

Minutes of the regular monthly meeting of the Jerusalem Town Board held on November 18, 2009 at 7:30 P.M. at the Branchport Fire Hall. PRESENT were: Supervisor Jones, Councilpersons Folts, Simmons, Stewart, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: James Bush, Art Carcone, Susan Close, Tom Close, Jim Fitzgibbons, Len & Delores Lang, Gary & Molyneaux, D. Scott Demmin, and several unidentified guests.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 6:36 P.M.

Councilperson Hopkins entered the meeting at 6:38 P.M.

RESOLUTION #171-09
APPROVAL OF MINUTES

On a motion of Councilperson Hopkins, seconded by Councilperson Stewart, the following was

ADOPTED Ayes 5 Folts, Hopkins, Jones, Simmons, Stewart
Nays 0

Resolved that the minutes of the October 21, 2009 meeting be approved as read.

RESOLUTION #172-09
AUDIT OF CLAIMS

On a motion of Councilperson Folts, seconded by Councilperson Simmons, the following was

ADOPTED Ayes 5 Folts, Hopkins, Jones, Simmons, Stewart
Nays 0

Resolved that the bills be paid as presented in the following amounts:

General:	\$ 10,617.91
Highway DA:	\$ 4,582.05
Highway DB:	\$ 56,953.80
Sewer:	\$ 7,052.83
Water:	\$ 3,435.21
Branchport Light:	\$ 254.00
Trust:	\$ 5,833.39
October utilities: General:	\$246.85
Sewer:	\$337.52
Water:	\$346.87

RESOLUTION #173-09
SUPERVISOR REPORT

On a motion of Councilperson Stewart, seconded by Councilperson Folts, the following was

ADOPTED Ayes 4 Folts, Hopkins, Jones, Stewart
 Nays 1 Simmons

Resolved that the Supervisor's Report on the Town's finances for the month of October 2009 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW H OF 2009 - CREATING LAND
SUBDIVISION REGULATIONS

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 6:44 P.M. He turned the meeting over to Subdivision Subcommittee Chair Tom Close. Town Attorney Bailey and Mr. Close made three minor changes to the draft regulations as distributed and posted on the Town's website, noting these changes are not substantial. Mr. Close presented a comprehensive overview of the regulations, summarizing and explaining the processes involved in the subdivision of property. In response to a question, it was again clarified that all parcels become a parent parcel on the date the subdivision rules go in to effect.

Mr. Close thanked everyone who helped bring these regulations to fruition. A huge vote of thanks was given to the Subcommittee, especially Mr. Close who facilitated this process.

The public hearing was left open.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

- Written Highway Roadwork Budget Report for November 2009 on file in the Office of the Town Clerk.
- One dump truck is under repair for a bad cam shaft that we hope to have operational before the snow comes.
- The sidewalk at the 4-corners of Branchport has been installed. The State has been contacted to do the stripping.
- Payne will follow up with the Keuka Lake State Park Director as to why the hill on West Bluff Drive to Pepper Road is closed.

RESOLUTION #174-09
AWARD - GRAVEL CRUSHING BID

On a motion of Supervisor Jones, seconded by Councilperson Simmons, the following was

ADOPTED Ayes 5 Folts, Hopkins, Jones, Simmons, Stewart
 Nays 0

Whereas after advertising and accepting bid quotes for crushing gravel, the Town of Jerusalem has received four bids:

Villager \$3.95/cubic yard
Siri Sand & Stone \$3.99/cubic yard

RMS	\$3.10/cubic yard
Spano	\$4.85/cubic yard

Now, therefore, be it resolved that award for crushing gravel be granted to the low bid from RMS Gravel Inc. in the amount of \$3.10 per cubic yard.

The proceeds for this service shall be taken from Highway Account DB5110.4.

TOWN ENGINEER

- Town Engineer Ackart reported the Village of Penn Yan held their audit exit conference on November 4th.
- USDA Rural Development conducted their routine compliance review on November 10th. Per USDA requirements/New York State Uniform Fire Prevention and Building Code, the newly paved parking lot at the Town Hall needs to be striped.
- A letter has been sent to our insurance carrier, NYMIR regarding their recommendation for double containment on our bioxide storage. We are making our case that this is not a necessary measure. The cost is estimated at \$20-30,000.
- Councilperson Simmons questioned that water and sewer re-levy amounts this year as they appear to be high. Ackart responded they are lower than last year.

TOWN COUNCIL

- An open space inventory map is being created by the Assessor.

RESOLUTION #175-09

AUTHORIZE ATTENDANCE TO FINGER LAKES WATER WORKS CONFERENCE

On a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

Whereas the Finger Lakes Water Works Conference is holding a Winter Meeting, Thursday, December 3, 2009 at the Waterloo Holiday Inn, 2468 NYS Route 414, Waterloo, New York; and

Whereas the cost of a pre-paid, pre-registered 2009 member is \$22.00/person; and

Whereas accreditation of operator contact hours will be given for attendance; and

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification; now, therefore, be it

Resolved to authorize attendance of (1) person from the Keuka Park Water/Sewer Department to attend the Finger Lakes Water Works Conference Winter Workshop at a cost of \$22.00.

RESOLUTION #176-09

AUTHORIZE ATTENDANCE TO TELOG PRODUCT PRESENTATION

On a motion of Councilperson Stewart, seconded by Councilperson Folts, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

Whereas TK Controls, Inc. will be hosting a training at the Penn Yan Water Treatment Plant on Tuesday, November 24, 2009 at 11:45-12:45; and

Whereas there is no charge for the presentation; and

Whereas the Water Department currently utilizes the Telog Software; now, therefore be it

Resolved to authorize attendance of (1) person from the Keuka Park Water/Sewer Department to attend the Telog Product Presentation.

RESOLUTION #177-09

AUTHORIZE ATTENDANCE TO MUNICIPAL TRAINING SCHOOL

On a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

Whereas Vellano Bros, Inc. is hosting a Municipal Training School on December 1, 2009 at their offices at 795 Beahan Road, Rochester; and

Whereas there is no charge for the training; and

Whereas accreditation of 6 CEU's will be given for attendance; and

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification; now, therefore, be it

Resolved to authorize attendance of (2) persons from the Keuka Park Water/Sewer Department to attend the Municipal Training held by Vellano Bros, Inc.

SUPERVISOR

Town Attorney Bailey stated no petition was filed regarding Resolution #145-09 to establish the Sewer Main & Pump Station Reserve Fund subject to permissive referendum and the Town Clerk has filed a certificate to that effect.

RESOLUTION #178-09

SUPPORT OF FINGER LAKES CULTURAL & NATURAL HISTORY MUSEUM SITE

On a motion of Supervisor Jones, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

Whereas, Keuka Lake State Park in Yates County has been selected as one of the five finalists for the site of the Finger Lakes Cultural and Natural History Museum; and

Whereas, Keuka Lake is in the very heart of the Finger Lakes; and

Whereas, the rural setting of Yates County with its rolling hills and extensive scenic vistas; now, therefore, be it

Resolved, that the Town of Jerusalem STRONGLY believes that the Keuka Lake State Park, located in the Town of Jerusalem, in the County of Yates is an ideal setting for the Finger Lakes Cultural and Natural History Museum, and, be it further

Resolved, that copies of this resolution be provided to the board of the Finger Lakes Cultural and Natural History Museum, U.S. Senator Schumer, Congressman Massa, NYS Senator Winner and Assemblyman Bacalles.

COMMITTEE REPORTS

ZONING REVIEW/TOWNHOUSE

No report.

RESOLUTION #179-09

A RESOLUTION DETERMINING THE ENVIRONMENTAL NON-SIGNIFICANCE OF THE PROPOSED LOCAL LAW CREATING LAND SUBDIVISION REGULATIONS IN THE TOWN OF JERUSALEM

On a motion of Councilperson Hopkins, seconded by Supervisor Jones, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

The Town Board of the Town of Jerusalem, duly convened in regular session, does hereby resolve as follows:

Section 1. The Town Board of the Town of Jerusalem (hereinafter the "Town") hereby finds and determines that:

(a) it has considered the action, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts of the action and their magnitude in connection with the proposed Local Law entitled, "A LOCAL LAW TO CREATE LAND SUBDIVISION REGULATIONS IN THE TOWN OF JERUSALEM" (hereinafter referred to as the "Land Subdivision Local Law");

(b) the action (to wit, the adoption by the Town Board of the Land Subdivision Local Law) will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment, and, therefore, a negative declaration will be prepared; and

(c) the reasons supporting this determination are set forth on Part 2 of the Full Environmental Assessment Form with respect to this project, a copy of which form shall be kept on file in the Office of the Clerk.

Section 2. The Town Board of the Town, as Lead Agency with reference to the above-described project, hereby:

(a) adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the action;

(b) authorizes the Supervisor of the Town to sign a negative declaration and determination of non-significance with respect to the action; and

(c) authorizes and directs the Clerk to publish notice of the determination in the Environmental Notice Bulletin pursuant to 6 NYCRR Part 617.17 (c) and to forward a copy of said negative declaration and determination of non-significance to the New York State Department of Health at Geneva, New York, the Yates County Planning Board, and the Yates County Soil and Water Conservation District.

Section 3. This Resolution shall take effect immediately.

WIND FARM SUBCOMMITTEE

The draft wind farm regulations are still under review by the Town Attorney.

Following discussions at the October Town Board meeting, the meeting was held with area residents to hear their concerns. Supervisor Jones requested any comments and/or concerns be submitted in writing to the Town for further consideration by the Subcommittee and the Town Board.

ADDRESSING SUBCOMMITTEE

The NYS Department of Transportation has submitted their comments on the addressing resolutions enacted by the Town Board.

RESOLUTION #180-09

ADOPT 2010 KPSW BUDGET

On a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	3	Hopkins, Jones, Stewart
	Nays	2	Folts, Simmons

Resolve the 2010 Keuka Park Water and Sewer budgets be adopted as presented.

Comments and suggestions received at the Public Hearing will be taken into consideration as we progress through 2010 and reviewed further when developing the 2011 budget to ensure fiscal prudence.

RESOLUTION #181-09

ADOPT 2010 GENERAL TOWN BUDGET

On a motion of Councilperson Hopkins, seconded by Supervisor Simmons, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

Resolve the 2010 General Town Budget be adopted as presented.

Again it was noted that a group of concerned residents presented items for consideration during 2010 and as the 2011 budget is developed to reduce expenditures.

RESOLUTION #182-09

CLOSE PUBLIC HEARING

On a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

RESOLUTION #183-09

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. H-2009 (PROPOSED) TO CREATE LAND SUBDIVISION

On a motion of Councilperson Hopkins, seconded by Supervisor Jones, the following was

ADOPTED BY ROLL CALL VOTE:

Councilperson Folts	Aye
Councilperson Simmons	Aye
Councilperson Stewart	Aye
Councilperson Hopkins	Aye
Supervisor Jones	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on November 18, 2009, at 6:30 P.M. at the Branchport Fire Hall at Route 54A, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law of the Town of Jerusalem to create land subdivision", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on November 4 and 11, 2009, and

WHEREAS, said public hearing was duly held on November 18, 2009, at 6:44 P.M. at the Branchport Fire Hall at Route 54A, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Yates County Planning Board recommended approval of the proposed Local Law on August 27, 2009, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the Town Board of the Town of the Town of Jerusalem, after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 7 of 2009 entitled "A Local Law to create land subdivision regulations", a copy of which is attached hereto and made a part of this resolution,

Be it enacted by the Town of Jerusalem as follows:

Section 1: There is hereby added to the Code of the Town of Jerusalem a new chapter entitled “Subdivision of Land” to read as follows:

ARTICLE I – Declaration of Policy

1. Policy of Planning Board in considering Plats
2. Authority of Planning Board to approve Plats
3. Lot layout, street system and open spaces
4. Title; adoption and approval
5. Pre-application conference encouraged

ARTICLE II – Definitions

6. Terms defined

ARTICLE III – Minor Subdivision, Resubdivision

7. Application in writing required
8. Sketch Plat review optional
9. Application and fee

ARTICLE IV – Major Subdivision, Resubdivision

10. Application in writing required
11. Sketch Plat Review
12. Preliminary Plat Review
13. Final Plat Review

ARTICLE V – General Requirements and Design Standards

14. Review of Applications
15. Required improvements
16. Filing of approved Subdivision Plat
17. Acceptance of public streets and recreation areas
18. Minimum standards; waiver
19. General requirements
20. Street Layout
21. Road Design
22. Lots
23. Drainage improvements
24. Parks, open spaces and natural features
25. Water Supply and Sewerage

ARTICLE VI – Cluster Development

26. Cluster Development may be required

ARTICLE VII – Variances and Waivers

27. Variances

28. Waivers

ARTICLE VIII – Enforcement, Violations, Penalties, Civil Enforcement

28. Enforcement

29. Violations

30. Penalties

31. Civil Enforcement

ARTICLE I - Declaration of Policy

1. Policy of Planning Board in considering Plats.

It is the policy of the Planning Board to consider 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 provisions shall be made for drainage, water supply, sewerage and other needed improvements.

2. Authority of Planning Board to approve Plats, reconsider Plats, and require a Cluster Development layout.

The Town Board of the Town of Jerusalem has the power pursuant to Article 16 of the Town Law of the State of New York to authorize the Planning Board of the Town of Jerusalem to: (1) approve Preliminary and Final Plats; (2) review previously filed Plats; and (3) approve Cluster Development. These regulations are adopted pursuant to that power.

3. Lot layout, street system and open spaces.

All proposed lots in Suburban Development Areas shall be so laid out and of such a size as to be in harmony with the development pattern of neighboring properties. The proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Comprehensive Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective automobile, bicycle, and pedestrian traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and proper provision shall be made for open spaces for parks and playgrounds.

4. Title; adoption and approval.

In order that Subdivision may be carried out in accordance with this policy, these regulations shall be known as the "Town of Jerusalem Land Subdivision Regulations" having been approved by the Planning Board on August 6, 2009 and adopted by the Town Board on November 18, 2009 (Effective Date).

5. Pre-application conference encouraged

Pre-application conferences with the Chairperson of the Town Planning Board and other appropriate Town officials are encouraged and serve the following functions:

- To review application requirements;
- To identify any Environmental Protection Overlay Districts (EPOD) on the property or any potential area of environmental concern;
- To discuss preliminary design of the project;
- To set a probable timetable for review; and
- To review Town policies concerning development.

ARTICLE II – Definitions

6. Terms defined.

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

CLUSTER DEVELOPMENT – A Subdivision Plat approved pursuant to § 278 of the Town Law where the zoning rules for minimum lot size are relaxed and open space is provided.

COMPREHENSIVE PLAN - A comprehensive plan, adopted by the Town Board pursuant to § 272-a of the Town Law.

DEAD-END STREET or CUL-DE-SAC - A street or a portion of a street with only one vehicular traffic outlet.

DEVELOPMENT DENSITY – Average number of Dwelling Units per acre.

SUBURBAN DEVELOPMENT AREA – An area having an average Development Density of greater than 1, for example areas in or adjacent to Hamlets, and Cluster Developments.

RURAL DEVELOPMENT AREA – An area having a Development Density of 1 or less.

DWELLING UNIT – A building or portion thereof providing complete housekeeping facilities for one family.

EASEMENT - The authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER- A person licensed as a professional engineer by the State of New York.

EFFECTIVE DATE – The date on which these regulations become effective.

OFFICIAL MAP - A map established by the Town Board pursuant to § 270 of the Town Law, showing streets, highways, parks and drainage, both existing and proposed.

PARCEL OR LOT – An area of land that is separately described or identified as a separate lot in a deed that is on record in the Yates County Clerk’s office.

PARCEL, PARENT - Until divided as hereafter provided, a parcel as it existed on the Effective Date. Where a deed contains separately described parcels, all contiguous parcels on the same side of a public highway are one Parent Parcel.

After division, the Parent Parcel shall be as last designated in:

- (1) the deed of the divided Parcel, or
- (2) provided no further division has occurred,
 - a. a correction deed executed by all parties to the transaction, or
 - b. an agreement signed and acknowledged before a notary public by all parties to the transaction and filed with the County Clerk in miscellaneous filings with a cross reference to the deed, or if such filing is no longer available in the County Clerk’s Office, then with the Town Clerk.

If not so designated, the Parent Parcel shall be the largest of the Parcels resulting from the division. If two or more parcels have the same size and are larger than all other resulting parcels, then the most northwesterly of such parcels shall be the Parent Parcel.

After division of a Parent Parcel, each resulting parcel other than the new Parent Parcel shall be a Subparent Parcel, unless it is a Residential Lot.

PARCEL, SUBPARENT – A Parcel that when divided from a Parent Parcel is not a Parent Parcel or a Residential Lot.

The division of a Subparent Parcel shall result in one of the following:

- (A) If any Residential Lot is created, all Parcels that are not Residential Lots shall be Ordinary Parcels; there shall be no Subparent Parcel.
- (B) If no Residential Lot is created, then the Subparent Parcel shall be designated in the same manner as the Parent Parcel is designated after division (i.e. by deed, agreement, or the largest of the Parcels resulting from the division). All other parcels shall be Ordinary Parcels.

PARCEL, ORDINARY - A parcel that is neither a Subparent Parcel nor a Parent Parcel.

PLANNING BOARD - The Planning Board of the Town.

PLAT – A drawing showing the layout of a Subdivision.

PUBLIC HEALTH LAW – The public health law of the consolidated laws of New York State.

REAL PROPERTY LAW – The real property law of the consolidated laws of New York State

RESUBDIVISION – The revision of all or part of an existing Plat previously filed with the Yates County Clerk.

RESIDENTIAL LOT – Any Parcel of land along a public or private road suitable for residential use and having either: (1) less than six acres; or (2) between 6 and 10 acres and less than 300 feet of road frontage.

ROAD - Includes streets, roads, avenues, lanes, or other traffic ways, between right-of-way lines.

RURAL DEVELOPMENT AREA – see DEVELOPMENT DENSITY

STREET PAVEMENT - The wearing or exposed surface of the roadway used by vehicular (including bicycle) traffic.

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

SUBDIVIDER - Any person, firm, corporation, partnership or association, who shall apply for Subdivision as defined herein, either for himself or as a duly authorized representative for others.

SUBDIVISION -- Except as provided below, any of the following shall constitute a subdivision:

(1) the division of a Parent Parcel to create more than three Residential Lots in any consecutive ten year period; or

(2) the division of a Subparent Parcel to create more than one Residential Lot; or

(3) the division of an Ordinary Parcel to create one or more Residential Lots;

Provided, however, that:

(A) Divisions under (2) or (3) herein do not constitute divisions (count against divisions allowed) under (1), and

(B) The creation of a Residential Lot that is conveyed to a contiguous owner does not constitute a division under any of the definitions.

MAJOR SUBDIVISION - Any Subdivision of five or more Residential Lots. Major Subdivision review is a two step process involving a Preliminary Plat review and a Final Plat review.

MINOR SUBDIVISION - Any Subdivision not classified as a Major Subdivision. Minor Subdivision review is a one step process involving a Final Plat review.

SUBURBAN DEVELOPMENT AREA – see DEVELOPMENT DENSITY

SURVEYOR - A person licensed as a land surveyor by the State of New York..

TOWN BOARD - The legislative body of the Town.

TOWN LAW – The town law of the consolidated laws of New York State.

TOWN ENGINEER - The duly designated engineer of the Town or position assigned with similar duties.

TRACT – All contiguous Residential Lots, Streets, Parks and Open Space resulting from Subdivision.

UNDEVELOPED PLAT - Those Plats existing at the time of the enactment of these regulations that have been filed in the office of the County Clerk, where 20% or more of the lots within the Plat are unimproved.

ZAP SECRETARY – The Town of Jerusalem’s secretary for Zoning, Assessment and Planning Departments.

ARTICLE III – Minor Subdivision, Resubdivision

7. Application in writing required prior to conveyance.

Whenever any Minor Subdivision or Resubdivision of land is proposed and before any conveyance is made, and before any permit for the erection of a structure shall be granted, the Subdivider shall apply in writing for approval of such proposed Minor Subdivision or Resubdivision.

8. Sketch Plat review optional

A Sketch Plat review as described below with respect to Major Subdivision may be employed for Minor Subdivision or Resubdivision at the option of the Subdivider.

9. Application and fee.

A. Timing of Application. To receive review at the next regularly scheduled meeting of the Planning Board, the application for approval shall be submitted to the ZAP Secretary at least two weeks prior to the next regularly scheduled meeting of the Planning Board.

B. Fees. All applications for Plat approval shall be accompanied by a fee in the amount determined by resolution of the Town Board as set forth in the Schedule of Fees intended to cover the cost of advertising, publication of notices and mailing.

C. Minor Subdivision Plat Specifications. The Plat for a Minor Subdivision shall be a map or diagram drawn to scale showing the Residential Lot(s) prepared in accordance with the minimum standards set forth in the Code of Practice For Land Surveys of the New York Association of Professional Land Surveyors including: (1) all existing improvements outside of the Residential Lot(s) and within ten feet (forty feet for auxiliary buildings) of the boundaries thereof; (2) the means of access and proposed routes of all utilities if the Residential Lot(s) do(es) not front on an existing public road; and (3) the remainder of the divided Parcel if it, the remainder, is a Residential Lot. The Plat shall also show the Tax Map sheet, block and lot numbers, if available and all existing restrictions on the use of the land including drainage easements.

D. Number of copies. The Subdivider shall submit ten copies of the Minor Subdivision Plat. Applicants may be required to submit additional copies of the Plat if other officials, agencies or consultants need to be informed about the project.

E. Subdivider to attend Planning Board meeting. The Subdivider shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

F. Approval Procedure. The procedure for approval of the Plat shall be in accordance with Subsections 6, 7 and 8 of § 276 of the Town Law.

G. Limitation on Multiple Minor Subdivision. If multiple Minor Subdivision of a parcel, or contiguous parcels under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan results in the creation of five (5) or more Residential Lots within a ten (10) year period, the Subdivision that exceeds the four (4) lot threshold will be considered a Major Subdivision, subject to the provisions outlined in this chapter.

H. Size and material of Plat. The Plat to be filed with the County Clerk shall be in accordance with Section 334 of the Real Property Law with regard to size and material.

ARTICLE IV – Major Subdivision, Resubdivision

10. Application in writing required.

Whenever any Major Subdivision or Resubdivision of a Major Subdivision of land is proposed, and before any contract for the sale of, or any offer to sell any unsold Residential Lots in a Tract resulting from such Major Subdivision or Resubdivision or any part thereof is made, and before any permit for the erection of a structure on any unsold Residential Lots in such Tract shall be granted, the Subdivider shall apply in writing for approval of such proposed Subdivision in accordance with the following procedures.

11. Sketch Plat Review.

A. Submission of Sketch Plat. Prior to submitting an application for Major Subdivision, the Subdivider shall, at least 2 weeks prior to the next regularly scheduled Planning Board Meeting, submit a Sketch Plat for informal review by the Planning Board.

B. Review of Sketch Plat. The Planning Board shall determine whether the Sketch Plat meets the purposes of these regulations and not later than 45 days following the receipt of a complete sketch plat shall inform the Subdivider in the form of a copy of the Town Planning Board meeting minutes of any necessary action he should take in meeting the requirements of these regulations.

C. Sketch Plat Specifications. The Sketch Plat can be based on tax map information at a scale of preferably not less than 200 ft to the inch and should show the location of the Tract, all existing structures, wooded areas, streams, ponds, lakes, or poorly drained areas, significant physical features including steep slopes, available and proposed utilities and the proposed pattern of lots, drainage and sewer and water facilities. Existing restrictions on the use of the land including easements, covenants and zoning should be noted. A copy of the tax map showing adjoining properties should be included.

12. Preliminary Plat Review.

A. Application and fee.

(1) A Subdivider, prior to performing Major Subdivision and prior to the filing of an application for the approval of a Major Subdivision Plat, shall file an application for the consideration of a Preliminary Plat of the proposed Major Subdivision, in the form described in paragraph B of this section. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law, except where a waiver may be specifically authorized by the Planning Board.

(2) The application for review of the Preliminary Plat shall be accompanied by

(a) a fee in the amount determined by resolution of the Town Board as set forth in the Schedule of Fees intended to cover the cost of advertising, publication of notices and mailing, and

(b) fees for engineer's and attorney's services in an amount determined by the Town Board sufficient to defray the estimated costs of such services rendered to the town in connection with the application. The applicant shall deposit with the Town Clerk the amount estimated to reimburse the town for such costs. Any amount remaining after payment by the town for the services rendered shall be returned to the applicant upon final approval or upon withdrawal if the application is withdrawn.

B. Preliminary Plat Specifications. The Preliminary Plat for Major Subdivision shall be a map or diagram drawn to scale of not more than 100 feet, but not less than 50 feet to the inch showing the

Residential Lot(s), prepared in accordance with the minimum standards set forth in the Code of Practice For Land Survey of the New York Association of Professional Land Surveyors including:

- (1) Proposed Tract name, name of town and county in which it is located, date, true North point, scale, name and address of record owner, Subdivider, and engineer or surveyor, including license number and seal.
- (2) The name of all Tracts immediately adjacent and the name of the owners of record of all adjacent property.
- (3) Zoning district, including exact boundary lines of district, if more than one district and any proposed changes in the zoning district lines and/or the text of Chapter 160 of the Jerusalem Code, Zoning, applicable to the area to be subdivided.
- (4) All Parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured four feet above the base of the trunk, and other significant existing features for the proposed Tract and adjacent property.
- (6) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction flow.
- (7) Contours with intervals of five feet or less as required by the Planning Board, including elevations on existing roads; approximate grading plan if natural contours are to be changed more than two feet.
- (8) The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed waterlines, valves, hydrants, and sewer lines, and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sewer lines.
- (10) Plans and cross sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and subbase; the location of manholes, basins and underground conduits.

(11) Preliminary designs of any bridges or culverts, which may be required.

(12) The proposed lot lines with approximate dimensions and area of each lot.

(13) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and shall provide satisfactory access to an existing public highway or public open space shown on the Subdivision Plat or the Official Map.

(14) An actual field survey of the boundary lines of the Tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the Tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the Plat.

C. Application to include map of entire parcel. If the Preliminary Plat application covers only a part of the Subdivider's parcel, and the Subdivider intends to eventually develop the entire parcel, the application shall include a map of the entire parcel, drawn at a scale of not less than 400 feet to the inch showing an outline of the Platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the parcel. The part of the Subdivider's parcel shown on the Plat shall be considered in the light of the entire parcel.

D. Application to include copies of covenants and restrictions. The Preliminary Plat application shall include a copy of such covenants or deed restrictions as are intended to cover all or part of the Tract.

E. Number of copies. Ten copies of the Preliminary Plat shall be presented to the ZAP Secretary at least two weeks prior to a regularly scheduled meeting of the Planning Board. Applicants may be required to submit additional copies of the Plat if other officials, agencies or consultants need to be informed about the project.

F. Subdivider to attend Planning Board meeting. The Subdivider shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

G. Study of Preliminary Plat. The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage and watercourses, lot sizes and arrangements, the future development of the adjoining lands as yet undeveloped, and the requirements of the Comprehensive Plan, the Official Map, and zoning regulations, if such exist.

H. The procedure for approval of the Preliminary Plat shall be in accordance with Subsections 5 and 8 of § 276 of the Town Law.

13. Final Plat Review.

A. Application and fee. Within six months of the approval of the Preliminary Plat the Subdivider shall file with the Planning Board an application for approval of the Subdivision Plat in final form. A fee sufficient to pay any additional costs incurred for review of the Final Plat shall accompany the application. If the Final Plat is not submitted within six months of the approval of the Preliminary Plat, the Planning Board may revoke the approval of the Preliminary Plat.

B. The following documents shall be submitted for Final Plat approval:

1. The Final Plat shall be drawn at the same scale required for the Preliminary Plat and oriented with the North point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire Tract with lot and block numbers clearly legible. The Plat will show:

(a) Proposed Tract name or identifying title and the name of the town and county in which the Tract is located; the name and address of record owner and Subdivider; name, license number and seal of the licensed land surveyor;

(b) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use;

(c) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority;

(d) The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Final Plat shall show the boundaries of the property, location, graphic scale and true North point;

(e) The Final Plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereof;

(f) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency;

(g) Lots and blocks within a Tract shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.

(h) Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the Town Engineer and their location noted and referenced upon the Plat.

(i) All lot corner markers shall be permanently located satisfactorily to the Town Engineer at least $\frac{3}{4}$ inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.

(j) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original Tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

2. Construction drawings including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub base, manholes, catch basins and other facilities.

C. Number of copies. The Subdivider shall provide the ZAP Secretary with a copy of the application and three copies (on Mylar or its equivalent) of the Final Plat, plus the original and one true copy of all offers of cession, covenants, and agreements and two prints of all construction drawings. These documents shall be submitted at least 10 days prior to the regularly scheduled meeting of the Planning Board.

D. Endorsement of state, regional, county, and town agencies. Applications for approval of plans for sewer and water facilities will be filed by the Subdivider with all necessary town, county, regional and state agencies.

E. Approval Procedure. The procedure for approval of the Final Plat shall be in accordance with Subsection 6, 7 and 8 of § 276 of the Town Law.

F. Size and material of Final Plat. The Final Plat to be filed with the County Clerk shall be in accordance with Section 334 of the Real Property Law with regard to size and material.

ARTICLE V - General Requirements and Design Standards

14. Review of Applications

A. Review for conformance with requirements. Upon the receipt of an application for subdivision review, the ZAP Secretary shall review the application to determine if all the required documentation and information has been submitted in accordance with the requirements of this chapter. If the application is deficient, the ZAP Secretary shall return the application to the applicant and inform the applicant in writing of the deficiencies. If the application is not deficient, the ZAP Secretary shall place the matter on the agenda of the next duly called Town Planning Board meeting for discussion purposes and shall distribute the application to involved and interested agencies, and the Code Enforcement Officer for review and comment.

B. Review by Agencies. The Planning Board shall refer all subdivision applications to all involved and interested local, state and federal agencies. All comments received from reviewing agencies shall become a part of the permanent public record of the project.

C. Review of Major Subdivision Plat by Engineer. The Planning Board may, where appropriate, direct that the subdivision plat be reviewed by the Engineer for the Town or an engineer of the Planning Board's choosing to ascertain that civil engineering standards are met. Review of a feature by the Engineer may be appropriate only where another agency has not provided such review.

15. Required improvements.

A. Improvements and performance bond. Before the Planning Board grants final approval of the Subdivision Plat, the Subdivider shall either:

(1) complete the installation of required improvements to the satisfaction of the appropriate reviewing authority; or

(2) provide a bond or other security, preferably a cash deposit or an irrevocable letter of credit, for any uncompleted required improvements according to the procedures set forth in §277-9 of the Town Law. For dedicated utilities, the bond or other surety instrument shall provide that an amount determined adequate by the Town Board shall be retained for a period of One (1) year after the date of completion of the required improvements to assure their satisfactory condition.

B. A map of underground utilities to be provided. When the required improvements have been completed to the satisfaction of the appropriate reviewing authority, a map reasonably satisfactory to the Planning Board shall be submitted indicating the location of underground utilities as actually installed. The Subdivider shall show all required improvements, to the extent completed at the time the Plat is made. However, if the Subdivider elects to provide a bond or other security for any uncompleted required improvements as specified in Subsection A(2), such bond shall not be released until the improvements have been completed to the satisfaction of the appropriate reviewing authority and such a map is submitted.

C. Inspection of improvements. At least five days prior to commencing construction of required improvements the Subdivider shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer

may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper installation of improvements. If the Code Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the Subdivider, he shall so report to the Town Board and Planning Board. The Town Board shall then notify the Subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the Subdivider is in default on a previously approved Plat.

E. Private Roads associated with Subdivision. Where a new private road or extension of an existing private road is proposed by the developer, or required by the Planning Board for access to parcels resulting from Subdivision, and the Subdivision Plat does not show the entirety of the Private Road or extension, the Subdivider shall submit a Site Plan for review and approval under Chapter 93, Article II of the Jerusalem Town Code, showing the private road or extension and the number and dimensions of the lots served by it for review with the Subdivision Plat. The Subdivision Plat shall show the portion(s) of the new private road clearly marked "Private Road" and shall reference the maintenance and repair agreement for the Private Road.

F. Site surface improvements. These improvements are required to assure the ecology of the subdivision is not disturbed adversely; that the subdivision presents an attractive appearance; that the access roads are properly paved and monumented. For Major Subdivision, all improvements shall be recorded on the final plat.

(1) Erosion control. Erosion and sedimentation control shall conform to the NYSDEC construction State Pollution Discharge (SPDES) erosion control and storm water pollution prevention requirements.

(a) During the development process, the developer shall expose the smallest practical area of land at any one time. Proper erosion control measures shall be in place prior to any area being disturbed. Examples of normal erosion control are straw baling, silt dams made of synthetic materials and siltation collection depressions.

[1] Topsoil moved during the course of construction should be stored in such a manner as to allow for minimum volume to be stacked or stored at any one time. The stacking or storage period should be kept as short as reasonably possible.

[2] Removal, storage and redistribution of topsoil should be consistent with the phasing of construction for the purpose of reducing the need for the storage of large volumes of soil over a lengthy period. Soil shall be redistributed so as to cover all areas of the subdivision adequately and shall be stabilized by seeding or planting. Topsoil which is stored shall be stabilized by seeding.

[3]Removal of topsoil from the site must be approved by the Town Planning Board.

(b)Temporary vegetation and/or mulching should be provided to prevent potential erosion problems during construction.

(c)Upon completion of the project, the Subdivider shall not leave any hills or mounds of dirt in or around the tract. All surfaces should be restored within six months of the time of the completion of the section of the subdivision. If required, the Subdivider shall provide a copy of the Notice of Termination (NOT) submitted to the NYSDEC at the completion of all subdivision improvement activities. The completion of activities shall be defined as less than one (1) acre of non-stabilized land area remaining in the subdivision.

(d)Upon completion of the project, the Subdivider shall not leave any surface depressions which will collect pools of water except as may be required for retention of stormwater runoff.

(e) For Major Subdivision, prior to issuance of a permit to clear land for subdivision improvements the owner shall provide a copy of the NYSDEC Erosion control Plan and Storm Water Pollution Prevention Plan to the Town Engineer. The plan should be accompanied by a copy of the Notice of Intent (NOI) and approved permit from the NYSEC. This requirement applies to Major Subdivision which results in a cumulative clearing (subdivision and home sites) in excess of one (1) acre.

G. Water Supply and Sewerage not required for Minor Subdivision. The provision of water supply and sewerage shall not be required improvements for Minor Subdivision.

H. Water Supply and Sewerage required for Major Subdivision. The provision of water supply and sewerage shall be required improvements for Major Subdivision.

16. Filing of approved Subdivision Plat.

A. Final approval and filing. Upon completion of the requirements in ARTICLE III above for Minor Subdivision, or ARTICLE IV above for Major Subdivision and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chair or Acting Chair) and may be filed by the applicant in the office of the County Clerk. Any Subdivision Plat not so filed or recorded within 62 days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act shall become null and void.

B. Signing of the Final Plat. The Final Plat approved by the Planning Board according to this section shall carry the following endorsement:

“Approved by resolution of the Planning Board of the Town of Jerusalem, New York, on the ____ day of _____, 20____, subject to all requirements and conditions of said Resolution. Any change, erasure, modification, or revision of this Subdivision Plat, as approved, shall void this approval”

signed this day of ,20

Chairman, Town of Jerusalem Planning Board

C. Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the Plat is first resubmitted to the Planning Board and such Planning Board approves any modifications. In the event that any such Subdivision Plat is filed without complying with this requirement, the same shall be considered null and void, and the Planning Board may institute proceedings to have the Plat stricken from the records of the County Clerk.

17. Acceptance of public 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 road, easement, or other open space shown on such Subdivision Plat.

B. Ownership and maintenance of undedicated roads. The ownership and maintenance of undedicated roads shall be governed by the provisions of § 93, Article II (Rules for Private Roads) of the Jerusalem Code.

C. Ownership and maintenance of recreation areas for Major Subdivision. When a park, playground, or other recreation area shall have been shown on a Major Subdivision Plat, the approval of said Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

18. Minimum standards; waiver.

In considering applications for Subdivision of land, the Planning Board shall be guided by the standards set forth below. These standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article VII herein.

19. General requirements.

A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

B. Specifications for required improvements. All required improvements shall be constructed or installed to the specifications contained in the relevant Jerusalem Code, or to the relevant professional standards when the Jerusalem Code does not contain specifications.

C. Conformity to Official Map and Comprehensive Plan for Major Subdivision. Tracts resulting from Major Subdivision shall conform to the Official Map of the Town and shall be in harmony with the Comprehensive Plan if such exists.

20. Street layout

A. Width, location and construction. Streets shall be of sufficient width, suitably located, and adequately constructed to accommodate the prospective traffic of all modes (motor vehicle, bicycle, pedestrian) and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.

B. Additional provisions for Major Subdivision.

1. Arrangement. The arrangement of streets in the Tract shall provide for the continuation of streets of adjoining Tracts, and for proper projection of streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

2. Special treatment along roads designed for heavy volumes of traffic. When a Tract abuts or contains an existing or proposed road designed for heavy volumes of traffic, the Planning Board may require streets designed for access to abutting properties, deep lots with rear service lanes, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic and limit the access points to the road designed for heavy volume.

3. Provision for future Resubdivision. Where a Tract in or adjacent to a Hamlet is subdivided into lots substantially larger than the minimum size required in the zoning district in which a Tract is located, the Planning Board may require that streets and lots be laid out so as to permit future Resubdivision in accordance with the requirements contained in these regulations.

4. Dead-end streets. The creation of dead-end or loop streets in a Suburban Development Area should not interfere with normal traffic (including bicycle and pedestrian) circulation in the area. Where dead-end streets are needed, the Planning Board may require the reservation of a fifty foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street and the potential future continuation of the dead-end street pavement; Tracts containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

5. Block size. Blocks generally shall not be less than 400 feet nor more than 800 feet in length. If a block does exceed 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and

pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot wide paved footpath be included.

6. Intersections with roads designed for heavy volumes of traffic. Street openings into such roads shall, in general, be at least 500 feet apart.

7. Angle of intersection. In general, all streets in a Suburban Development Area shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

8. Relation to topography. The street plan of a proposed Tract shall bear a logical relationship to the topography of the property, and all streets in a Suburban Development Area shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

21. Road Design-

A. Road standards. Roads to be dedicated to the Town shall at a minimum conform to the design standards set forth in Chapter 93 Article I (Highway Construction Specifications) of the Jerusalem Code. Private Roads shall at a minimum conform to the design standards set forth in Chapter 93 Article II (Private Roads) of the Jerusalem Code.

B. Watercourses.

(1) Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by Yates Co. Soil and Water.

(2) Where a Tract is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by Yates Co. Soil and Water.

C. Additional provisions for Major Subdivision.

1. Curbs, gutters, sidewalks, streetlights, and paved streets. Curbs, gutters, sidewalks, streetlights, and paved streets may be required in Suburban Development Areas, particularly if adjacent areas are similarly improved, but shall not be required in Rural Development Areas.

2. Utilities in streets. The Planning Board may, where practical in Suburban Development Areas, require that underground utilities be placed in the street right-of-way between the paved roadway and street line. The Subdivider shall install underground service connections to the property line of each lot within the Tract for such required utilities before the street is paved.

3. Utility easements. Where utilities are not included within the street rights-of-way, perpetual unobstructed easements of at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible in Suburban Development Areas that are laid out in blocks, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required. All utility easements shall be shown on the Plats.

4. Changes in grade. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Highway Superintendent so that clear visibility shall be provided for a safe distance.

5. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius. Curve radii at intersections of two streets designed for carrying limited volumes of traffic or the intersection of a street designed for limited volumes of traffic and a street designed for carrying a heavy volume of traffic shall be rounded by curves of *no more than 25 feet*. In all instances, curbs shall be adjusted accordingly.

6. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the Tract or of a new street with an existing street) shall be cleared of all growth (except isolated trees) and obstructions above the level of three feet higher than the center line of the street. If necessary, it may be required that ground shall be excavated to achieve visibility.

7. Dead-end streets (culs-de-sac). Where dead-end streets in a Suburban Development Area are designed to be so permanently, they should not exceed 400 feet in length, and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet with a planted and/or landscaped (unpaved) center so as to reduce the amount of impervious surface. At the end of temporary dead-end streets a temporary turnaround with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

8. Curved radii. In general, street lines within a block, deflecting from each other at any one point by more than 10°, shall be connected with a curve, the radius of which for the center line of the street shall not be less than 400 feet on streets designed to carry heavy volumes of traffic, 200 feet on streets designed to carry limited volumes of traffic and 100 feet on streets not conducive to through traffic.

9. Streets in commercial development. Paved rear service streets of not less than 18 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

22. Lots.

A. Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with Chapter 160, Zoning, there will be no foreseeable difficulties for reasons of topography, or other natural conditions.

B. Driveway access. Driveway access and grades shall conform to specifications of Chapter 79 of the Jerusalem Code, Driveways. Driveway grades between the street and the setback line shall not exceed 10%.

C. Additional provisions for Major Subdivision.

1. Side lines. In Suburban Development Areas, all side lines of lots shall be at substantially right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

2. Corner lots. In general, in Suburban Development Areas, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

3. Lot depth. In Suburban Development Areas, lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear except in the instances of corner lots where such a future lot subdivision could be accommodated and accessed by the perpendicular street.

4. Monuments and lot corner markers. In Suburban Development Areas, permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the Subdivision Plat.

23. Drainage improvements.

A. 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.

B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the Tract. Yates County Soil and Water shall approve the design and size of the facility.

C. Responsibility from drainage downstream. The Subdivider is also responsible for the effect of the Subdivision on the existing downstream drainage facilities outside the area of the Tract. Where it is anticipated that the additional runoff incident to the development of the Tract will overload an

existing downstream drainage facility during a five-year storm, the Planning Board shall not approve the Subdivision until provision has been made for the improvement of said condition.

D. Land subject to flooding. Subdivision of land subject to flooding shall be regulated according to the provisions of Chapter 87 Flood Damage Prevention and Chapter 160, Article IX Flood Hazard Areas of the Jerusalem Town Code

E. Drainage Easements. Drainage easements shall be provided for all natural and man-made drainage ways which do not fall within a dedicated right-of-way. All drainage easements shall be shown on the Plats.

24. Parks, open spaces and natural features.

A. Preservation of natural features. Wherever practical, natural features that add aesthetic or historical value to the community and to the property being subdivided shall be preserved. Features such as historic landmarks and sites, rock outcroppings, hill top lookouts, lake views, trees, and groves should be considered for preservation.

B. Additional provisions for Major Subdivision.

1. Reservation of parks and playgrounds. For Major Subdivision in Suburban Development areas, the Planning Board may require reservation of parkland or payment in lieu thereof according to the provisions of §277-4 of the Town Law.

2. Preservation of Natural Features. Where there is a question as to the desirability of removing a tree or group of trees which serve to add interest and variety to the proposed Tract, the Planning Board may, after proper investigation, require modification of the Residential Lots in the proposed Plat to preserve the tree(s).

3. Landscaping. For Major Subdivision in Suburban Development Areas, all Residential Lots that are disturbed during the course of construction shall be appropriately landscaped by the Subdivider, including the planting of trees where appropriate. Individual homeowners by written agreement with the Subdivider may landscape their yards independently. Additional landscaping may be required by the Planning Board to screen or buffer the Residential Lots from a visually non-compatible use.

25. Water Supply and Sewerage

A. Water Supply. Connections to the Water Supply from the Keuka Park Water District and Extensions will be governed by and conform to § 152 Water of the Jerusalem Code.

B. Sewerage. Connection to the Keuka Park Sewer District or extension thereto will be governed by and conform to § 131 Sewers of the Jerusalem Code. Wastewater treatment systems which are not subject to continuous licensing or regulation by New York State Department of Environmental

Conservation or Health shall conform to the standards of § 150 Wastewater Management of the Jerusalem Code.

ARTICLE VI – Cluster Development

26. Cluster Development may be required.

A Developer may propose cluster development for Minor or Major Subdivision, or the Planning Board may require cluster development for Major Subdivision pursuant to the provisions of § 278 of the New York State Town Law.

ARTICLE VII- Variances and Waivers

27. Variances

Area variances shall be referred to the Board of Zoning Appeals according to the provisions of §277 (6) of the Town Law.

28. Waivers

Waivers of the requirements of these regulations may be granted by the Planning Board according to the provisions of §277 –(7) of the Town Law, provided that waiver will not have the effect of nullifying the intent and purpose of the Official Map (if there be any), the Comprehensive Plan, or the Zoning Ordinance.

ARTICLE VIII – Enforcement; Violations; Penalties for offenses, Civil enforcement.

29. Enforcement.

A. Duty of Code Enforcement Officer. It shall be the duty of the Code Enforcement Officer to enforce these regulations.

B. No Building permit. No building permit shall be issued for the construction of any building or structure located on a parcel that was subdivided in violation of the provisions of these regulations; nor shall the Town of Jerusalem have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

C. Right to Inspect. The Code Enforcement Officer, or other Town Officials designated by the Town Board, shall have the right to enter upon the property and premises of any business, in accordance with law, to inspect for compliance with provisions of these regulations. Further, any applicant, upon being granted any approval requested under the provisions of these regulations, grants to the Town of Jerusalem, its officers or designated representatives, a license to enter upon the property and premises governed by said approval to determine that the provisions of these regulations are being fulfilled and to require such work to be done as may be necessary to meet the conditions of said approval.

D. Technical Inspections. The Town Engineer or other designated Town representative or consultant shall as part of any approval granted under these regulations, have a license to enter upon the property and premises governed by said approval to make such technical inspections as the Planning Board in its reasonable discretion consider necessary to ensure compliance with the provision of these regulations.

E. Division of property not subject to Subdivision to review. Before filing a deed conveying a part of a Parcel that is not subject to review and approval under these regulations, the property owner, or his designated representative, shall complete the form "Division of Property Not Subject to Subdivision Approval" accompanied by sufficient evidence to satisfy the Chairman of the Planning Board or other officer designated for that purpose that Subdivision approval is not required. When satisfied that the division does not require review, the Chairman of the Planning Board will provide the property owner with an Affidavit to that effect or if a survey map is being filed with the deed, will endorse the map to that effect. The affidavit to be provided as soon as practicable after satisfactory evidence is provided. The Affidavit or endorsed survey map shall be submitted to the county Clerk along with the deed conveying the part of the Parcel. The endorsement on the survey map shall appear as follows:

"I have reviewed the evidence provided by the Grantor and am satisfied that the proposed conveyance of Part of a Parcel described on this survey map and in the accompanying deed does not require Subdivision review under the existing Subdivision regulations of the Town of Jerusalem."

signed this day of ,20

Chairman or designated officer, Town of Jerusalem Planning Board

Reviewed By: _____
Code Enforcement Officer, Town of Jerusalem

A copy of the form and instructions for completing it are available from the ZAP Secretary.

30. Violations and Penalties.

The Subdivision of any lot or any parcel of land without prior review and approval of the Planning Board is a violation of these regulations. Any person, firm, company or corporation which neglects or refuses to do any act required by these regulations shall be guilty of an offense and shall be subject to a fine not to exceed \$250 for each violation and, if an individual person, shall be subject to imprisonment not to exceed 15 days. Each week that such violation, disobedience, omission, neglect or refusal continues or arises shall be deemed a separate offense. These penalties shall be enforced by the Town of Jerusalem, except where circumstances beyond the control of the offending party, as determined by the Town of Jerusalem Code Enforcement Officer, such as severe weather events, acts of God, or other extreme events causing disruption at the site.

31. Civil enforcement.

Appropriate civil actions and proceeding may be taken by the Town to prevent any violation of these regulations, to prevent unlawful constructions, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above. Consequently, the Town may institute any appropriate action or proceeding to prevent and to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in and about such premises.

32. *Validity*

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Jerusalem hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 2: This local law shall become effective upon filing by the Secretary of State.

and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of the Town of Jerusalem, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

2009 AUDIT PROPOSAL

No action as the proposal has not been received to date.

BSP SEQR

Will be considered following the meeting of interested parties being scheduled by Mr. Sproule.

RESOLUTION #184-09

PLANNING BOARD APPOINTMENT

On a motion of Councilperson Hopkins, seconded by Supervisor Jones, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

Whereas an open position on the Planning Board currently exists due to the resignation of Annette Toaspern; and

Whereas the position was advertised and the selection committee comprised of the Chairman of the Planning Board and two Town Board members assigned to Zoning & Planning interviewed four very qualified applicants; now, therefore, be it

Resolved that a consensus of the interview committee recommends that Jennifer R. Gruschow, 2607 Italy Friend Road, Branchport be appointed to fill the unexpired term through December 31, 2010; and, be it further

Resolved that the Town Clerk formally notify Ms. Gruschow of her appointment and send a letter thanking the remaining applicants for their interest.

DISCUSSION - PLANNING BOARD COMPOSITION

A suggestion to utilize alternate members like the Zoning Board will be discussed further by the Planning Board.

RESOLUTION #185-09

PETTITION TO ESTABLISH KEUKA PARK CONSOLIDATED WATER DISTRICT
EXTENSION NO. 1

On a motion of Supervisor Jones, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Folts, Hopkins, Jones, Simmons, Stewart
	Nays	0	

WHEREAS, a written petition dated November 16, 2009 has been submitted in due form by Douglas Paddock and Joan E. Doyle Paddock containing the required signatures, which has been presented and filed with the Town Board of the Town of Jerusalem, County of Yates, New York, for the establishment of a Town Water District, to be known as Keuka Park Consolidated Water District Extension No. 1, which is bounded and described on Exhibit A attached hereto and made a part hereof, and

WHEREAS, the improvements proposed consist of the construction and maintenance of a water system to serve said extension in the District in accordance with a certain map and plan prepared by Richard A. Daugherty, LLS, made a part of such petition and heretofore adopted by this Town Board, now on file in the office of the Town Clerk of said Town, and

WHEREAS, it is the intention of the petitioners to construct said water system at its own expense, to transfer said water system to the Town, when completed, without any consideration.

NOW, THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town of Jerusalem will be held at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, on December 16, 2009, at 7:00 P.M. on said day, to consider said petition and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board.

Exhibit A

DESCRIPTION of LANDS to be ADDED to
KEUKA PARK CONSOLIDATED WATER DISTRICT

ALL THAT TRACT OR PARCEL OF LAND being a portion of Great Lots 38, 41, 42 & 52 of Township 7 of the 1st Range, situate in the Town of Jerusalem, County of Yates, State of New York bounded and described as follows:

Beginning at an iron pin & cap set on the southwesterly bounds of Sand Hill Road a distance of 150.00 feet measured northwesterly along said highway boundary from its intersection with the northwesterly line of Fair Oaks Avenue; thence the following thirty-two (32) courses and distances:

- 1) South 49-34-48 West a distance of 756.91 feet to found iron pin,
- 2) along a curve to the left having a radius of 679.48 feet, an arc length of 404.71 feet, a chord bearing of South 32-31-00 West and a chord length of 398.76 feet to a found iron pin,
- 3) along a curve to the right having a radius of 771.75 feet, an arc length of 146.36 feet, a chord bearing of South 20-53-11 West and a chord length of 146.14 feet to a found iron pin,
- 4) North 42-01-30 West a distance of 243.99 feet to a point, said point being located South 57-23-00 East a distance of 0.56 feet from a found iron pin,
- 5) South 47-58-30 West and passing through a found iron pin at a distance of 54.04 feet from the end of this course, a total distance of 340.83 feet to a point in the center of a gully,
- 6) North 53-02-53 West a distance of 40.72 feet to a point,
- 7) North 67-45-24 West a distance of 103.62 feet to a point,
- 8) North 74-11-23 West a distance of 115.04 feet to a point,
- 9) North 50-15-34 West a distance of 49.12 feet to a point,
- 10) North 74-50-36 West a distance of 179.89 feet to a point,
- 11) North 49-14-56 West a distance of 95.45 feet to a point,
- 12) North 74-26-58 West a distance of 52.05 feet to a point,
- 13) North 38-16-19 West a distance of 84.19 feet to a point,
- 14) North 45-03-51 West a distance of 67.71 feet to a point,
- 15) North 51-18-40 West a distance of 99.95 feet to a point,
- 16) North 48-08-06 West a distance of 69.02 feet to a point,
- 17) North 59-21-35 West a distance of 50.91 feet to a point,
- 18) North 30-15-02 West a distance of 70.31 feet to a point,
- 19) North 62-49-51 West a distance of 25.37 feet to a point,
- 20) South 71-00-41 West a distance of 92.37 feet to a point,
- 21) North 25-26-04 West a distance of 31.52 feet to a point,
- 22) North 15-25-53 East a distance of 497.85 feet to a point,
- 23) North 85-48-30 East, and passing through a found iron pin located a distance of 223.57 feet from the beginning of this course, and passing through another found iron pin located a distance of 367.63 feet from the beginning of this course, and through still another found iron pin located a distance of 467.63 feet from the beginning of this course, a total distance of 511.69 feet to a point,
- 24) North 89-48-30 East a distance of 189.56 feet to a found iron pin,
- 25) South 00-00-00 East a distance of 122.03 feet to a found iron pin,
- 26) North 89-48-30 East a distance of 582.11 feet to a found iron pin,

- 27) North 49-34-48 East a distance of 470.93 feet to a found iron pin located on the southerly boundary of said Sand Hill Road,
- 28) South 71-32-48 East a distance of 255.37 feet to a point,
- 29) South 69-28-09 East a distance of 68.46 feet to a point,
- 30) South 64-32-31 East a distance of 62.40 feet to a point,
- 31) South 51-51-55 East a distance of 61.44 feet to a point,
- 32) South 41-08-50 East a distance of 122.17 feet to the point or place of beginning.

The above described parcel contains 35.674 +/- acres and is more fully delineated on survey Plat #07-YA4-72WD(2).DWG dated November 15, 2009 based on an instrument survey completed on December 17, 2007 by Richard A. Daugherty, L.L.S.

EXCEPTING so much (if any) of the preceding parcel as may already be in said District.

ALSO, ALL THAT TRACT OR PARCEL OF LAND being a portion of Great Lots 38, & 52 of Township 7 of the 1st Range, situate in the Town of Jerusalem, County of Yates, State of New York bounded and described as follows:

Beginning at an iron pin & cap set on the southwesterly bounds of Sand Hill Road a distance of 150.00 feet measured northwesterly along said highway boundary from its intersection with the northwesterly line of Fair Oaks Avenue; thence the following twelve (12) courses and distances:

27. North 41-08-50 West a distance of 122.17 feet to a point,
28. North 51-51-55 West a distance of 61.44 feet to a point,
29. North 64-32-31 West a distance of 62.40 feet to a point,
30. North 69-28-09 West a distance of 68.46 feet to a point,
31. North 71-32-48 West a distance of 255.37 feet to a found iron pin located on the southerly boundary of said Sand Hill Road,
32. North 49-34-48 East a distance of 28.91 feet to a point in the centerline of said Sand Hill Road,
33. South 71-32-48 East a distance of 240.88 feet to a point,
34. South 69-28-09 East a distance of 69.97 feet to a point,
35. South 64-32-31 East a distance of 66.21 feet to a point,
36. South 51-51-55 East a distance of 66.51 feet to a point,
37. South 41-08-50 East a distance of 124.81 feet to a point,
38. South 49-34-48 West a distance of 24.75 feet to the point or place of beginning.

The above described parcel contains 0.323 +/- acres and is more fully delineated on survey Plat #07-YA4-72WD(2).DWG dated November 15, 2009 based on an instrument survey completed on December 17, 2007 by Richard A. Daugherty, L.L.S. with relation to the premises.

PUBLIC COMMENT

- County Legislator Taylor Fitch announced a program on Marcellus shale development is scheduled for November 30 in Owego.
- Councilperson Stewart reported the Keuka Park Water & Sewer Department borrowed the GPS equipment from the County to locate curb stops for mapping purposes. This will be imported as a layer in the ArcView mapping computer program used by the Town.

Jerusalem Town Board
November 18, 2009

- Max Parson commented on the article in The Finger Lakes Times regarding the Village of Penn Yan discontinuing sanitary sewer service to Jerusalem Sewer District #2.

With there being no further business, on a motion of Councilperson Hopkins, seconded by Councilperson Stewart, the meeting was adjourned at 8:55 P.M.

Sheila McMichael, Town Clerk