

TOWN of LEE SUBDIVISION REGULATIONS



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**TOWN OF LEE
SUBDIVISION REGULATIONS**

**ARTICLE 1
GENERAL PROVISIONS**

SECTION I
DECLARATION OF POLICY

By the authority of the resolution of the Town **Board** of the Town of Lee, adopted on Mar 8, 2004, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the **Planning Board** of the Town of Lee is authorized and empowered to approve Plats showing lots, blocks or sites, with or without **Streets** or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the clerk of the county and to conditionally approve **preliminary plats**, within that part of the Town of Lee outside the limits of any incorporated city or village. 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 **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 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. In order that land **Subdivisions** may be made in accordance with this policy, these Regulations which shall be known as, and which may be cited as, the "Town of Lee Land **Subdivision** Regulations" have been adopted by the **Planning Board** on Mar 8, 2004, as approved by the Town **Board** on Mar 8, 2004.

SECTION II
DEFINITIONS

Words with definitions in this section will be <i>bold and italicized</i> throughout this document.
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For the purpose of these regulations, certain words and terms used herein are defined as follows:

Arterial Street

A **Street** which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Chairman

The duly appointed **chairman** of the **Planning Board**.

Collector Street

A **Street** which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major **Street**.

Comprehensive Plan or Town Plan

The plan prepared by the **Planning Board** of Lee pursuant to Section 272-a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

Dead-end Street or Cul-de-sac

A **Street** or a portion of a **Street** with only one vehicular traffic outlet.

Duly authorized agent

Any person authorized by the **Subdivider** to act as his or her agent. Letter of authorization is sufficient. Power of attorney is not required.

Easement

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.

Flag Lot

An interior lot located to the rear of another lot, but with a narrow portion of the lot extending to the **street**. No part of the narrow portion of the lot can be less than 25 feet in width, except in cases where an existing structure(s) and its required side yard could not be accommodated, then the width shall not be less than 15 feet capable of being used for ingress and egress. The front line of a **Flag Lot** is the property line most parallel to the **street** from which access is gained.

Local Street

A **Street** intended to serve primarily as an access to abutting properties.

Major Subdivision

Any **Subdivision** not classified as a **Minor Subdivision**, including, but not limited to, **Subdivisions** of five or more lots, including the parent lot, or any size **Subdivision** requiring any new **Street** or extension of municipal facilities. Additionally, a **Major Subdivision** shall include any further **Subdivision** of a previously classified **Minor Subdivision** increasing the number of lots to five or more.

Minor Subdivision

Any **Subdivision** containing not more than four lots, including the parent lot, fronting on any existing **Street** not involving a new **Street** or extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the **Comprehensive Plan, Official map or Zoning Ordinance**, if such exists, or these regulations.

Official map

The map established by the Town **Board** of Lee pursuant to Section 270 of the Town Law, showing **Streets**, highways, and parks and drainage, both existing and proposed, if one exists.

Planning Board or Board

The **Planning Board** of the Town of Lee shall consist of seven members that are appointed by the Town Board and shall include the Chairman, Vice-Chairman, five seated members and may include Ad Hoc members.

Preliminary plat

A surveyed map sealed by a *Surveyor*, clearly marked "***Preliminary Plat***", showing the layout of the proposed ***Subdivision***, as specified in these Regulations, submitted to the ***Planning Board*** for purposes of consideration 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***.

Relocation of lot lines

Relocation of a lot line within a deeded parcel so as not to institute a ***Subdivision*** as defined in the town ***Subdivision*** regulations.

Secretary of the planning/zoning board or Secretary

That person who shall be designated to perform the duties of the ***Secretary*** of the Planning and/or Zoning Board.

Sketch plan

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.

Stamp

The ***Stamp*** of the Town of Lee ***Planning Board***, to be signed and dated by the acting Chairperson.

Street

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

Street width

The width of right-of-way, measured at right angles to the centerline of the ***Street***.

Street pavement

The wearing or exposed surface of the roadway used by vehicular traffic.

Subdivision

The division of any parcel of land into two or more lots, blocks, or sites, with or without ***Streets*** or highways and includes re-***Subdivision***.

Subdivision plat or Final plat

A surveyed map sealed by a *Surveyor*, in final form, showing the 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, may be duly filed or recorded by the applicant in the office of the County Clerk, or Register.

Subdivider

Any person, ***Duly authorized agent***, firm, corporation, partnership or association, who shall lay out any ***Subdivision*** or part thereof as defined herein, either for himself or others.

Surveyor

A person licensed as a land *Surveyor* by the State of New York.

Town Codes Enforcement Officer

The duly designated codes officer of the Town of Lee.

Town Engineer

The duly designated *Engineer* of the Town of Lee.

Zoning Ordinance

The ordinance passed by the Town *Board* of Lee pursuant to Section 261 of the Town Law for the purpose of promoting the health, safety, or the general welfare of the community.

ARTICLE II

PROCEDURE FOR FILING *MINOR SUBDIVISION* APPLICATIONS

Whenever any *Subdivision* of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such *Subdivision* or any part thereof is made, and before any permit for the erection of a structure in such proposed *Subdivision* shall be granted, the *Subdivider* or his *duly authorized agent* shall apply in writing for approval of such proposed *Subdivision* in accordance with the following procedures.

SECTION I

Sketch plan

A. Submission of *Sketch plan*

Any owner of land may, prior to subdividing or resubdividing land, submit to the *Secretary of the Planning Board* two copies of a *Sketch plan* of the proposed *Subdivision*, which shall comply with the requirements of Article I, Section II, (Definitions) for the purposes of classification and preliminary discussion.

The sketches may be presented for preliminary review at a *Planning Board* meeting. The *Board* shall discuss the requirements of the *Subdivision* regulations with the *Subdivider* or his or her duly appointed representative.

B. Discussion of Requirements and Classifications

The owner shall attend a meeting of the *Planning Board* to discuss the requirements of these regulations for *Street* improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

Classification of the *Sketch plan* is to be officially made at this time as to whether it is a minor or *Major Subdivision* as defined in these regulations. The *Planning Board* will make the official ruling in such matters. If the *Subdivision* is classified a *Minor Subdivision*, the *Subdivider* shall comply with the procedures as outlined below for the "*Minor Subdivision plat* Approval Procedure". If classified a *Major Subdivision*, the *Subdivider* shall comply with the procedures also outlined in these *Subdivision* regulations.

C. Study of *Sketch plan*

The *Planning Board* shall determine whether the *Sketch plan* meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the *Planning Board*.

SECTION II

Filing Procedures for a *Minor Subdivision*

It is the intent of the *Planning Board* to review the application and render necessary approval of the applicant's submission providing conditions meet requirements of the Town Ordinance/*Subdivision* Regulations. Applicants are advised that the Minor Submission Approval Procedure takes a *minimum* of two regular monthly meetings to complete. The application shall not be considered complete until all of the following information and fees have been provided:

A. Completion of the *Minor Subdivision* Application.

Submission of the Filing Fee. At the time of submission of the *Final plat*, the applicant shall pay a filing fee to the Town of Lee. No plat shall be accepted without such fee. The filing fee schedule, established by the town *Board*, is available from the Town Clerk. All other related expenses to date are due at this time for the plat to be considered filed.

B. The submission of the fee assures the continuation of processing the applicant's submission. Failure to do so halts the procedures until the fee is satisfied.

C. Submission of Proof of Taxes Paid.

D. A Map of the Proposal Prepared by a NYS Licensed Land *Surveyor*.

The map shall contain the following information:

1.The proposed layouts of lots, including widths and depths, total acreage of the *Subdivision*, the number of lots and the square footage of each lot.

2.*Subdivision* boundaries and boundaries of contiguous properties and names of owners of contiguous properties of the property to be subdivided.

3.The map shall show any existing wetlands, ponds, buildings, *Easements*, unusual topographical features, utilities, and water systems such as wells or septic systems. The map shall also show any proposed buildings, *Easements*, utilities and water systems such as wells or septic systems.

4.The scale to be followed is the largest appropriate scale with a minimum of 1 inch = 50 feet. If this scale is not feasible, the *Planning Board* will determine the appropriate scale. The scale shall be indicated on the lower right hand corner of the map.

5.A North Arrow.

6.Ownership of the property as shown on the tax rolls together with the tax map parcel number shall be indicated on the lower right hand corner of the map. This shall include the owner's address.

7.The official *Stamp* and identity of the licensed *Surveyor*.

E. Completed SEQR Short Form.

F. Submission of a list of all "neighbors" whose property borders the entire parcel of land to be subdivided.

G. Any covenants, *Easements*, conditions or restrictions the applicant is planning to place upon the land at the time of *Subdivision*.

SECTION III

Planning Board Review of a Minor Subdivision.

A. Review.

The *Planning Board* shall determine whether the plan conforms to, or is in conflict with, the Town's *Zoning Ordinance* and/or *Subdivision* regulations. The *Planning Board*, where it deems necessary, may make specific recommendations to be incorporated by the *Subdivider* and be in place by the next submission.

B. Call for a Public Hearing

Following the review and acceptance of the applicant's proposal, the *Planning Board* shall schedule a public hearing. The hearing shall be held within 45 days of the acceptance date of the application package.

The hearing shall be advertised at least once in a newspaper of record in the town at least five days prior to the hearing.

C. Action on Application

Within 45 days after the closing of the public hearing, the **Planning Board** shall by resolution:

- 1) Grant final approval by the **Stamping** of the plat with the signature of the **Planning Board chairman** on the plat,
- 2) Conditionally approve, with or without modifications per Section III-D below, or,
- 3) Disapprove the application.

The **Subdivider** shall be notified of the final action taken by the **Planning Board**. If the application is disapproved, the grounds for disapproval shall be stated in the record of the **Planning Board** including references to the provisions or regulations leading to disapproval.

D. Conditional Approval of the Application (Approval with Modifications).

A copy of the application along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the approved plat shall be filed with the **Planning Board**. An additional copy shall be provided to the **Subdivider**. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. Upon **Planning Board** acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the **Planning Board Chairman** shall **Stamp** and sign the plat, granting final approval.

E. Filing of Plat.

The **Subdivider** shall provide the **Planning Board** with proof of filing the plat with the Office of the County Clerk within 62 days after the date of final approval. Otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the **Planning Board** for approval before filing in the Office of the County Clerk.

The **Final plat** to be filed with the County Clerk shall be printed on linen cloth, mylar or an acceptable form as determined by the Office of the County Clerk and shall bear the signature and **Stamp** of the **Planning Board** chairperson.

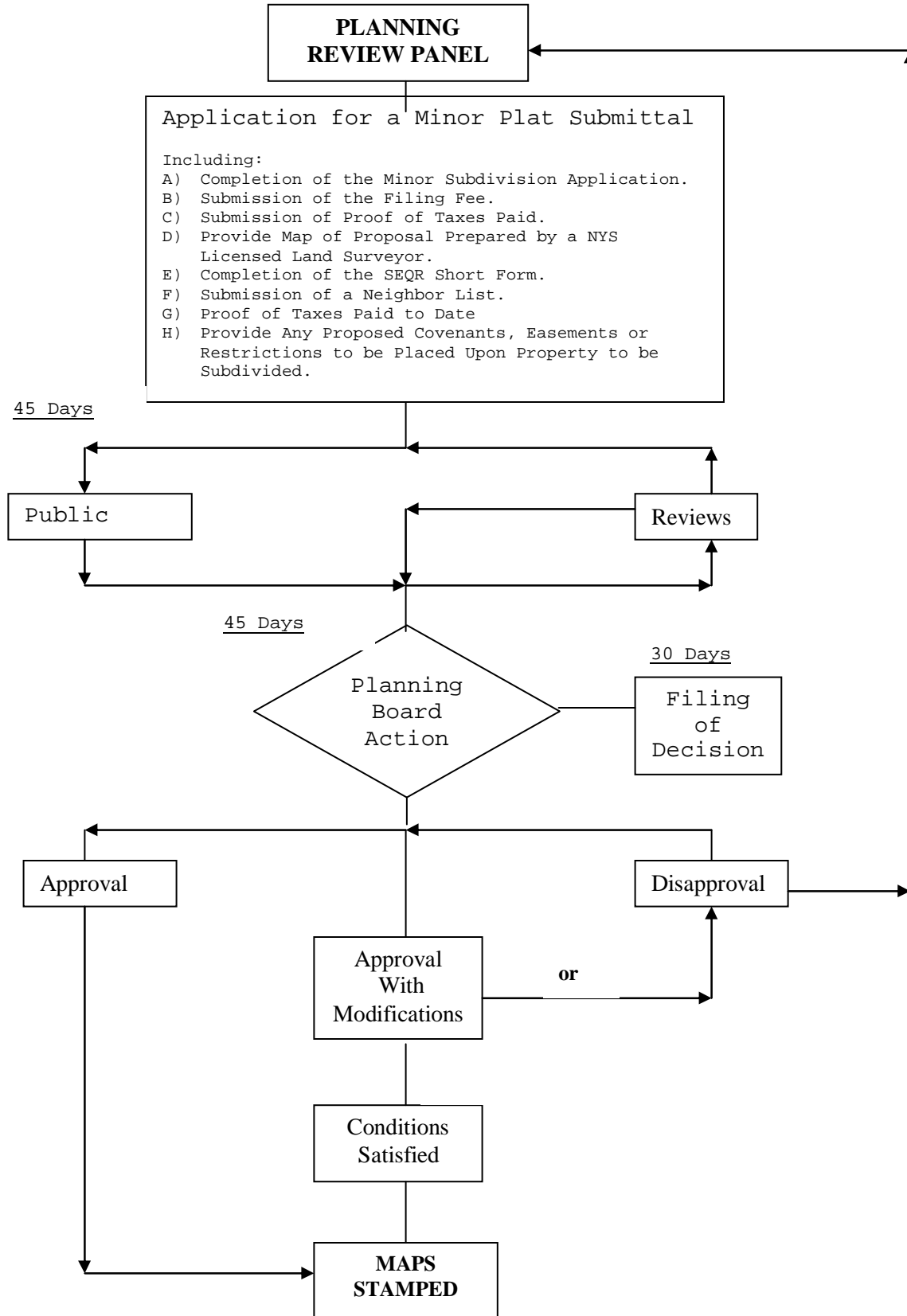
F. Modification of Designs After Approval.

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the **Planning Board**, the **Planning Board** must approve such modifications. Any and all modifications shall be within the spirit and intent of the **Planning Boards** approval and will not substantially alter the function of any such improvement required by the **Board**. Any such authorization issued under this section shall be in writing and shall be reported to the **Planning Board** at the next regular meeting.

G. General Additional Requirements

The provisions of Article III may also be applied to a **Minor Subdivision** at the discretion of the **Board**.

**TOWN OF LEE
MINOR SUBDIVISION REVIEW PROCEDURE**



ARTICLE III
PROCEDURE FOR FILING MAJOR SUBDIVISION APPLICATIONS

SECTION I.

- A. The *Subdivider* is required to discuss informally his preliminary studies and layout with the *Board* in order to facilitate his preparation of the required plans and plats in accordance with these Regulations.
- B. The *Subdivider* shall submit to the *Secretary* at least ten (10) days prior to the next regular meeting of the *Board* three (3) copies of a *Sketch plan* of the proposed *Subdivision*.

SECTION II.

Preliminary plat For Major Subdivision

- A. Except as provided for in Section I of this article, the *Subdivider* shall prepare a *Preliminary plat* of his proposed *Subdivision*, which shall comply with the requirements of Section III of this article, and with other pertinent provisions of these Regulations.
- B. The purpose for submitting the *Preliminary plat* is to afford the *Subdivider* an opportunity of receiving preliminary review of his plat and to prevent the unnecessary expenditure of money and time that would be necessitated if major changes were required by the *Board* in the case of a final and surveyed plat being submitted directly to the *Board*.
- C. To receive consideration at a regular meeting of the *Board*, the *Preliminary plat* must be filed with the *Secretary* not less than ten (10) days prior to such regular meeting.
- D. Upon determination by the Board that a zone change is required, the Board will submit preliminary application to the Town Board with a recommendation for a zone change.
- E. Following review of the *Preliminary plat* as to proposed plan and compliance with these Regulations, and after such negotiations with the applicant for changes in the *Subdivision* plan the *Board* may deem advisable, the *Board* shall, within forty-five (45) days from the date of the public hearing, pass thereon as originally submitted or modified. If the Plat is approved, the *Board* shall express its conditional approval or, if disapproved, shall express disapproval and its reasons therefore.
- F. The action of the *Board* shall be noted on all copies of the *Preliminary plat*, referenced and attached to any conditions determined. One copy shall be returned to the *Subdivider* and the others retained by the *Board*.
- G. Conditional approval of a *Preliminary plat* shall not constitute approval to the *Final plat*. Rather, it shall be deemed an expression of approval to the proposal submitted on the *Preliminary plat* as a guide to the preparation of the *Final plat*.
- H. Application and fee:
Prior to filing an application for the approval of a *Major Subdivision plat*, the *Subdivider* shall file an application for the approval of a *preliminary plat* of the proposed *Subdivision*. Such *preliminary plat* shall be clearly marked "**PRELIMINARY PLAT**" and shall be in the form described in Article V, Section III,

hereof. The *preliminary plat* shall, in all respects, comply with the requirements set forth in the provisions of Section 276 and 277 of the Town Law, and Article III, Section III of these regulations, except where a waiver may be specifically authorized by the *Planning Board*.

I. Number of Copies

Seven (7) copies of the *preliminary plat* shall be presented to the *Secretary of the Planning Board* at the time of submission of the *preliminary plat*.

J. *Subdivider* to Attend the *Planning Board* Meeting

The *Subdivider* shall attend a meeting of the *Planning Board* to discuss the *preliminary plat*.

K. Review of *Preliminary plat*:

The *Planning Board* shall study the practicability of the *Preliminary plat* taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of *Streets*, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the *Official map*, and Zoning Regulations.

L. Determination Pursuant to the State Environmental Quality Review (SEQR) Process:

Subdivision of land may be subject to the provisions of the State Environmental Quality Review (SEQR) process. The *Town Engineer* shall review the type of action the *Subdivision* is according to SEQR regulations, at the expense of the *Subdivider*. Depending on the size of the *Subdivision* and several other factors it may be a Type I or an Unlisted action. To make a decision, the *Planning Board* should consult Part 617 of Article 8 of the Environmental Conservation Law (New York). If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed in accordance with Town Law 276 until a draft environmental impact statement has been filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement is completed.

M. Required Referral to Oneida County Department of Planning:

Prior to taking action on the *Preliminary plat*, the *Planning Board* shall refer the plat to the County Planning Department for advisory review and a report in accordance with Section 239-n of the General Municipal Law, where the proposed action is within the distance of five hundred (500) feet from the boundary of any city, village, or town, or agricultural district, or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

N. When Officially Submitted:

The time of submission of the *Preliminary plat* shall be considered to be the date on which the application for approval of the *preliminary plat*, complete and accompanied by the required fee and all data required by Article III, Section III of these regulations, has been filed and officially accepted by the *Planning Board*.

O. Approval of the *Preliminary plat*

Within forty-five (45) days after the receipt of such preliminary plat by the *Secretary of the Planning Board*, the *Planning Board* shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of record in the town at least five (5) days before such hearing. The *Planning Board* may provide that the hearing be further advertised in such manner as it deems most appropriate for full public

consideration of such *preliminary plat*. Within forty-five (45) days after the date of such hearing, the **Planning Board** shall approve with or without modification or disapprove such *preliminary plat*, and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the **Planning Board**. The time in which the **Planning Board** must take action on such plat may be extended by mutual consent of the **Subdivider** and the **Planning Board**. When so approving a *preliminary plat*, the **Planning Board** shall state in writing modifications, if any, as it deems necessary for the submission of the plat in final form. Within five (5) days of the approval of such *preliminary plat*, it shall be certified by the **Secretary of the Planning Board** as granted preliminary approval and a copy filed in his/her office, a certified copy mailed to the owner, and a copy forwarded to the Town **Board**. Failure of the **Planning Board** to act within such forty-five (45) day period shall constitute approval of the *preliminary plat*.

When granting approval to a *preliminary plat*, the **Planning Board** shall state the terms of such approval, if any, with respect to (1) the modifications to the *Preliminary plat*, (2) the character and extent of the required Improvements for which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare, (3) the amount of improvement or the amount of all bonds thereof which it will require as prerequisite to the approval of the *Subdivision plat*. Approval of a *Preliminary plat* shall not constitute approval of the *Subdivision plat*, but rather it shall be deemed an expression of approval of the design submitted on the *Preliminary plat* as a guide to the preparation of the Plat, which will be submitted for approval of the **Planning Board** and for recording upon fulfillment of the requirements of these regulations. Prior to the approval of the *Subdivision plat*, the **Planning Board** may require additional changes as a result of further study of the *Subdivision* in final form or as a result of new information obtained at the public hearing.

SECTION III.

Preliminary plat Requirements.

The *Preliminary plat* shall include the following information.

1. The name of the *Subdivision* and the words “*Preliminary plat*” on the drawing.
2. The name and address of the owner and *Subdivider* and the name of the *Engineer* or *Surveyor* of the *preliminary plat*.
3. A vicinity sketch of the key map shall be shown on or accompanying the *Preliminary plat* unless the layout is a re*Subdivision* of an existing recorded *Subdivision*. The scale shall not be less than one (1) inch to the mile. The relative location of the proposed *Subdivision*, the principal road systems and section lines shall also be shown.
4. The horizontal scale shall not be less than one-hundred (100) feet to the inch.
5. The date and North Arrow shall be shown.
6. Space for approval of the **Board** including additional space for a date and seal shall be included.
7. An actual field survey of the tract prepared and sealed by a *Surveyor* including:
 - The legal description of the tract.
 - The location and total area in acres, or fractional part thereof, of each lot excluding public road areas.
 - The square footage of each lot, excluding public road areas.

- The boundary lines of the tract giving complete descriptive data by bearings and distances, the location and type of all monuments, and the referenced corners of the tract.
- The approximate dimensions (width and depth) of each lot.
- The names of the adjacent *Subdivisions*, lots and *Streets* including and indication that the adjacent land is, or is not subdivided.
- All *Easements*, rights-of-way, and other features such as corporation lines.

8. *Streets, Bridges and Sidewalks*

- The location, width and names of all existing or platted *Streets* or other public ways within or adjacent to the tract and roads within one-hundred (100) feet of the tract.
- Profile and grade plans of any roads or public ways or places shown on the *Comprehensive Plan* within the area to be subdivided and developed. The profiles and grade plans shall include the width and depth of pavements and sub-base courses.
- Plans and cross sections of the proposed location and type of sidewalks.
- Preliminary designs of any bridges or culverts, which may be required.
- Plans and cross sections of proposed road lighting and curbs.

9. *Water Mains, Sewers and Underground Utilities.*

- The approximate location of all proposed and existing water lines, valves, hydrants and fire alarm boxes.
- The approximate location of all proposed and existing sewer lines.
- The approximate location of all proposed and existing underground utilities.
- All connections to existing water and sewer lines or alternate means of water supply or sewage disposal and treatment as provided in the public health law.
- The locations and sizes of proposed and existing pipes, water mains, sanitary sewer or septic equipment, manholes, basins and underground conduits.
- Profiles of all proposed water and sewer lines, manholes and basins.

10. *Storm Drainage, Topography and Land Features.*

- A storm drainage plan indicating the approximate location and size of proposed lines and including their profiles.
- Any connections to existing lines or alternate means of disposal.
- Existing and proposed topography at contour intervals no greater than five (5) foot intervals.
- All water bodies, watercourses, marshes, forests and designated wetlands.
- All proposed road trees, vegetation and plantings.

11. The parcels of land intended to be dedicated for public use or reserved in the deeds for the uses of all property owners in the proposed *Subdivision*, together with the purpose of conditions or limitations of such reservations, if any.

SECTION IV

Final plat for Major Subdivision

A. Application for Approval and Fee:

The *Subdivider* shall, within six months after the approval of the *Preliminary plat*, file with the *Planning Board Secretary* the *Subdivision plat* in final form. If the *Final plat* is not submitted within six months after

the approval of the *Preliminary plat*, the *Planning Board* may refuse to approve the *Final plat* and require re-submission of the *preliminary plat*.

At the time of submission of the *Final plat*, the applicant shall pay a filing fee to the Town of Lee. No plat shall be accepted without such fee. The filing fee schedule, established by the town *Board*, is available from the Town Clerk. All other related expenses to date are due at this time for the plat to be considered filed. Submission of Proof of Taxes Paid must accompany the application and fee.

B. Number of Copies:

A *Subdivider* intending to submit a proposed *Subdivision plat* for the approval of the *Planning Board* shall provide the *Secretary* of the *Board* with a copy of the plat and three (3) copies printed on linen cloth, mylar or an acceptable form as determined by the Office of the County Clerk, the original and one true copy of all offers of cession, covenants, and agreements and two prints of all construction drawings.

C. When Officially Submitted:

The time of submission of the *Subdivision plat* shall be considered to be the date on which the application for approval of the *Subdivision plat*, complete and accompanied by the required fee and all data required by Article III, Section IV of these regulations, has been filed with and officially accepted by the *Planning Board*.

D. Endorsement of State and County Agencies:

Water and sewer facility proposals contained in the *Subdivision plat* shall be properly endorsed and approved by the Oneida County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the *Subdivider* with all necessary Town, County and State agencies. Endorsement and approval by the Oneida County Department of Health shall be secured by the *Subdivider* before final action on the *Subdivision plat* is taken by the *Planning Board*.

E. Required Referral to Oneida County Department of Planning:

Prior to taking final action on the *Subdivision plat*, the *Planning Board* shall refer the plat to the County Planning Department for advisory review and a report in accordance with Section 239-n of the General Municipal Law, where the proposed action is within a distance of five hundred (500) feet from the boundary of any city, village, or town, or agricultural district, or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

F. Public Hearing:

Within forty-five (45) days of the submission of a plat in final form for the approval a hearing shall be held by the *Planning Board*. This hearing shall be advertised at least once in the newspaper of record in the town at least five days before such hearing, provided however, that when the *Planning Board* deems the *Final plat* to be in substantial agreement with a *preliminary plat* approved under Section 3 of this article, and modified in accordance with requirements of such approval if such *preliminary plat* has been approved with modification, the *Planning Board* may waive the requirement for such public hearing. The public hearing may last a maximum of 120 days pursuant to Town Law 276, but may be extended by mutual agreement of the *Subdivider* and the *Board*.

G. Action on Proposed *Subdivision plat*:

The *Planning Board* shall by resolution conditionally approve, disapprove, or grant final approval and authorize the signing of such plat, within forty-five (45) days of its receipt by the *Secretary of the Planning*

Board if no hearing is held, or in the event a hearing is held, within forty-five (45) days after the close of such hearing. This time may be extended by mutual consent of the **Subdivider** and the **Planning Board**. Failure to take action on a **Final plat** within the time prescribed therefore shall be deemed approval of the plat. Upon resolution of conditional approval of such **Final plat**, the **Planning Board** shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Clerk of the **Planning Board** as conditionally approved and a copy filed in his office and a copy mailed to the **Subdivider** shall include a certified statement of such requirements which when completed will authorize the signing of the conditionally approved **Final plat**. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the **Planning Board**. Conditional approval of a **Final plat** shall expire one-hundred-eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The **Planning Board** may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

SECTION V

Required Improvements:

A. Improvements and Performance Bond:

Before the **Planning Board** grants final approval of the **Subdivision plat**, the **Subdivider** shall follow the procedure set forth in sub-paragraph 1.

1. In an amount set by the **Planning Board** the **Subdivider** shall either file with the Town Clerk a certified check or a letter of credit to cover the full cost of the required improvements or the **Subdivider** shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Attorney as to form, sufficiency, manner of execution and surety. A period of two (2) years (or such other period as the Town **Board** may determine appropriate) shall be set forth in the bond within which required improvements must be completed.
2. The required improvements shall not be considered to be complete until the installation of the improvements have been approved by the **Town Engineer** and a map satisfactory to the **Planning Board** has been submitted indicating the location of all monuments marking all underground utilities as actually installed. Said map shall be submitted prior to endorsement of the plat by the appropriate **Planning Board** Officer. The bond/certified check/letter of credit shall not be released until such a map is submitted and approved.

B. Modification of Design of improvements:

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the **Town Engineer** that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the **Town Engineer** may, upon approval by a previously delegated member of the **Planning Board**, authorize modifications provided these modifications are within the spirit and intent of the **Planning Board's** approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the **Board**. The **Town Engineer** shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the **Planning Board** at their next regular meeting.

C. Inspection of Improvements:

At least five (5) days prior to commencing construction of required improvements, the **Subdivider** shall pay to the Town Clerk any fee required by the Town **Board** and shall notify the Town **Board** in writing of the time when he proposes to commence construction of such improvements so that the Town **Board** 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 Town finds, 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**, it shall be so reported to the Town **Board**, Building Inspector, and **Planning Board**. The Town **Board** shall 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.

SECTION VI

Filing of Approved *Subdivision plat*

A. Final Approval and Filing:

Upon completion of the requirements in Sections IV and V above and notation to that effect upon the **Subdivision plat**, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the **Planning Board** and may be filed by the applicant in the Office of the County Clerk. Any **Subdivision plat** not so filed or recorded within sixty (60) 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. 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 said Plat is first resubmitted to the **Planning Board** and such **Board** approves any modifications. In the event that any such **Subdivision plat** is recorded without complying with this requirement, the same shall be considered null and void, and the **Board** shall institute proceedings to have the Plat stricken from the records of the County Clerk.

SECTION VII

Public *Streets*, 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 and **Street, Easement**, or other open space shown on such **Subdivision plat**. The **Planning Board** will submit proposed **Street** names to the Town of Lee Board of Fire Commissioners for approval.

B. Parks, Open Spaces And Natural Features:

1. RECREATION AREAS SHOWN ON **COMPREHENSIVE PLAN**. Where a proposed park, playground or open space shown on the **Comprehensive Plan** is located in whole or in part in a **Subdivision**, the **Board** shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph 2 below. Such area or areas may be dedicated to the Town or County by the **Subdivider** if the Town **Board** approves such dedication.

2. PARKS AND PLAYGROUNDS NOT SHOWN ON **TOWN PLAN**. The **Board** shall require that the Plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The **Board** may require that the developer satisfactorily grade any such recreation areas shown on the Plat. The **Board** shall require that not less than three (3) acres of recreation space be provided per 100 dwelling units shown on the plat. However, in no case shall the amount be more than ten (10) percent of the total area of the **Subdivision**. Such area or areas may be dedicated to the Town or County by the **Subdivider** if the Town **Board** approves such dedication.

3. INFORMATION TO BE SUBMITTED. In the event that an area to be used for a park or playground is required to be so shown, the **Subdivider** shall submit, prior to final approval, to the **Board**, three prints (one on cloth) drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

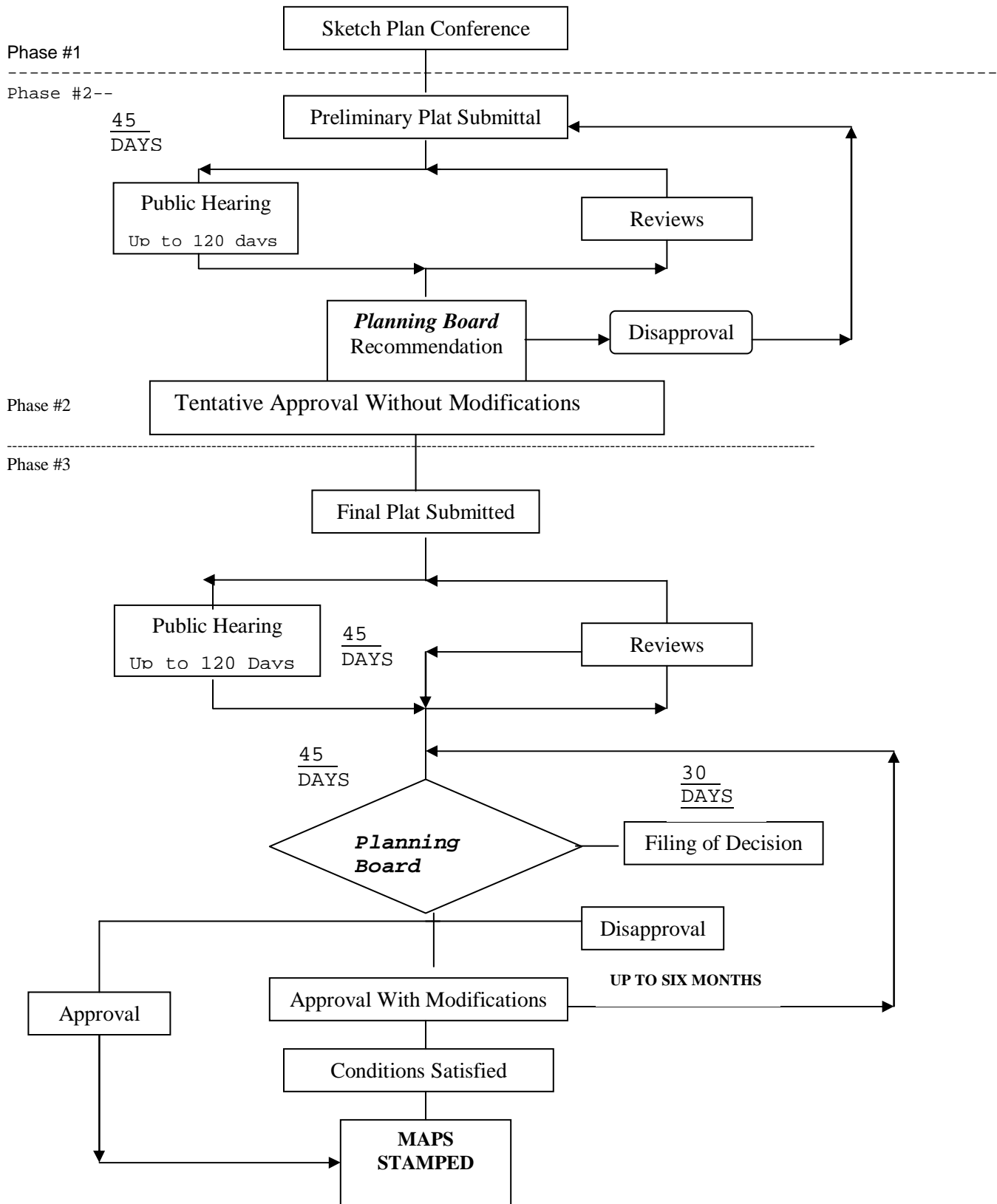
- a. The boundaries of the said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
- b. Existing features such as brooks, ponds, clusters of trees, rock outcrops, and structures.
- c. Existing, and, if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.

4. WAIVER OF PLAT DESIGNATION OF AREA FOR PARKS AND PLAYGROUNDS. In cases where the **Board** finds that due to the size, topography or location of the **Subdivision**, land for park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the **Board** it is not desirable, the **Board** may waive the requirement that the Plat show land for such purposes. The **Board** shall then require as a condition to approval of the Plat a payment to the Town of Lee in an amount equal to the cost of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in paragraph 2. Such amount shall be paid to the Town **Board** at the time of **Final plat** approval, and no Plat shall be signed by the authorized officer of the **Board** until such payment is made. All such payments shall be held by the Town **Board** in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (a) is suitable for permanent park, playground or other recreational purposes, and (b) is so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies, and (c) shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the Plat is situated, provided the **Board** finds there is a need for such improvements.

5. RESERVE STRIPS PROHIBITED. Reserve strips of land, which might be used to control access from the proposed **Subdivision** to any neighboring property, or to any land within the **Subdivision** itself shall be prohibited.

6. PRESERVATION OF NATURAL FEATURES. The **Board** shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

TOWN OF LEE MAJOR SUBDIVISION REVIEW PROCEDURE



ARTICLE IV

LOTS AND INFRASTRUCTURE

SECTION I.

Performance Bonds

Before the *Planning Board* grants final approval of the *Subdivision plat*, the *Subdivider* shall follow the procedure set forth in sub-paragraph 1.

1. In an amount set by the *Planning Board* the *Subdivider* shall either file with the Town Clerk a certified check or a letter of credit to cover the full cost of the required improvements or the *Subdivider* shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Attorney as to form, sufficiency, manner of execution and surety. A period of two (2) years (or such other period as the Town *Board* may determine appropriate) shall be set forth in the bond within which required improvements must be completed.
2. The required improvements shall not be considered to be complete until the installation of the improvements have been approved by the *Town Engineer* and a map satisfactory to the *Planning Board* has been submitted indicating the location of all monuments marking all underground utilities as actually installed. Said map shall be submitted prior to endorsement of the plat by the appropriate *Planning Board* Officer. The bond/certified check/letter of credit shall not be released until such a map is submitted and approved.

SECTION II.

STREETS

1. *STREET* SYSTEM.

Specifications for *Streets* as outlined in this section may, following approval of the *Final plat* by the *Planning Board*, be adjusted at the discretion of the Highway Superintendent and only the Highway Superintendent, in order to accommodate the continued maintenance of said *streets*. Changes must be minimal and may include, but are not limited to, grading, modification of and adjustment to curves and radiuses, etc. The Highway Superintendent will notify the *Planning Board* of his intention to modify the approved plat. Any such modifications or adjustments must be recorded on the *Final Plat* and submitted to the *Planning Board* by the *Subdivider*. Also, in conjunction with Street planning, the distance between the center lines of the applicable *Streets* shall not be less than 300 feet. *Street* names must be approved by the Town of Lee Fire District Board of Fire Commissioners. Access to a *major subdivision* must be from an *arterial street*. No *major subdivision* shall be inter-connected to another existing or future subdivision by a street or road.

2. RESTRICTIONS OF ACCESS TO *ARTERIAL STREETS*. When a tract fronting on an *Arterial Street* for a distance of five hundred (500) feet or more and an average depth from the *Arterial Street* of more than three hundred and fifty (350) feet is to be subdivided into residential lots, the *Planning Board* shall determine if a marginal *Street* is needed to compliment the access with a marginal access *Street*.

3. FUTURE *STREETS*. Where the plat submitted covers only a part of the *Subdivider's* tract, a sketch of the prospective future *Street* and utility system of the unsubmitted part shall be furnished, and the *Street* and utility system of the submitted part shall be considered in the light of proposed plans for the entire area.

4. INTERSECTIONS. There shall be a minimum number of intersections of residential *Streets* with *Arterial Streets*.

5. ALLEYS. Alleys shall be provided to the rear of all lots used for business purposes and shall not be provided in residential blocks, except where the *Subdivider* produces evidence satisfactory to the *Board* of the need for alleys.

6. *STREET* GRADES. Grades on *Arterial Streets* should not exceed six (6) percent. Grades on other *Streets* may exceed six percent, but not ten (10) percent.

7. *CUL-DE-SACS*. *Streets* designed to have one end permanently closed (*Cul-de-sac*) shall be no more than six hundred (600) feet long and shall be provided at the closed end with a suitable turn-around with a minimum radius of fifty (50) feet to the property line.

8. HALF *STREETS*. Whenever there exists a dedicated or platted half *Street* or alley adjacent to the tract to be subdivided, the other half of the *Street* or alley shall be platted or dedicated.

9. ALIGNMENT AND VISIBILITY. Clear Horizontal and vertical visibility, measured along the center line shall be provided for at least six hundred (600) feet on *Arterial Streets*; four hundred (400) feet on *Collector Streets*; and at least two hundred (200) feet on all other *Streets*.

10. *STREET* WIDTHS. The minimum right-of-way width of proposed *Streets* shall be as follows:

<i>Arterial Streets</i>	66'
<i>Collector Streets</i>	60'
<i>Local Streets</i>	50'
Residential designed for no through traffic, including	
<i>Cul-de-sacs</i>	50'
Marginal Access <i>Streets</i>	50'

11. CURVES. Where a deflection angle of more than ten (10) degrees in the alignment of a *Street* occurs, a curve of reasonably long radius shall be introduced. On *Streets* sixty (60) feet or more in width, the center line radius of curvature shall be not less than three hundred (300) feet; on other *Streets* not less than one hundred (100) feet.

12. REVERSE CURVE. Between reversed curves on all *Streets* there should be a tangent at least one hundred (100) feet long where possible.

13. *STREET* INTERSECTIONS. *Street* intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than forty-five (45) degrees.

14. GRADE AT INTERSECTIONS. Flat grades are preferred within fifty (50) feet from an intersection, but in no case shall grades exceed four (4) percent for a distance of one hundred (100) feet from any intersection.

15. TEMPORARILY DEAD ENDED *STREETS*. *Streets* which are stub *Streets* designed to provide future connection with adjoining unsubdivided areas must provide a temporary turn-around at the stub end with a suitable turn-around with a minimum radius of fifty (50) feet to the property line.

16. *STREET* NAMES. *Streets* shall be named in such manner as to conform to adjacent areas and particular attention shall be given to avoid duplication.

17. STANDARDS FOR **STREETS** AND SIDEWALKS. Standards for paving width and road construction shall be those provided and required by the County Commissioner of Public Works. The Town Superintendent of Highways shall inspect and approve any construction of roads within **Subdivisions**.

18. **STREET** SIGNS

Street name signs shall be installed by the **Subdivider** on any new **Streets** in accordance with Town of Lee specifications which can be obtained from the Town Highway Superintendent

SECTION III.

Blocks

1. LAYOUT. The length, width and shapes of blocks shall be determined with due regard to the special needs of the type of use contemplated, needs for convenient access and circulation, topography and the conservation of building sites.

2. WIDTH. Blocks shall be wide enough to, allow two (2) tiers of lots of minimum depth specified in the **Zoning Ordinance**, if one exists, except where fronting on **Arterial Streets** or prevented by topographical conditions or size of the property, in which case the **Board** may approve a single tier of lots of minimum depth.

3. RESIDENTIAL. Blocks planned for residential use shall not exceed fourteen hundred (1400) feet nor be less than three hundred (300) feet in length.

4. BUSINESS. Blocks planned for business use shall not exceed six hundred (600) feet nor be less than three hundred (300) feet in length.

5. CROSSWALKS. Pedestrian Crosswalks not less than ten (10) feet wide and appropriately paved and landscaped may be required in blocks longer than six hundred (600) feet where deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

SECTION IV

Lots

1. GENERAL. The shape of lots and their orientation shall be appropriate to the location of the proposed **Subdivision** and to the type of development contemplated.

2. LOT DIMENSIONS. All lot dimensions shall comply with the requirements of the **Zoning Ordinance**, if one exists, or State Health Dept.

3. ACCESS TO **STREET**. Each lot shall abut on an existing or proposed **Street** or an approved private **Street**.

4. SIDE LOT LINES. Side lines of lots shall be approximately at right angles or radial to the **Street** line.

5. THROUGH LOTS. Double frontage lots, other than corner lots, will be permitted only under unusual conditions.

6. **FLAG LOT.** An interior lot located to the rear of another lot, but with a narrow portion of the lot extending to the street. No part of the narrow portion of the lot can be less than 25 feet in width, except in cases where an existing structure(s) and its required side yard could not be accommodated, then the width shall not be less than 15 feet capable of being used for ingress and egress. The front line of a Flag Lot is the property line most parallel to the street from which access is gained.

SECTION V

Drainage Improvements

Refer to Attachment 1, “**Stormwater Management**”

SECTION VI

Public Use And Service Areas

1. **EASEMENTS.** Rights-of-way or *Easements* at least twenty (20) feet wide, ten (10) feet on each side of the rear or side property lines of lots, together with the right of ingress and egress thereto and therefrom, shall be provided where necessary for public utilities. Likewise, an anchor pole *Easement* ten (10) feet wide, twenty-five (25) feet deep appropriately placed, together with the right of ingress and egress thereto and therefrom shall be provided where necessary for public utilities.

2. **UNDERGROUND PLACEMENT.** The *Board* shall require all underground utilities and provisions for future utilities in the new *Subdivision* wherever practical.

ARTICLE VI

SEPARABILITY

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

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STORMWATER MANAGEMENT

I: The governing body of the Town finds that:

- A. Inadequate management of accelerated runoff of storm water resulting from development within the Town increases water flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and conveyance systems, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in the Town, and threatens public health and safety.
 - 1. A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety and welfare and the protection of the people of the Town and all the people of the State, their resources and the environment.

II: PURPOSE

- A. The purpose of this Ordinance is to promote the public health, safety, and welfare by minimizing the damage by provisions designed to:
 - 1. Control accelerated water runoff, erosion and sedimentation conditions at their source by regulating activities which cause such problems.
 - 2. Utilize and preserve the desirable existing natural drainage systems.
 - 3. Maintain the existing flows and quality of streams and watercourses.
 - 4. Provide for proper maintenance of all permanent storm water management system components and structures which are constructed in the Town.
 - 5. Protect the adequacy of existing and proposed culverts, storm sewers and conveyance systems.

III: APPLICABILITY

- A. The following activities are within the scope of this Article:
 - 1. Land Development and Building Construction
 - 2. Subdivision and Site Plan Review
 - 3. Earthmoving exceeding one-half acre feet.
 - 4. Modification of any stream channel
 - 5. Creation or modification of a Stormwater system.
- B. The following activities are considered *exempt* from the scope of this Article unless noted otherwise.
 - 1. Agricultural activities and household gardening.
 - 2. Approved Development resulting in roof and impervious surface areas totaling less than 5,000 gross square feet (Non-Residential) and 500 gross square feet (Residential).
 - 3. Approved development of one single family or duplex residential building and accessory structure(s) on an existing lot.
 - 4. Approved maintenance, alteration, use or improvement to a structure or land modification which will *not* change the existing quality, rate, volume or location of surface water discharge or contribute to land erosion or water sedimentation.
- C. The following activities are specifically *not exempted* from the scope of this Article and supersede any statements to the contrary:
 - 1. Erosion and Sedimentation Control for all construction activity and land disturbance areas located within five hundred (500) feet of the perimeter water/land boundary of Delta Lake.
 - 2. Residential Lots subdivided since 1992 which specifically required Planning Board Site Plan Review for Lot development as a condition of the Subdivision approval.
 - 3. Building construction and/or land modification on lots exceeding 10 percent grade.

IV: SEVERABILITY

- A. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

V: COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

- A. Permits and approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to
- Attachment 1 to Town of Lee Subdivision Regulations

secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of storm water or erosion and sedimentation control are contained in the other code, rule, act or ordinance, the more stringent regulation shall apply.

V: DEFINITIONS

Accelerated Erosion - The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

Applicable - Portions of this Article which pertain specifically to an applicants proposed project or activity.

Approved - Reviewed and accepted by the Town of Lee Planning Board or Codes Enforcement Officer.

Town - The Town of Lee, Oneida County, New York.

Cistern - An underground reservoir or tank for storing rainwater.

Conservation District - The Conservation District serving Oneida County.

Culvert - A pipe, conduit or similar structure including appurtenant works which carries surface water.

Design Storm -The magnitude of precipitation from a storm event measured in probability of occurrence (e.g. 10 or 100 year) storm and duration (e.g. 24 hours), and used in computing storm water management control system.

Detention Basin - a basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined approved rate. A detention basin can be designed to drain completely after a storm event, or it can be designed to contain a permanent pool of water, DEC - New York State Department of Environmental Conversation or its successors.

Developer - A person or persons, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes the activities covered by this ordinance.

Diversion Terrace - A channel and a ridge constructed to a predetermined grade across a slope, and designed to collect and divert runoff from slopes which are subject to erosion.

Drainage Easement - A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.

Erosion - The removal of soil particles by the action of water, wind, ice or other geological agents.

First Flush - The delivery of a disproportionately large load of pollutants during the early part of a storm due to the rapid runoff of accumulated pollutants.

Impervious Surface - A surface that prevents the percolation of water into the ground.

Infiltration Structures - A structure designed to direct runoff into the ground, e.g. french drains, seepage pits, seepage trench.

Land Development - (i) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division of allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

(ii) a subdivision of land.

Land Disturbance - Any activity involving grading, tilling, digging or filling of ground, or stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion.

Peak Discharge - The maximum rate of flow of water at a given point and time resulting from a specified storm event.

Plans - Stormwater Management Plans including Erosion and Sedimentation Plans.

Runoff- That part of precipitation which flows over the land.

SCS - Soil Conservation Service, U.S. Department of Agriculture.

Sediment - Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited or has been moved from its site or origin by water.

Sediment Basin - a barrier, dam, retention or detention basin designed to retain sediment.

Seepage Pit/Seepage Trench - An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

Semi-Pervious Surface - A surface such as stone, rock, concrete, or other materials which permits some vertical transmission of water.

Soil-Cover Complex Method - A method of runoff computation developed by SCS, and found in its publication "Urban Hydrology for Small Watersheds", Technical Release No. 55, CCC, January, 1975 or other method approved by the Town Planning Board or Engineer.

Storm Sewer - A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

Stormwater Management Plan - The plan for managing applicable storm water runoff, land erosion and water sedimentation conditions as reviewed and approved by the Town of Lee. (A.K.A. "Plans").

Subdivision - The division or redivision of lot, tract or parcel of land by any means into one or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.

Swale - a low-lying stretch of land which gathers or carries surface water runoff.

VI: GENERAL REQUIREMENTS

A. Storm Water Flow Attenuation.

1. Methods of Storm Water Flow Attenuation.

- (a) A variety of storm water management facilities can attenuate increased post-activity covered by this ordinance, storm flows to or below pre-activity levels, such as detention ponds, recharge basins, artificial wetlands, and roof-top storage. The choice of control techniques is not limited to the above.
- (b) The use of other control methods which meet the criteria of this ordinance will be permitted when approved by the Town Planning Board with input from the Town Engineer.
- © Various combinations of methods should be tailored to meet the particular requirements of the type of land disturbance activity and the topographic features of the activity areas.

2. Design of Stormwater Management Facilities.

- (a) Storm water management facilities shall be designed to provide an emergency spillway to

control the 100-year peak post-activity contemplated by this ordinance. Provisions to provide for controlled Vehicular and Pedestrian access to the storm water management facility is required by the Town.

3. Calculation Methodology.

- (a) The design of storm water detention facilities intended to meet the performance standards of this ordinance shall be verified by routing a full design storm hydro graph through the proposed facility to estimate outflows. Peak discharge and runoff volumes for the entire Drainage Watershed Area shall be computed using the Soil-Covered Complex Method as set forth in the latest edition of Urban Hydrology for Small Watersheds, Technical Release No. 55 as published by SCS, or by any other method approved by the Town Planning Board with input from the Town Engineer.
- (b) Outlet structures for storm water management facilities shall be designed to meet the performance standards of this ordinance using any generally accepted hydraulic analysis technique or method.
- (c) Impacts of post-activity storm water flows to downstream areas and storm water conveyance systems shall be evaluated. Critical points downstream of the proposed activity shall be analyzed, and, peak pre- and post-activity storm water flows shall be estimated and compared to the hydraulic capacity of the existing conveyance system.

B. Storm Water Conveyance

1. Calculation Methodology.

- (a) For drainage areas less than 20 acres, peak storm water discharges may be computed using the Rational Equation as set forth in or by any other method approved by the Town Planning Board with input from the Town Engineer.
- (b) For drainage areas equal or above 20 acres, peak storm water discharges shall be computed using the Soil-Cover Complex method as set forth in the latest revision of Urban Hydrology for Small Watersheds, Technical Release No. 55 as published by SCS.
- (c) Manning's Equation shall be used for hydraulic computations, and to determine the capacity of open channels, culverts, and storm sewers.
- (d) Swales and ditches shall be designed in such a manner that non-erosive velocities will not be exceeded when design peak storm water flows are conveyed.

2. Upgrading of Existing Storm Water Conveyance System.

- (a) The Applicant may be requested to upgrade existing down stream storm water conveyance systems to provide adequate capacity to accommodate post activity storm water flows.

VII: CRITERIA

A. Stormwater Runoff Criteria

- 1. Stormwater runoff from applicable activities covered by this ordinance shall be controlled such that after the activity, the land disturbed will generate as a maximum, no greater peak flow than prior to activity, for a 2-year, thru 100-year, 24-hour storm considered individually. Further reductions in the magnitude of post-activity peak flows may be required to prevent exceeding the capacity of existing downstream conveyance systems or to include existing on-site development not subject to previous storm water management activities.
- 2. Runoff Conveyance Systems - Storm sewers shall be designed to convey the runoff from a Ten (10) Year Storm, one (1) hour duration storm for drainage areas of less than twenty (20) acres. In addition, provisions for safe conveyance of storm water flows from a 100-year storm through the activity area shall be provided (generally over the top of the conveyance system). Roadway cross culverts shall be able to convey storm water flows from a twenty-five (25) year design storm for drainage areas of less than twenty (20) acres, and a fifty (50) year design storm for drainage areas of twenty (20) acres or more a minimum 1.0 foot of freeboard shall be provide below lowest point of the roadway profile.
- 3. Storm water retention basins shall have a minimum storage capacity equivalent to a one hundred (100) year post development storm while discharging the equivalent of a ten (10) year pre-development storm.

4. All increased Storm Water Runoff together with increased Erosion and Sedimentation resulting from the proposed activities shall be contained on site with discharge measured for compliance at the property line.
5. All Storm Water Calculations shall include and be based upon the entire Watershed Area including all off site upland drainage passing over the proposed development.
6. Facilities to capture and treat the first flush of a storm by infiltration structures, retention or extended detention shall be designed to capture the first one-half inch (1/2") of runoff or the runoff resulting from a one (1) year, twenty-four (24) hour storm, whichever is greater, from all land areas for which impervious surfaces (roof, asphalt, compacted gravel, roads, driveways, parking lots, sidewalks, etc.) Are created as a result of development.

B. Erosion and Sediment Control Criteria.

1. Temporary Erosion and Sediment Control Facilities shall be used during applicable land clearing, land modification and construction related excavation activities.
2. Permanent Erosion and Sediment Control Facilities applicable to the scope of the project shall be used to provide long term control of erosion and sedimentation when construction activities are completed and the project site is restored.
3. Erosion and Sedimentation - All land disturbance activities shall be conducted in such a way as to minimize accelerated erosion and resulting sedimentation. Measures to control erosion and sedimentation shall at a minimum meet the intent of the N.Y.S. Soils Conservation Service document "*Guidelines for Urban Erosion & Sediment Control*" and N.Y.S. Department of Environmental Conservation publication "*Reducing the Impacts of Storm Water Runoff from New Development*" for site specific conditions and activities. Adequate erosion protection shall be provided along all open channels, at points of storm water discharge, and for all land disturbed areas as required herein.
4. Erosion and Sedimentation control in sensitive areas located adjacent to swamp or water bodies may require detaining turbid water up to 48 Hours after a storm to assist in promoting the discharge of clear water.

C. Erosion and Sediment Control Standards

- I. The following control standards provide minimum criteria to ensure that properly designed erosion and sediment control practices are factored into site specific development plans and implemented by the applicant.
 - (a) Retain existing vegetation to greatest extent possible to minimize soil loss.
 - (b) Implement controls prior to the start of work. Direct all runoff from disturbed areas to the sediment control devices. Remove control devices after restoration and stabilization of disturbed land areas.
 - (c) Protect the natural character of water bodies including color, taste, odor, turbidity and sediment deposition during all operations. Sedimentation shall not be increased due to land modification, building construction or post-development activities resulting from this project.
 - (d) Expose a maximum of five (5) acres at one time but no more than can be protected with adequate applicable control measures for disturbed area.
 - (e) Blend perimeter grading with adjoining properties.
 - (f) Restrict clean running water from flowing through disturbed areas.
 - (g) Avoid off-site ponding of water resulting from on-site conditions.
 - (h) Restore sites within fourteen (14) days of completed or suspended work.

VIII: PLAN REQUIREMENTS

- A. Prior to the commencement of any applicable activity regulated by this Ordinance, the Owner, Subdivider, Agent, or other responsible party shall have the applicable portions of a Stormwater management plan approved by the Town.
- B. The plan *shall* address and provide resolution for any and all of the following items applicable to the proposed work.
 1. All existing and proposed structures, land disturbances and impervious surfaces.
 2. All temporary and permanent storm water management controls.
 3. Maintenance responsibilities of permanent storm water management control facilities
 4. All streams or other bodies of water, swales and drainage ways.

5. All hydraulic and hydrologic calculations.
6. All erosion and sedimentation controls.
 - (a) Types, Materials, Size and Locations of Structural and vegetative control measures.
 - (b) Limits, staging and maintenance of Temporary and/or Permanent control measures.
 - (c) Schedule for maintaining control measures and restoring site upon completion of work.