board to review Pawn Shops and Secondhand Dealer Businesses. The Planning Board's recommendation is to keep everything as is and make no changes.

Also under Discussion was Winter Parking, which will be tabled until the October meeting.

Next under Discussion was Streetlight Conversion Options. Supervisor Szerszen explained what this entails and it was decided to have a speaker who is knowledgeable on this subject come speak to the Town Board at a later time.

Lastly under Discussion was Elmira City School District Agreement for gym space. This will also be tabled until the October meeting.

Under Taxpayer's Comments, Mark Makowiec from 509 Bonaview Avenue spoke regarding the turn-a-round at the end of his street and also repairs that are needed on Walsh Road.

Richard Grover from 46 Walsh Road also spoke on the condition of his road and that repairs are needed.

Charles Collins from 436 Kinner Hill Road commented on Winter Parking.

Charles Wilson from 399 Widger Hill Road commented on Winter Parking.

Council Member Gunderman made a motion, Council Member Hurley seconded to adjourn the meeting.

AYES: Gunderman, Hurley, Roman, Steed, Szerszen
NOES: None
CARRIED.

The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Carolyn A. Renko, Town Clerk