

**Town of Brookfield**

**SUBDIVISION  
REGULATIONS**

**Madison County, New York**

AMENDED April 14, 2014



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## ARTICLE 1 DECLARATION OF POLICY

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 means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; 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 compose a convenient system conforming to the Town's land use regulations and/or Building Ordinance and shall be properly related to the proposals shown on any General Plan, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds.

### Section 110 Enactment and Authorization

By authority of the resolution of the Town Board of the Town of Brookfield pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Brookfield Town Planning Board is authorized and empowered to:

1. Approve, conditionally approve, or disapprove plans showing lots, blocks, or sites, with or without roads or highways.
2. Approve preliminary plats.
3. Pass and approve the development of entirely or partially undeveloped plats already filed in the Office of the County Clerk.

### Section 120 Title

These regulations shall be known as the "Subdivision Regulations of the Town of Brookfield."

### Section 130 Effective Dates

These regulations, after public hearing and adoption by the Planning Board, have been approved on April 8, 1991 by the Town Board and are effective this day of approval.

### Section 140 Purpose

The purpose of these regulations is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health, and welfare of its population.

### Section 150 Administration

150.1 These subdivision regulations shall be administered by the Planning Board and the Codes Enforcement Officer.

150.2 The subdivision regulations shall be reviewed by the Planning Board annually and submitted to the Town Board for their organizational meeting.

### Section 160 Separability

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

Section 170 Amendment

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

Section 180 Waiver

When in the opinion of the Planning Board undue individual hardship may result from strict compliance with these regulations, it may modify these regulations so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of these regulations.

Section 190 Fees

190.1 Minor and Major Subdivisions

All applications for Plat Approval for subdivision shall be accompanied by a fee of \$75.00. There is a \$25.00 per lot fee for each lot.

190.2 Other Fees

If the Planning Board decides it is necessary to hire an outside consultant to assist in the review of the subdivision proposal, the Planning Board may charge an additional fee to the applicant in order to cover the actual costs of such a review.

## **ARTICLE 2 DEFINITIONS**

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

### **Codes Enforcement Officer**

Any person appointed, designated, or otherwise retained by the Town Board to carry out the functions assigned to such person according to these regulations.

### **Building Ordinance**

The Town of Brookfield Building Ordinance.

### **Final Plat**

Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, shall be duly filed or recorded by the applicant in the office of the County Clerk.

### **General Plan**

Means a comprehensive, master, or other plan for the development of the Town prepared by the Planning Board pursuant to Section 272-a of the Town Law.

### **Land Use Regulations**

Means any ordinance or local law regulating land use in the Town of Brookfield.

### **Official Submission Date**

Means the date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board and the Planning Board has determined that the application is complete.

### **Planning Board**

The Town of Brookfield Planning Board.

### **Preliminary Plat**

Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

### **Resubdivision**

The division of any previously subdivided lot. For the purposes of this local law, resubdivisions shall be considered subdivisions and shall be subject to the same regulations.

**Road, Major**

Means a road intended to serve heavy traffic flows of traffic from minor roads or as a business road providing access to business properties.

**Road, Minor**

Means a road intended to serve primarily as an access to abutting residential properties.

**Sketch Plan**

Means a sketch of a proposed subdivision 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 these regulations.

**Subdivider**

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 either by the subdivider or others.

**Subdivision**

Division of any parcel of land into two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development, or sale. The term subdivision shall include re-subdivision.

**Subdivision, Major**

A subdivision containing four (4) or more lots, or any subdivision requiring a new road or roads.

**Subdivision, Minor**

A subdivision containing three (3) or fewer lots fronting on an existing road.

**ARTICLE 3 REVIEW AND APPROVAL PROCEDURE**Section 310 General

310.1 Minor subdivisions shall be processed in the following stages:

1. [a.] Sketch Plan Conference
2. [b.] Public Hearing
3. [c.] Final Plat Approval

310.2 Major subdivisions shall be processed in the following stages:

1. [a.] Sketch Plan Conference
2. [b.] Public Hearing
3. [c.] Preliminary Plat approval
4. [d.] Optional Public Hearing
5. [e.] Final Plat approval

Section 320 Pre-Application Procedures

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. The subdivider should study the site suitability and opportunities for development; presumably he will discuss financing, planning and marketing with the lending institutions. The subdivider should develop a preliminary layout in sketch form which in turn should be submitted to the Planning Board for advice and assistance and should include a preliminary environmental assessment (EAF forms may be found on the Town of Brookfield website and/or may be obtained from the Town Clerk). The sketch plan should include the information identified in Articles 4 and 5. It is recommended that this sketch plan be prepared in consultation with a licensed land surveyor.

Section 330 Sketch Plan Conference

The subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the subdivider's intentions as they relate to the General Plan for the Town of Brookfield, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans.

This step does not require formal application, fee, or filing with the Planning Board.

**330.1 Adverse Natural Features Review**

The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site as indicated by any General Plan's maps of physical limitations to development. If the site falls into areas on the soils map

denoted as having "moderate" or "severe" limitation, within flood hazard areas, or areas of unique hydrologic or natural habitat areas (including wetlands), the Planning Board may require the subdivider to consult with the appropriate technical review or assistance agencies (such as, but not limited to the Soil Conservation Service, the State Health Department, Army Corps of Engineers, and the State Department of Environmental Conservation) to determine appropriate measures to mitigate or eliminate such problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or Subdivider.

The Planning Board may require that design techniques be used to avoid development in these critical resource areas, and shall not approve a sketch plan which has failed to adequately address these critical resources concerns (soils, flood hazards, and hydrologic and natural habitat resources). Building in a floodplain must be reviewed and approved by the Town's Board of Appeals. Long or short environmental form must be filled out.

#### Section 340 Agricultural Subdivision Waiver

340.1 If, at the sketch plan conference, the Planning Board determines that the subdivision is for agricultural purposes only, does not involve the creation of a new road or highway, and does not include more than one lot of less than five (5) acres in area, the Planning Board, recognizing that agriculture is the primary business in the Township, may waive the subdivision review procedures and exempt the subdivision from these regulations. If the subdivision review is waived, there will be no application fee or public hearing required.

340.2 Agriculture Definitions per NYS Office of Real Property and Taxation Assessor's Manual pg 1.00

100 - AGRICULTURAL

105 - Agricultural Vacant Land (Productive)

Land used as part of an operating farm. It does not have living accommodations and cannot be specifically related to any of the other divisions in the agricultural category. Usually found when an operating farm is made up of a number of contiguous parcels.

110 - Livestock and Products

111 - Poultry and Poultry Products: eggs, chickens, turkeys, ducks and geese

112 - Dairy Products: milk, butter and cheese

113 - Cattle, Calves, Hogs

114 - Sheep and Wool

115 - Honey and Beeswax

116 - Other Livestock: donkeys, goats

117 - Horse Farms

120 - Field Crops

Potatoes, wheat, hay, dry beans, corn, oats, and other field crops.

129 - Acquired Development Rights

Land for which development rights have been acquired by a governmental agency (e.g., certain agricultural lands in Suffolk County).

130 - Truck Crops - Mucklands

Muckland used to grow potatoes, sugar beets, onions, snap beans, tomatoes, cabbage, lettuce,

cauliflower, sweet corn, celery, etc.

140 - Truck Crops - Not Mucklands

Nonmuckland used to grow onions, snap beans, tomatoes, cabbage, lettuce, cauliflower, sweet corn, celery, carrots, beets, peas, etc.

150 - Orchard Crops

151 - Apples, Pears, Peaches, Cherries, etc.

152 - Vineyards

160 - Other Fruits

Strawberries, raspberries, dewberries, currants, etc.

170 - Nursery and Greenhouse

Buildings, greenhouses and land used for growing nursery stock, trees, flowers, hothouse plants, mushrooms, etc.

180 - Specialty Farms

181 - Fur Products: mink, chinchilla, etc.

182 - Pheasant, etc.

183 - Aquatic: oysterlands, fish and aquatic plants

184 - Livestock: deer, moose, llamas, buffalo, etc.

190 - Fish, Game and Wildlife Preserves

Section 360 New York State and/or Madison County Department of Health

New York State and/or Madison County Department of Health approval will be required for any subdivision containing five (5) or more lots. Early contact by the subdivider with this department is advised.

Section 370 Preliminary Plat

All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available at the Town Office accompanied by all documents specified in Article 5 herein.

370.1 Review of Subdivision

Following the review of the Preliminary Plat and supplementary material submitted for conformity to these regulations, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider or the subdivider's representative is expected to attend the hearing. This hearing may also fulfill the hearing requirements for the State Environmental Quality Review Act. Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications, or disapprove the preliminary plat and state its reasons for disapproval.

### 370.1 Notice of Public Hearing

The hearing shall be advertised at least once in the Town's designated Official Newspapers at least five (5) days before the hearing. Notice of the hearing shall be mailed by the Town Clerk to the owners of all adjoining properties within five hundred (500) feet of the subdivided property at least five (5) days before the hearing.

### 370.3 State Environmental Quality Review (SEQR)

If the subdivision meets any Type-1 thresholds listed in Part 617.12 or unlisted-action criteria listed in Part 617.11 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined respectively in Sections 617.6 and 617.7 of the SEQR regulations. A determination of no significant environmental impact (Negative Declaration) or a Draft Environmental Impact Statement (DEIS) is required by the designated lead agency before the subdivisions may be approved (in accordance with Section 617.11 or the SEQR rules). The public hearing shall be used to solicit comments on the Draft EIS under SEQR.

### 370.4 Notice of Decision

The action of the Planning Board shall be noted on three (3) copies of the Preliminary Plat and reference shall be made to any modifications determined. One (1) copy shall be returned to the subdivider and the other two (2) copies retained by the Planning Board.

### 370.5 Effect of Approval

Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with these regulations and all requirements set forth by the Planning Board in its review of the preliminary plat, and any other State or County Health Department requirements.

## Section 380 Final Plat

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

The subdivider shall file an application for Final Plat approval on forms available at the Town Office, and the application shall be accompanied by documentation as specified in Article 5 herein, to the Planning Board. Such application shall be submitted at least five (5) days prior to the meeting at which it is to be considered by the Planning Board, and no later than six (6) months after the date of the preliminary plat approval.

### 380.1 Optional Public Hearing

A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider or the subdivider's representative is expected to attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within sixty-two (62) days of the public hearing.

If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the regulation violated by the Plat. Failure of the Planning Board to render a decision within the stated sixty-two (62) day period shall be deemed final approval of the plat.

### 380.2 Notice of Public Hearing

The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before the hearing. Notice of the hearing shall be mailed by the Town Clerk to the owners of all adjoining properties within five hundred (500) feet of the subdivided property at least five (5) days

before the hearing.

### 380.3 Waiver Of Public Hearing

If the final plat is in substantial agreement with the preliminary plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the plat within sixty-two (62) days of the official submission date.

### 380.4 State Environmental Quality Review (SEQR)

The Planning Board's action on the subdivision plat shall include either a Negative Declaration or the Final Environmental Impact Statement and a statement of findings on the subdivision as required under Section 8-0109-8 of the Environmental Conservation Law.

### 380.5 Notice of Decision

The subdivider shall be notified of the final action of the Planning Board and the subdivider shall record the Final Plat, or section thereof, in the Office of the Clerk of Madison County, New York within sixty (60) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Madison County, New York.

### 380.6 Conditional Approval

Upon 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. The plat shall be certified by the Town Clerk and a certified statement of such requirements shall accompany such plat 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 office of the Planning Board. If the requirements are not completed by the deadline set in the resolution granting conditional approval, the conditional approval shall expire, and the applicant must reapply. The Planning Board may, however, extend the expiration time for a period not to exceed six (6) months.

## ARTICLE 4 MINOR SUBDIVISION

### Section 410 Information Required For Minor Subdivisions

The following shall be submitted with applications for approval of a final plat for a minor subdivision:

#### 410.1

- a. An actual field survey of the boundary lines of the **parcel(s)**, giving complete description of bearings and distances, made and certified by a licensed surveyor. The corners of the parcel(s) shall be marked with steel rebar and capped with licensed surveyor's identification, with locator map.
- b. Minimum lot size shall be 1.5 acres. **If property has road frontage, the property line is to be measured from the center of the road. All deeds prior to the passage of this ruling are grandfathered as their deed reads and passed on to the next buyer with no changes.**

#### 410.2

One copy of the minor subdivision plat which is to be submitted to the County Clerk, drawn with ink on mylar, plus two (2) paper copies. The plat map shall be drawn by a licensed surveyor at an appropriate scale that is clearly legible and shall contain the following information:

- a. Subdivision name, scale, north arrow, locator map, and date;
- b. Subdivision boundaries;
- c. Contiguous properties and names of owners;
- d. Existing roads, utilities, and structures;
- e. Water courses (including all HUD Federal Flood Insurance Hazard Areas), marshes (including DEC designated wetlands), wooded areas, and other significant physical features on or near the site;
- f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewerage, and water supply;
- g. Land contours at ten-foot (10) intervals, or other suitable indicators of slope. Contours can be obtained from USGS quadrangles.

#### 410.3 Copy of tax map (s).

#### 410.4 Existing and/or intended restrictions on the use of land including easements, covenants, and zoning.

#### 410.5 Total acreage of subdivision and number of lots proposed.

#### 410.6 Building types and appropriate size. Town of Brookfield Codes Enforcement Officer must be notified.

#### 410.7 Full Environmental Assessment Form (EAF); upon request, the Planning Board may allow the applicant to prepare the Short EAF.

410.8

- a. See Section 630 for sewage disposal requirements.
- b. On-site water supply facilities shall be designed to meet the specifications of the State Department of Health, and a statement to this effect shall be made on the application.

410.9 Additional information as deemed necessary by the Planning Board.

410.10 Any required fees. See Subsections 190.1 and 190.2 on page two for required fees.

Section 420 Waiver of Requirement

When an applicant concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing road that requires no installation of public facilities, the Planning Board will waive certain requirements. In order for a waiver to be granted, the following conditions, at a minimum, must be met:

CONDITIONS:

1. If all water and septic systems are to be separate for each lot in the subdivision, that is neither the water nor the septic system that will be shared with another dwelling unit or other use in the proposed subdivision or with lots outside the proposed subdivision;
2. If no more than one residence or other use per lot is planned;
3. If the proposed subdivision would not require any new road;
4. If all lots in the subdivision met the Town's minimum lot size requirement;
5. If the subdivision does not contain any designated wetland.

**ARTICLE 5 MAJOR SUBDIVISION**Section 510 Preliminary Plat, Major Subdivision

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

- 510.1 An actual field survey of the boundary lines of the tract, giving complete description of bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall be marked with steel rebar and capped with licensed surveyor's identification with locator map.
- 510.2 One copy of the minor subdivision plat which is to be submitted to the County Clerk, drawn with ink on mylar, plus two (2) paper copies. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board, including:
  - a. Subdivision name, scale, north arrow, locator map, and date;
  - b. Subdivision boundaries;
  - c. Contiguous properties and names of owners;
  - d. Existing and proposed roads, utilities, and structures;
  - e. Water courses, (including all HUD Federal Flood Insurance Hazard Areas), marshes (including DEC designated wetlands), wooded areas and other significant physical features on or near the site;
  - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewerage, and water supply;
  - g. Land contours at ten-foot (10) intervals, or other suitable indicators of slope. Contours can be obtained from USGS quadrangles.
- 510.3 Copy of tax map (s).
- 510.4 Existing and /or intended restrictions on the use of land including easements, covenants, and zoning.
- 510.5 Total acreage of subdivision and number of lots proposed.
- 510.6 Building types and appropriate size. Code Enforcement Officer must be notified.
- 510.7 All parcels of land proposed to be dedicated to public use and the conditions of such use;
- 510.8 Grading and landscaping plans.
- 510.9 The width and location of any roads or public ways and the width, location, grades, and road profiles of all roads or public ways proposed by the developer.

- 510.10 The approximate location and size of all proposed waterlines, hydrants, and sewer lines, showing connection to existing lines.
- 510.11 Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
- 510.12 Preliminary plans drawn to scale and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, and the location of any underground cables.
- 510.13 Preliminary designs for any bridges or culverts.
- 510.14 The proposed lot lines with approximate dimensions and area of each lot.
- 510.15 Environmental Assessment Form (long form, on town website) and a Draft Environmental Impact Statement, if required.
- 510.16 Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
- 510.17 Additional information as deemed necessary by the Planning Board.
- 510.18 Any required fees.

Section 520 Final Plat, Major Subdivision

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

- 520.1 One (1) copy of the final plat to be submitted to the County Clerk, drawn with ink on mylar, plus two (2) paper copies.
- 520.2 Proposed subdivision name and the name of the Town and County in which the subdivision is located; the name and address of record owner and subdivider, name, address, license number and seal of the surveyor and/or engineer.
- 520.3 Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
- 520.4 Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
- 520.5 The length and bearing of all straight lines, radii, length of curves, and central angles of all curves; tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
- 520.6 All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
- 520.7 Permanent reference monuments shall be shown and constructed in accordance with any Planning Board specifications.
- 520.8 Approval of the State Health Department of water supply systems and sewage disposal systems proposed or installed.
- 520.9 An approved Environmental Impact Statement, if required.
- 520.10 Construction drawings, drawn to scale by a licensed engineer, including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements and sub-base, and other facilities.
- 520.11 Evidence of legal ownership of property.
- 520.12 Deed restrictions, existing and proposed in form for recording.

520.13 A certificate by the Codes Enforcement Officer certifying that the subdivider has complied with one of the following alternatives:

- a. All improvements have been installed in accordance with requirements of these regulations and with the action of the Planning Board giving approval of the preliminary plat, or
- b. A performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvement.

520.14 Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of these regulations.

**ARTICLE 6 DESIGN, STANDARDS, AND REQUIRED IMPROVEMENTS**Section 605 General

All improvements specified in the subdivision plan or required by the Planning Board in accordance with this Article shall be constructed at the expense of the subdivider without reimbursement by the Town or any district therein.

The developer shall provide funds for the Town of Brookfield to choose its own engineer to review the drawings, plans, specifications, etc. submitted.

Section 610 Road Design and Construction Standards

## 610.1 Conformity with General Plan

The arrangement, width, location, and extent of major roads and all minor roads should conform and be in harmony with local highway standards adopted by the Town Board. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.

## 610.2 Traveled Road Area

- a. The roadway should be a minimum of twenty-two (22) feet in width. The subbase shall be at least twelve (12) inches of R.O.B. gravel with a minimum six (6) inches top course of machine crushed gravel. The gravel base should be constructed with not more than a six (6) inch lift using at least a ten ton roller.
- b. The pavement shall be a minimum of four (4) inches of a hot mix macadam, measured at compaction. It shall consist of two and one-half (2 1/2) inches of NYS type No. 4 binder (403.14) with one and one-half (1 1/2) inches of NYS type No. 7 top (403.18). All shall be approved by the Town Highway Superintendent. Cold mix pavements will not be accepted.
- c. All roads will be constructed to connect to main roads. If a dead-end condition is necessary, provision will be made to turn around. The Town Highway Superintendent shall have the option to choose a cul-de-sac or a hammerhead type turnaround. Dead-end streets shall be designed with either a circular turnaround (cul-de-sac) having a minimum right-of-way radius of one hundred (100) feet and pavement radius of sixty (60) feet or a T-type street-end (hammer-head) having a minimum arm length of sixty (60) feet each.
- d. Roadway grades shall not exceed seven (7) percent. The roadway crown shall be constructed at least one quarter (0.25) inch per foot. The shoulder slope from the paved area shall be constructed at one (1) inch per foot. The road grade at intersections should not exceed three (3) percent for a distance of one hundred (100) feet in any direction.
- e. All vertical and horizontal curves shall meet minimum A.A.S.H.T.O. (American Association of State Highway and Transportation Officials) standards for rural roads. Sight distances for all road and driveway intersections shall meet the minimum A.A.S.H.T.O. standards for rural roads.

- f. Prior to the commencement of roadway excavation or fill, stripping shall be conducted to remove all topsoil, trees, roots, organic matter, rubbish, muck, quick sand, rock, or any other material objectionable in the judgment of the Town Highway Superintendent for the full width of the pavement and shoulders. All trees and stumps shall be removed from the right-of-way.
- g. Plans shall be submitted prior to construction. They shall indicate original ground elevations, finished grades, centerline profiles, typical cross-sections, and proposed drainage facilities. The drainage pattern should clearly indicate direction of flow of all surface water, and size and type of drainage structures with their respective locations.
- h. The developer shall be responsible for all road signs that are needed according to the Highway Superintendent's specifications. All signs shall meet MUTCD (Manual on Uniform Traffic Control Devices) requirements.

#### 610.3 Shoulders

The shoulders shall be a minimum of four (4) feet in width. They are to be constructed at a minimum of eight (8) inches in depth. The material to be crushed gravel approved by the Town Highway Superintendent. Compaction should be performed with at least a ten-ton roller with not more than four (4) inch lifts.

#### 610.4 Drainage

All drainage, ditching and banks are to be constructed in conformity with the Town Highway Superintendent and section 635.

#### 610.5 Culverts

The minimum culvert size shall be fifteen (15) inches in diameter. The pipe shall be corrugated steel with a minimum of sixteen (16) gauge. Culverts shall be installed where necessary as determined by the Town Highway Superintendent. They shall be a minimum of twenty (20) feet in length at all driveways. The pipe shall be corrugated steel or polyethylene as approved by the Town Highway Superintendent.

#### 610.6 Dedication

The acceptable right-of-way shall be a minimum of fifty (50) feet. The Town shall be provided with a survey map ;and legal highway boundaries shall be clearly marked by permanent survey markers. The Town shall receive a title insured warranty deed by properly executed conveyance.

Section 615 Sidewalks

Sidewalks are not required in every subdivision; when sidewalks are required, they shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider at such locations, as the Planning Board may deem necessary;
2. Sidewalks must be constructed to comply with the detailed specifications of the Planning Board and the requirements of the American Disability Act;
3. Sidewalks shall be concrete or other approved material, and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas. The sidewalk shall be constructed of six (6) inches gravel base and four (4) inches of concrete.

Section 620 Utilities

Public utility improvements may be required and shall be installed as follows:

1. Fire Protection: Hydrants to be of size, type, and location specified by the Insurance Services Organization.
2. Street Lighting: Poles, brackets, and lights to be of size, type, and location approved by the local power company and shall be compatible with any existing street lighting.
3. Electricity: Power lines may be required to be placed underground and shall be approved by the local power company.
4. Utility Services: Shall be located from six (6) to eight (8) feet from the back property line to the center line of the utility service or between the sidewalk and curb line.

Section 625 Water Supply

1. Individual wells shall be installed at the expense of the subdivider to the approval of the Codes Enforcement Officer.
2. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board.
3. All individual wells shall meet the requirements of the New York State Department of Health to the satisfaction of the Codes Enforcement Officer or County Health Department as appropriate.

Section 630 Sewage Disposal

1. Where septic systems are proposed, the subdivider shall submit specific locations and results of percolation tests (or any such other tests of soil suitability for on-site sewage disposal as the New York State Department of Health may currently specify) for each lot and a lot-specific design plan for any such disposal system.
3. If, in the opinion of the Planning Board, it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board.
4. All sanitary sewage disposal systems shall meet the requirements of the New York State Department of Health to the satisfaction of the Codes Enforcement Officer or County Health Department as appropriate.

Section 635 Drainage Improvements

635.1 Removal of Spring and 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.

635.2 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 Town Highway Superintendent shall approve the design and size of facility based on anticipated run-off from a "ten-year" storm under conditions of total potential development.

### 635.3 Responsibility From 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 Highway Superintendent.

Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "five-year" storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board will not approve the subdivision until provisions have been made for the improvement of said condition.

## Section 640 Lots

### 640.1 Location

All lots shall abide by the Town's land use regulations.

### 640.2 Dimensions

The lot size, width, depth, shape, and area shall comply with the Town's land use regulations and/or Building Ordinance.

### 640.3 Double Frontage Lots

Fronting on two roads other than corner lots shall be discouraged.

### 640.4 Pedestrian Easements

In order to facilitate pedestrian access from roads to schools, parks, play areas, or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.

### 640.5 Setback

The provisions of the Town's land use regulations and/or Building Ordinance shall apply regarding setback lines.

### 640.6 Lot Lines

Side lot lines shall be approximately at right angles to the road, or radial to curved roads. On large size lots and except when indicated by topography, lot lines shall be straight.

### 640.7 Corner Lots

Lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

### Section 645 Unique And Natural Features

Unique physical features such as historic landmarks and sites, rock outcrops, hilltop lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds, and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

### Section 650 Public Open Spaces And Sites

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the General Plan and be made available by one of the following methods:

1. Dedication to the Town;
2. Reservation of land for the use of property owners by deed or covenant;
3. Reservation for acquisition by the Town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the Town does not proceed with the purchase;
4. If the Planning Board determines that suitable parks or parks of adequate size cannot be properly located in the plat or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the Town of Brookfield a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the Town exclusively for neighborhood park, playground or recreational purposes including the acquisition of property.

The Planning Board may require the reservation of such other areas or sites of a character, extent, and location suitable to the needs of the Town as water plants, sewage treatment plant, and other community purposes not anticipated in the General Plan.

### Section 655 Unsuitable Land For Subdivisions

As a safety measure for the protection of the health and welfare of the people of the Town, land which is found to be unsuitable for subdivisions due to harmful features (e.g. drainage problems) shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board. Before final approval, the subdivider shall, in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

## **ARTICLE 7 BOND FOR INSTALLATION OF IMPROVEMENT**

### Section 710 General

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, public water supply, road signs, sidewalks, and road surfacing will be constructed, the subdivider shall enter into one of the following agreements with the Town:

1. Construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to final approval of the plat;
2. In lieu of the completion of the improvements, furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board;
3. In lieu of the completion of improvements, deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

### Section 720 Conditions

Before the final plat is approved, the subdivider shall have executed a subdivider contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond or certified check shall be to the Town and shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all the applicable terms, conditions, provisions, and requirements of these regulations; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution, and surety.

Wherever a certified check is made, the same shall be made payable to the Town of Brookfield.

Section 730 Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the final plat. Road improvements shall be completed within two years from the date of approval of the final plat. The subdivider may request an extension of time, provided the subdivider can show reasonable cause for inability to perform said improvements within the required time. The extension should not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. More than one six-month extension may be granted at the discretion of the Planning Board. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

Section 740 Agreement - Schedule of Improvements

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

Section 750 Inspections

Periodic inspections during the installation of improvements shall be made by the Codes Enforcement Officer to insure conformity with the approved plans and specification as contained in the subdivider's contract and these regulations. The subdivider shall notify the Codes Enforcement Officer when each phase of improvements is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk any inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of Brookfield the portion of the performance bond or certified deposit as designated in the subdivider's contract to cover cost of such completed work.

Section 760 Acceptance of Roads And Facilities

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

## **ARTICLE 8 CLUSTER AND ZERO LOT LINE PROVISIONS**

### Section 810 General

Pursuant to a resolution of the Town Board, the Town of Brookfield Planning Board has been empowered to modify the minimum width and minimum setback requirements in accordance with the provisions of Section 281 of Town Law, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities, and to preserve the natural and scenic qualities of open lands and shorelines.

### Section 820 Standards

The following shall be standards and procedures:

1. The Town of Brookfield Planning Board may make such modifications only with respect to the lands within special development areas.
2. The minimum acreage to which this section may be applicable to shall be 10 acres, except that where public service, sewer and/or water are available the Planning Board may determine the minimum size.
3. No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land.
4. In the event that the utilization of this section results in a Plat showing lands available for park, recreation, or other municipal purposes, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyancy of a scenic easement or other appropriate means against any development or land use inconsistent with their retention on open space.
5. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in other Town regulations or ordinances.

### Section 830 Procedures

#### 830.1 Request By Subdivider

A subdivider may request the use of this Section simultaneously with the submission of the Sketch Plan, as described in Article 3, Section 330. Any submission subsequent thereto, shall require a resubmission of the Sketch Plan.

#### 830.2 Alternate Sketch Plan

A subdivider shall present for the Planning Board's consideration along with a proposal utilizing the provisions of this section, an alternate Sketch Plan, with lots meeting the minimum lot area, minimum lot width, and requirements of any other Town ordinance or local law.

830.3 Plat Submission

Upon determination by the Planning Board that the Sketch Plan utilizing the provisions of this Section is suitable, the procedures attendant to and subsequent to the Sketch Plan submission as set forth in this Article, shall be followed in regular order.

830.4 Local Filing, Notation on Zoning Map

Any Subdivision Plat finally approved which involves modifications as provided for in this Section shall be filed, in addition to the filing required in Article III, Section 370, hereof with the Town Clerk, who shall make appropriate notation and reference thereto on the Official Town Map.

## NOTES

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## **APPENDIX**

### Appendix A. Application for Review and Approval of Subdivision

**TOWN OF BROOKFIELD PLANNING BOARD**  
**APPLICATION FOR REVIEW AND APPROVAL OF SUBDIVISION \***

1. Subdivider: (owner) \_\_\_\_\_  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_

(If agent or other type of relationship, state details).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subdivision Type:    Major    Minor    Lot Realignment    Merger

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

2. Location of Proposed Subdivision: (Tax lot or other identification).  
\_\_\_\_\_

3. Easements or other Restrictions: (Describe generally, gas, electric, phone, right-of-way).  
\_\_\_\_\_  
\_\_\_\_\_

4. Names of Abutting Owners and Owners Directly Across Adjoining Streets: (include those in other towns).  
\_\_\_\_\_  
\_\_\_\_\_

5. The undersigned hereby gives approval by the Planning Board of the above identified subdivision

Plat:

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Action Taken \_\_\_\_\_

\_\_\_\_\_

\* Subdivision of any parcel of land into (2) two or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvements, building development, or sale.