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Article XXI: Land Subdivision Regulations

§ 212-140 Authority; Policy; Applicability; Legal Effects; Review procedures ~~and design standards.~~

A. Authority and Declaration of Policy.

- 1) By the authority of Town Law § 276, 277, 278, and 279 and Chapter 10 of the Municipal Home Rule Law of the State of New York, the Planning Board of the Town of Ulysses is authorized and empowered to:
 - a) Approve plats showing lots, blocks, or sites, with or without roads or highways.
 - b) Approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County.
 - c) Conditionally approve Preliminary Plats.
 - d) Require an applicant to provide a clustered subdivision layout.
- 2) The policy of the Planning Board is to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the town and in a manner that is reasonable and in the best interests of the community. This policy is articulated to ensure that the highest standards of site, building and landscape design are met conscientiously, through the use of qualified technical and aesthetic judgment and principles of sustainability consistent with the Comprehensive Plan. The Planning Board will be guided in its consideration of an application for the subdivision of land by the following general requirements:
 - a) PHYSICAL CHARACTERISTICS. Land must be buildable and free of hazard. The physical characteristics of the land to be subdivided shall be such that it can be used for natural resource conservation or building purposes without danger to health and safety or peril from fire, flood, or other menace. Proper provision must be made for stormwater management, water supply, sewage and other needed improvements and, consideration be given to the future development of adjoining lands. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement and the future development, and, natural and cultural resources of adjoining lands. All parcel developments shall meet Town, County, State, and Federal regulations and requirements.
 - b) NATURAL AND HISTORIC FEATURES. Land is to be subdivided in a way that protects the natural, cultural and scenic resources of the Town for the benefit of all residents. To the extent practicable, all existing features of the landscape, such as trees of significant diameter-at-breast-height (DBH) caliber, vegetative communities, rock outcrops, important ecological communities, surface and groundwater resources, unusual glacial formations, flood courses, cultural and historic sites, viewsheds, and other such irreplaceable assets shall be preserved thereby preventing ecological damage and visual blight which occur when those features or vegetation are eliminated or substantially altered to serve development purposes only. Provision shall be made for maintaining

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- undeveloped natural areas and corridors to mitigate any adverse environmental impacts of a proposed subdivision, and to sustain biodiversity in order to implement the Town's policies of protecting environmental and cultural resources pursuant to the Town Comprehensive Plan and other applicable local laws.
- c) CONFORMITY. Subdivision plans shall be properly related to and conform to the Town Comprehensive Plan. Proposed development shall be planned such that it is compatible with sound development patterns of adjacent and neighboring properties within the Town of Ulysses. Subdivided lots shall be of such character that they can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
 - d) PARKS AND OPEN SPACE. Park areas of suitable location, size and character for playground and other recreational or open space purposes shall be shown on the subdivision plat in proper cases and when required by the Planning Board. Provision shall be made for adequate permanent reservations of open space, pedestrian trails, viewing areas, and parks, and such areas shall be shown on the plat.
 - e) PROTECTION OF AGRICULTURAL INFRASTRUCTURE AND SIGNIFICANT AGRICULTURAL LANDS. Consideration will be given to maintaining agricultural viability and protecting significant agricultural lands by minimizing adverse impacts on agricultural land remaining from the subdivision, prime and unique agricultural soils, adjoining or nearby agricultural land and operations, existing natural buffers, and agricultural infrastructure including but not limited to surface and subsurface agricultural drainage systems, farm equipment access points, and equipment lanes.
- 3) Failure to notify the Zoning Officer of any conveyance by subdivision shall be a violation of this law and will be enforced by both civil action and financial penalties.
 - 4) Applicants for major subdivisions shall submit a plan for a cluster subdivision as provided for in Section 278 of New York State Town Law and 212-140 of this Article.
 - 5) **Standards.** Subdivisions are subject to the following standards. Subdivision standards are mandatory rules subject to modification by the Planning Board.
 - a) In determining whether to modify a standard for a proposed project, the Planning Board may take into consideration the following:
 - i. The practicable difficulties of applying the standard to the particular project;
 - ii. The potential adverse impact on surrounding properties and the neighborhood of applying or not applying the standard to the proposed project; and
 - iii. Whether alternate means or measures attain the same goal as the standard.

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- b) Where an applicant objects to the application of a standard to his or her project and the Planning Board requires compliance, in its resolution of approval or disapproval the Planning Board must state its findings and the reasons for its decision with reference to the considerations set forth in the preceding paragraph.
- 6) **Supersedence.** It is the express intent of the Town Board that this Article shall supersede §§ 261-b, 274-a, 274-b, 276, 277, 278, 279 and any other provision of Article 16 of the Town Law inconsistent with the provisions herein, pursuant to § 10 of the Municipal Home Rule Law.
- 7) **Fees.** The amount of fees required under this chapter shall be established from time to time by resolution of the Town Board, except that the amount of professional review fees held in escrow for each particular application may be established by the reviewing agency. The administrative fees established by the Town Board shall approximate the actual cost to the Town of providing the related administrative services.
- 8) **Subdivisions Straddling Municipal Boundaries.** Whenever access to a subdivision can be had only across land in another municipality, the Planning Board may request assurance from the Ulysses Town Attorney and the Highway Superintendent of the adjoining municipality, that the access road is adequately improved or that a performance security has been duly executed and is sufficient security to ensure access has been constructed. In general, lot lines shall be laid out so as not to cross municipal boundary lines.
- 9) **Resubdivision.** Whenever any resubdivision of land in the Town of Ulysses is proposed, the subdividing owner or their authorized agent shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this Article.
- 10) **State Environmental Quality Review Act.** The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations.
- 11) **Route 96 Corridor Management Study.** In its discretionary actions under this chapter with regard to land use adjacent to or affecting Route 96, the reviewing agency shall be guided by the goals, objectives, and recommendations set forth in the Route 96 Corridor Management Study, Volumes 1 through 4, a copy of which is available for review in the office of the Town Clerk.
- 12) **Effective Date.** For the purpose of this section, each lot shall be identified by the Tax Map of the Town of Ulysses dated **September 1, 2018**, and single ownership shall be determined by deed filed as of **September 1, 2018**. It is the express intent of this chapter that no parcel as defined herein may be changed or reconfigured after **September 1, 2018**, for the purposes of applying or avoiding the restrictions of this article. All lot area

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requirement calculations established in the Zoning Law of the Town of Ulysses shall be based on the lot as identified by the Tax Map of the Town of Ulysses dated September 1, 2018. This parcel shall be identified as the parent lot.

B. Applicability and legal effects.

1) Applicability of These Regulations.

a. Any division of a lot into two (2) or more lots, whether new roads, public facilities, or municipal utility extensions are involved or not.

b. Any other land transaction where these Land Subdivision Regulations or any other applicable law requires filing of a plat with the County Clerk. Note: a property owner shall file with the zoning officer a copy of an application to the Tompkins County Department of Assessment to consolidate lots for tax purposes.

Legal Effect: Land-Use Regulations

Whenever any subdivision of land is proposed to be made and before any site modifications are made and before any permit for the erection of a structure in such proposed subdivision is granted, the subdivider or a duly authorized agent must apply for in writing and receive approval of the proposed subdivision in accordance with these regulations.

Legal Effect: Filing of Plats with County Clerk

Before any plat or licensed survey map showing proposed subdivision of land in the Town of Ulysses is filed with the County Clerk, the plat or licensed survey map must be approved by the Zoning Officer or the Planning Board, as applicable, in accordance with the procedures of this law and Town Law, Section 276.

Plat Void If Revised After Approval

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat or licensed survey map showing subdivision of land after approval has been given by the Zoning Officer or Planning Board and endorsed in writing on the plat or licensed survey map, unless the plat or licensed survey map is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such Subdivision Plat or licensed survey map is recorded without complying with this requirement, it shall be considered null and void.

C. Types of Subdivisions and Procedures

These regulations recognize **four** types of subdivisions, which are subject to **four** different review and approval procedures:

1. Simple Subdivision: requires the review of the Zoning Officer.
2. Minor Subdivision: Review includes two required submissions by subdivider and may include a public hearing if considered desirable by the Planning Board.
3. Major Subdivision: Review includes three required submissions by subdivider and at least one (1) public hearing by the Planning Board.
4. Cluster Subdivision: Review includes three required submissions by subdivider and at least one (1) public hearing by the Planning Board.

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D. Coordination with County Health Department

The provisions of the Tompkins County Sanitary Code are in addition to the provisions of these Land Subdivision Regulations.

E. Planning Board Use of Consultants and Services of County and Regional Planning Staff

The Planning Board may choose at any point in a subdivision review process to request consultants or refer to the county or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters. The cost shall be borne by the applicant. The Planning Board shall give the applicant written notice of the cost it incurred for consultants, and the applicant shall pay the cost within thirty (30) days of mailing of the notice.

F. Plat Review of Uncompleted Subdivisions

The Planning Board may, on direction of the Town Board, review, for purposes of revision, any plat within the Town boundaries already on file with the County Clerk if 20 percent or more of the lots within the plat are unimproved for reasons other than poor drainage. Legislative authority for such review is found in as authorized under New York State Town Law § 276.

§ 212-141 Definitions.

- A. Subdivision definitions. As used in this article, the following terms shall have the meanings indicated:

Conservation Easement

A perpetual restriction on the use of land, created in accordance with the provisions of § 49, Title 3, of the Environmental Conservation Law, or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land or natural, cultural, historic or scenic resources.

Cluster Subdivision

A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture.

Date of Submission

The Date of Submission of required materials shall be considered to be the date on which the materials for approval, complete as determined by the Planning Board Chair or the Planning Board Chair's designee, and accompanied by the required fee, are accepted by the Planning Board Chair, or the designee.

Final Plat or Final Subdivision Plat

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A licensed survey map in final form showing a proposed subdivision, containing all information and details required by state and local law, for submission to the Planning Board for purposes of review, public hearing and approval.

Lot

A continuous, unbroken area of land in single ownership of record described by the boundary lines on the Assessor’s tax maps, as confirmed by the deeds to the lots.

Parent Lot

Any parcel of land owned individually and separately and separated in ownership from any adjoining tracts of land on the effective date of this chapter which has a total area which equals or exceeds the minimum requirements for lot size, and for which there exists the legal possibility of subdivision, resubdivision, and/or a Development District. Also, a parcel of land which may be subdivided into unit lots through the unit lot subdivision process in common contiguous ownership at the date of adoption of § 212-140, subsection A.

Major Subdivision

A subdivision of land resulting in four or more lots (including the Parent Lot) or the creation of a fourth lot from the same original **Parent Lot within three years. This also includes:**

1. Any division of land defined as a realty subdivision under Section 115 of New York Code Title II and subject to Tompkins County Department of Health review under Section 116 of such Code.
2. Any subdivision that involves a new private road or public right-of-way, municipal utility extension or other new public facility.
3. Any **cluster** subdivision or other subdivision which deviates from the zoning regulations, official map or other Town development policy. ~~will generally be considered a Major Subdivision.~~

Minor Subdivision

Subdivision of land resulting in three lots (including the Parent Lot) **or the creation of a third lot from the same original Parent Lot within three years** and which

1. does not include new roads, municipal utility extensions, clustering or public open space or facilities;
2. does not conflict with the zoning regulations, Official Map or any other Town development policy; and
3. does not adversely affect use or development of adjoining land.

Preliminary Plat

A drawing, clearly marked “Preliminary Plat,” showing the salient features of a proposed subdivision, including the information specified in this document, for purposes of consideration by the Planning Board and at a public hearing.

Resource Analysis

The inventory and evaluation of natural, historic, and cultural resources on a property to 1) identify those resources to be protected, 2) provide the basis for the maximum density calculation and 3) determine locations for building envelopes.

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Simple Subdivision

Division of a lot into two (2) lots; realignment of boundary lines between lots so as to transfer land from one lot to an adjacent lot; or separation of noncontiguous lots (e.g., lots bisected by public or quasi-public rights-of-way) into separate lots of record without new boundary alignment.

Sketch Plat

A sketch of a proposed subdivision showing the form, layout, roads, public facilities and other information specified in these Land Subdivision Regulations.

Subdivision

The division of any parcel of land into two or more lots, including the original lot, plots, sites, or other division of land, with or without roads, for the purpose of immediate or future sale, transfer of ownership, or development after the date of adoption of § 212-140, subsection A. The term “subdivision” includes any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the Clerk of the County. Subdivisions may be defined as “major,” “minor,” “simple” or “cluster,” according to the review procedures and criteria set forth in these subdivision regulations.

§ 212-142 Subdivision Procedures.

A. Pre-application meeting

The Pre-application Meeting is an opportunity for the applicant to present and discuss a conceptual plan for the proposed subdivision prior to committing resources to the preparation of a Sketch Plan. The conceptual discussion shall guide the layout of the subdivision that will be shown in subsequent plan submission(s). All applicants are encouraged to attend a Pre-application Meeting prior to submitting the Sketch Plan and applicants for a Major Subdivision are required to do so. An applicant for a Major Subdivision is also required to submit a Resource Analysis.

In preparation for this meeting, the applicant should become familiar with this Article and all other relevant provisions of this Law, the Comprehensive Plan and SEQRA requirements in order to have a general understanding of the subdivision review process.

No statement, comment or other communication made during this informal review shall be binding upon any party. The pre-application process is required solely to assure that Town development goals are recognized as they may apply to the site in question. The purpose is to help expedite the process by getting the review off to a cooperative start, before the applicant has made a substantial investment in the application process.

B. Classification of Subdivision

1. The first stage of subdivision is classification. Classification requires that a subdivider submit a Sketch Plat of the proposed subdivision to the Zoning Officer that provides sufficient detail for the Zoning Officer to classify the action as to the type of review required. The Zoning Officer

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shall confer with the Chair of the Planning Board for comments and general recommendations as to any adjustment needed to satisfy the objectives of these regulations.

2. The Sketch Plat initially submitted to the Zoning Officer shall be based on tax map information or on some other similarly accurate base map at a scale (preferably not less than 1:2,400) that enables the entire tract to be shown on one sheet.
3. A submitted Sketch Plat shall show the following information:
 - a. A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.
 - b. All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than **two (2)** feet.
 - c. The names of the owner and of all adjoining property owners as disclosed by the current tax roll.
 - d. The tax map, block and lot numbers of all lots shown on the plat.
 - e. All the utilities available and all roads as they appear on the Official Map.
 - f. The proposed pattern of lots (with dimensions), road layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
 - g. All existing restrictions on the use of land, including easements, covenants and zoning district boundary lines.
 - h. Minor and Major Subdivisions may require additional information as specified in this document.

C. Simple Subdivision Review Procedure. Upon determination by the Zoning Officer that a proposed subdivision is to be treated as a Simple Subdivision, the Zoning Officer acts to approve; conditionally approve with modifications; disapprove; or grant final approval. Final approval cannot be granted until an official survey map prepared by a surveyor licensed by New York State has been presented to the Zoning Officer and such map indicates that all of the requirements of the Zoning Law have been satisfied. Final approval of the simple subdivision by the Zoning Officer shall be indicated by this officer's signature and date on the final survey map.

In determining the design of the Simple Subdivision the following criteria shall be applied:

1. Must avoid prime agricultural soils, defined as Class I and Class II by the USDA Natural Resources Conservation Service or similar or successor agency.
2. Must not interfere with natural and pre-existing drainage patterns.
3. To the extent reasonably possible, subdivisions shall be approved in a manner that maintains the largest amount of contiguous acreage for open space or agricultural use.
4. Lots are allowed to be subdivided one at a time so long as they are located along an existing road.

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5. Lot placement should prioritize utilization of land in the following order (from least productive for farming to most productive):
 - a. Category V through VIII Soils.
 - b. Areas which cannot feasibly be farmed due to existing features of the site such as rock outcroppings, rock too close to the surface to permit plowing, swamps, being heavily wooded, or slopes in the area exceeding 15% or the size or shape of the area being ill-suited for farming and/or insufficient to permit efficient use of farm machinery and equipment.
 - c. Class IV soils.
 - d. Class III soils.

D. Minor subdivision review procedure.

(1) Application and fee.

(a) Within six months after classification of a sketch plat as a minor subdivision by the Zoning Officer, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plat to the Zoning Officer for reclassification. The subdivision plat shall conform to the layout shown on the sketch plat as well as incorporate any recommendations made by the Planning Board. The application shall also conform to the requirements listed in § 212-142D(2).

(b) At least nine copies of the subdivision plat shall be presented to the Zoning Officer at the time of submission of the subdivision plat.

(c) All applications for plat approval for minor subdivisions shall be accompanied by a fee established by Town Board resolution.

(2) Requirements for minor subdivision plat review. A subdivision plat application shall include the following information:

(a) A copy of such covenants or deed restrictions that are intended to cover all or part of the tract.

(b) 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 corner of each tract shall also be located on the ground and marked with an approved pin, pipe, or monument and shall be referred to and shown on the plat.

(c) All on-site sanitation and water supply facilities (if any) shall be designed to meet the specifications of the Tompkins County Health Department; approval shall be stated on the plat and signed by an officer of the Health Department.

(d) The proposed subdivision name (if any), and the names of the town and county in which it is located.

(e) The date, a true North arrow, the map scale, and the names, addresses and phone numbers of all owners of record and the subdivider.

(f) The subdivision plat shall be a clear, legible reproduction that meets the standards for filing with the County Clerk as prescribed by law.

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(3) Subdivider to attend Planning Board meeting on minor subdivision plat. The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board at which a subdivision plat is first discussed.

(4) Public hearing on minor subdivision plat.

(a) If required by the Planning Board, a public hearing shall be held within 62 days of the date of submission of required materials. The hearing shall be advertised in the official newspaper of the Town at least five days before such hearing. If no public hearing is required, the Planning Board shall have 62 days from the date of submission to make its decision.

(b) When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage, provided by the Planning Board and obtained from the Zoning Officer. The applicant shall post this signage at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least 10 days prior to the public hearing.

(5) Action on minor subdivision plat.

(a) The Planning Board shall, within 62 days of the date of the public hearing, act to conditionally approve; conditionally approve with modification; disapprove; or grant final approval to and authorize the signing of the final subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time, in the absence of a mutually agreed upon extension, shall constitute approval of the plat.

(b) Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower the Planning Board Chair to sign the plat upon compliance with such conditions and requirements as may be stated in the Board's resolution of conditional approval.

(c) Within five days of the resolution granting conditional approval, the plat shall be certified by the Chair of the Planning Board as conditionally approved; a copy shall be filed in the Town Clerk's office; and a certified copy shall be mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved plat.

(d) Upon completion of the requirements in the resolution of approval, the plat shall be signed by the Chair of the Planning Board. Conditional approval of the plat shall expire 180 days after the date of the resolution granting such approval. 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. Extensions shall be for additional periods of 90 days each.

E. Major Subdivision Preliminary Plat Review Procedure

1 Application and Fee

- a. Prior to the filing of 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 with the words "preliminary plat" and shall be in the form described in § 212-142G(2) hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of §§ 276 and 277 of the Town Law and § 212-

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142G(2) of these Land Subdivision Regulations, except where a waiver is specifically authorized by the Planning Board.

- b. At least nine copies of the preliminary plat shall be presented to the Zoning Officer along with the fee established by the Town Board.
- c. The date of submission of the preliminary plat shall be considered to be the date on which the Planning Board accepts as complete the preliminary plat and all data required by § 212-142E(2). The Planning Board Chair shall note the date on the preliminary plat.
- d. **At least nine copies of the Resource Analysis shall be presented to the Zoning Officer in accordance with Section Q.**

2 Requirements for Major Subdivision Preliminary Plat Review

- A. **Subdivider to Attend Planning Board Meeting. The subdivider, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.**
- B. **The preliminary plat submitted to the Planning Board shall be at an adequate scale to provide detail such as 1" = 50' up to 1" = 200' for parcels under 100 acres and 1" = 200' for parcels of 100 acres or more, shall extend 200 feet past the parcel boundary, and shall show or be accompanied by the following information, except where requirements have been waived: A Preliminary Plat application shall include the following information:**
 - a. The proposed subdivision name, the names of the Town and County in which it is located, the date, a true-north arrow, the map scale, and the names, addresses and phone numbers of all owners of record, the subdivider, and the engineer or surveyor, including license number and seal.
 - b. The names of the owners of record of all adjacent property **and tax parcel numbers of all lots to be subdivided.**
 - c. The zoning district, including exact boundary of districts, where applicable, and any proposed changes in the zoning district lines or the zoning regulations text applicable to the area to be subdivided.
 - d. All parcels of land proposed to be dedicated to public use and the condition of such dedication.
 - e. The locations of existing property lines, easements, buildings, watercourses, marshes, rock outcrops and wooded areas.
 - f. The locations of existing sewers, water mains, **on-site wastewater treatment**, culverts, and drains on the property, with pipe sizes, grades and direction of flow.
 - g. Contours with intervals of ten feet or less as required by the Planning Board, including elevations on existing roads, and an approximate grading plan if natural contours are to be changed more than two feet.
 - h. The width and location of any roads or public ways or places shown on the Official Map of the Ulysses Comprehensive Plan within the area to be subdivided, and the width, location, grades and road profiles of all roads or public ways proposed by the developer.

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- i. The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in standards published by the Tompkins County Health Department. Show profiles of all proposed water and sewer lines. **Proposed provision of water supply and related data includes the following:**
 - i. **Location of any existing wells on site and other proposed lot wells.**
 - ii. **Copies of New York State Department of Environmental Conservation Well Completion Reports for completed well(s) (including the well log and pump test data).**
 - iii. **Any and all water quality testing results.**
 - iv. **Proposed individual water supply system details such as pumps, storage, treatment, controls, etc.**
 - v. **A completed hydrogeological study, as may be required by the Planning Board at its discretion.**
- j. All requirements as specified in local laws of the Town of Ulysses governing storm-water runoff; a storm-water management plan indicating the approximate location, construction and size of swales; and proposed lines and their profiles. The plan must include ramification of connections to existing or alternate means of disposal.
- k. Plans and cross-sections showing the proposed new location and types of sidewalks, lighting standards, trees and landscaping, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and sub-base; the location of manholes, basins, and underground conduits. New features must comply with the Ulysses Subdivision Design Standards, Article XXI, Section 21.3.16.
- l. Preliminary designs of any bridges or culverts which may be required.
- m. The proposed lot lines with the approximate dimensions and area of each lot.
- n. 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 for ingress and egress [utility easements may be less wide] over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision or the Official Map.
- o. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked with an approved pin, pipe or monument as approved by the Town Board, and shall be referred to and shown on the plat.
- p. If the application covers only a part of the subdivider's holding, a map of the entire tract shall be submitted so that the part of the subdivider's holding covered in the application can be considered in the light of the entire holding. This map shall be drawn at a scale of not less than 1:4,800 and shall show an outline of the platted area with its proposed

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roads, and an indication of any probable future roads system with its grades and drainage in the remaining portion of the tract, and any probable future drainage layout of the entire tract.

- q. A copy of any covenants or deed restrictions that are intended to cover all or part of the tract.
- r. Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a significant change in the slope or direction.

3. Clustering of Lots is required as a condition to granting any Major Subdivision approval in the A/R – Agricultural/Rural District.

- A. In order to protect agricultural uses, to preserve the agricultural value of land, to provide for the retention of tracts of sufficient size to be used reasonably for agricultural purposes, and to preserve the open space qualities of the Town, the Planning Board, as a condition of granting subdivision approval, shall require, unless good cause is shown for omission of same, the developer to encumber the larger tracts by deed restrictions, conservation or agricultural easements, or other mechanism satisfactory to the Planning Board, to ensure that such parcels shall remain permanently as open space or agricultural land.
- B. Notwithstanding the density limitations set forth above, any parcel of 50 acres or larger remaining after subdividing off the clustered lots and which has been encumbered in the manner set forth in the immediately preceding subsection, may be further subdivided in accordance with the Cluster Subdivision process in § 212-142 (D).

4 Study of Major Subdivision Preliminary Plat

The Planning Board shall study the practicability of a Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. To verify that all necessary information is discussed and reviewed in this process, the applicant shall complete a Resource Analysis in accordance with Section Q and provide a copy to the Planning Board upon completion. In its review, the Planning Board members may schedule a field visit to the site before the analysis is accepted as complete. 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 Ulysses Comprehensive Plan, the Official Map, and Zoning Regulations.

F. Major subdivision final plat application.

(1) Application.

(a) A subdivider shall, within six months after the approval of a preliminary plat, file with the Planning Board an application for approval of a final subdivision plat in final form, using the approved application blank available from the Zoning Officer. If the final subdivision plat is not submitted for approval within

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six months after the approval of the preliminary plat, the Planning Board may refuse to approve the final subdivision plat and require resubmission of the preliminary plat.

(b) A subdivider intending to submit a final plat for the approval of the Planning Board Chair shall provide the Zoning Officer with a copy of the application and copies as required of the plat, including one in ink on drafting film or an acceptable, equal medium that permits reproductions of the original; the original and one copy of all offers of cession, covenants and agreements; and two prints of all construction drawings.

(2) Major subdivision final plat and accompanying data.

(a) Final plat filing. Any final plat must be stamped by the Planning Board Chair, the Tompkins County Health Department, and the Tompkins County Assessment Department and then must be filed with the County Clerk within 62 days of the Planning Board approval. The County Clerk's filing standards may vary from the review standards of the Town.

(b) The Town's final plat shall show:

[1] Proposed subdivision name or identifying title and the names of the town and county in which the subdivision is located; the names and addresses of the owners of record and of the subdivider; and the name, license number and seal of the New York State licensed land surveyor.

[2] Road lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.

[3] Data acceptable to the Zoning Officer as sufficient to determine readily the location, bearing and length of every street line, lot line and boundary line and as sufficient to reproduce such lines upon the ground. Where applicable, these should be referred to monuments included in the state plane coordinate system, and in any event should be tied to reference points previously established by a public authority.

[4] The length and bearing of all straight lines, radii, length of curves, central angles of curves, and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North arrow.

[5] The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces whose title is reserved by the developer. For any of the latter there shall be submitted with the final subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

[6] 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.

[7] Lots and blocks within a subdivision shall be numbered or lettered in alphabetical order in accordance with the prevailing Town practice.

[8] Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of a licensed engineer or surveyor. When referred to the state plane coordinate system they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town and their location noted and referred to upon the final plat.

[9] All lot corner markers shall be permanently located in a way satisfactory to a licensed engineer or surveyor.

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[10] Pins, pipes or monuments of a type approved by the Town Board 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 a licensed engineer or surveyor.

[11] Construction drawings, including plans, profiles and typical cross-sections as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

G. Endorsement of state and county agencies. Water and sewer facility proposals contained in the final subdivision plat shall be properly endorsed and approved by the Tompkins County Department of Health. Applications for approval on plans for sewer or water facilities shall be filed by the subdivider with all necessary Town, county, and state agencies. Endorsement and approval by the Tompkins County Department of Health shall be secured by the subdivider prior to official submission of the final subdivision plat for approval by the Planning Board.

H. Public hearing and review of the final plat. Within 62 days of the date of submission of a major subdivision final plat in final form for approval, a public hearing shall be held by the Planning Board. This hearing shall be advertised. Advertising shall be at least once in the official newspaper of the Town and at least five days before the hearing. If, however, the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Article XXI, § 212-142E(6) hereof, and modified in accordance with requirements of such approval if such preliminary plat had been approved with modification, the Planning Board may waive the requirement for such a public hearing.

I. Planning Board action on proposed final subdivision plat.

(1) Prescribed time for action. The Planning Board action shall be by resolution to conditionally approve with or without modification; disapprove; or grant final approval to and authorize the signing of the plat by the Chair of the Planning Board. The action is to be taken within 62 days of the public hearing, if one was held, and if no public hearing was held, within 62 days of the date of submission. This time may be extended by written mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat.

(2) Conditional approval. Upon resolution of conditional approval of a final plat, the Planning Board shall empower the Chair of the Planning Board to sign the plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Chair of the Planning Board as conditionally approved, and a copy filed in the Town Clerk's office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved final plat.

(3) Certification by Chair of Planning Board. Upon completion of such requirements, the plat shall be signed by the Chair or designee of the Planning Board.

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(4) Expiration of approval. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted by the circumstances; extensions shall be for additional periods of 90 days each.

J. Required improvements.

(1) Final approval of major subdivision final plat. Before the Planning Board grants final approval of a major subdivision final plat, the subdivider shall follow the procedure set forth in either § 212-142J(2) or (3) below.

(2) Full-cost check or bond. In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check 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 § 277 of Town Law, and further shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year, or such other period as the Planning Board may determine appropriate, not to exceed three years, shall be set forth in the bond as the time within which required improvements must be completed.

(3) Check or bond for completion. The subdivider shall complete all required improvements to the satisfaction of the Zoning Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

(4) Underground utilities map. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by a licensed engineer or surveyor and a map satisfactory to the Zoning Officer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to § 212-142J(3) hereof, then the map shall be submitted prior to endorsement of the plat by the Planning Board Chair. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in § 212-142J(2) hereof, such bond shall not be released until such a map is submitted.

K. Modification of design of improvements. If, at any time during the construction of required improvements, it is demonstrated to the satisfaction of the Zoning Officer that unforeseen conditions make it necessary to modify the location or design of the required improvements, the Zoning Officer may, upon approval by the Chair of the Planning Board or designee, authorize modifications, provided that 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

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Board. The Zoning Officer shall issue any authorization under this subsection in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

L. Inspection of improvements.

(1) Inspection fee. At least five days prior to commencing construction of required improvements, a subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board, in writing, of the time when the subdivider proposes to commence construction of the 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.

(2) Proper installation of improvements. If the Town's Engineer finds, upon inspection of the improvements performed before the expiration date of a performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the Engineer shall so report to the Town Board, Zoning Officer and Planning Board. The Town Board then 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 additional subdivision plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved subdivision plat.

M. Final approval of subdivision plat.

(1) Signature of Planning Board Chair. Upon completion of the requirements in § 212-142I through L hereof and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the Chair or designee of the Planning Board and may be filed by the applicant in the office of the County Clerk.

(2) Prompt filing. Any subdivision plat not so filed or recorded within 62 days of the date upon which the plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.

(3) 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 the Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

N. Public streets and recreation areas.

(1) Public acceptance of roads. 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 the subdivision plat.

(2) Ownership and maintenance of recreation areas. When a park, playground, or other recreation area has been shown on a subdivision plat, approval of the plat shall not constitute an acceptance by the

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Town of the recreation area. The Planning Board shall require the plat or licensed survey map to be endorsed with approved and appropriate restrictions and disclaimers 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.

O. Cluster Subdivisions

1. Purpose

- A. To permanently protect open space and recreational opportunities, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands, in a manner that is consistent with the Town of Ulysses Comprehensive Plan;
- B. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision;
- C. To minimize the total amount of disturbance on the site;
- D. To further the goals and policies of the Town of Ulysses Comprehensive Plan;
- E. To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner;
- F. To achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection in the countryside by requiring cluster subdivisions instead of traditional major subdivisions.

2. Authority

The Planning Board is authorized to approve average density subdivision for parcels in all districts. In addition, the Planning Board, at its discretion, may recommend said average density subdivisions to be clustered on a particular lot as described herein. The Planning Board is authorized to approve a cluster development simultaneously with the approval of a subdivision plat or plats pursuant to Town Law §278. Approval of a cluster development is subject to the provisions set forth in Town Law §278 and these Land Subdivision Regulations. This section supersedes § 278 of the Town Law pursuant to the Town's authority in § 10 of the Municipal Home Rule Law.

3. Applicability

- a. These regulations apply to all properties within the Town. The use of cluster subdivisions is intended to protect tracts of environmentally and scenically significant undeveloped land in the Town, including road corridors and buffer areas, and implement the Town of Ulysses Comprehensive Plan.
- b. Cluster subdivisions result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact development and more design flexibility than traditional subdivisions. Cluster subdivisions must satisfy the standards in this chapter. The procedure for approving cluster subdivisions is described in this Section. Subject to the criteria

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of these regulations, the implementation of conservation subdivision is the primary method of subdivision unless the findings set forth in this chapter allow for subdivision.

4. Request by Subdivider

A subdivider may request the use of Cluster Subdivision under Town Law, Section 278, with respect to presentation of a **Minor Subdivision** Sketch Plat as described in Article XXI, § 212-142A hereof.

5. Sketch Plat

A subdivider **must** present, along with a proposal in accordance with the provisions of Town Law, Section 278, a Cluster Sketch Plat which is consistent with all the criteria established by these Land Subdivision Regulations, including roads being consistent with the road specifications and lots being consistent with Zoning Regulations.

6. Design Process and Standards

- A. At the time of the application for a subdivision approval subject to Cluster Subdivision, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space.
- B. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- C. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- D. Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.
- E. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- F. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

7. Resource Analysis

- A. The Planning Board shall use the Resource Analysis required in this Section to determine the amount of constrained land and other unique features with conservation value. The Planning

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Board shall review the Resource Analysis and make its Conservation Findings. The Resource Analysis and Conservation Findings shall be used as the basis for Sketch Plan Review.

- a. The Planning Board shall make a final determination as to which land has the most conservation value and should be protected from development. This determination shall be based upon an analysis that weighs the relative importance of the environmental resources on the site and shall be expressed in a written report supporting its decision (the Conservation Findings).
 - b. The Planning Board may incorporate information provided by, but not limited to, its own research, site visits, consultants, other qualified experts or agencies or from public comments. If, as a result of the SEQRA review, information arises to cause the Resource Analysis to change, such change will be made at that time, by the Planning Board, in its sole discretion.
- B. The applicant shall prepare the Resource Analysis and submit it to the Planning Board as part of the Sketch Plan. The Resource Analysis shall contain the following information and be subject to the following order: Step One: Identifying Conservation Areas. Identify preservation land by two steps. First, Primary Conservation Areas such as wetlands, riverfront areas, and floodplains regulated by local, state, or federal law and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) must be identified and delineated. Second, the Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas. Applicants shall consult the Town of Ulysses Natural Resources Inventory in preparing the conservation analysis.
1. The conservation analysis shall show lands with conservation value on the parcel and within 200 feet of the boundaries of the parcel, including but not limited to the following:
 - a. Wetlands, watercourses, slopes 15% to 30% and slopes over 30%.
 - b. Prime and statewide important farmland soils, land in active agricultural use, trail corridors, scenic viewsheds, public water supply wellheads, park and recreation land, unfragmented forestland, wildlife corridors and habitats, vernal pools, and historic and archaeological sites, if such areas are specifically identified in the Comprehensive Plan, in the Town of Ulysses Natural Resources Inventory, the New York Natural Heritage Program, in biodiversity maps prepared for the Town by an environmental consulting organization, or in any the Town of Ulysses Agriculture and Farmland protection plan.
 - c. Designated overlay zones for stream corridors, aquifers, scenic protection, and floodplains.
 - d. Buffer areas necessary for screening new development from adjoining parcels.

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e. Stone walls and individual trees or forested areas containing trees that are 18 inches in diameter at breast height (DBH) or larger.

f. Land that has been disturbed or altered in the past and therefore may be more suitable for development. (This does not include land disturbed by an Applicant prior to applying for a development approval.)

g. If identified by the Planning Board or the Town's planning consultant in the course of Sketch Plan discussions, other land exhibiting present or potential future recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value.

2. The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the sketch plan showing land recommended to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management guidelines for such land. The sketch plan shall also show preferred locations for intensive development as well as acceptable locations for less-dense development.

3. The determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board, which shall make written findings supporting its decision (the "conservation findings"). The Planning Board shall not endorse any application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings. The Planning Board's conservation findings shall be subject to revision based upon field analysis of the site and information developed in the course of the SEQRA process.

- C. Step Two: Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency in development patterns. The number of homes enjoying the amenities of the development shall be maximized.
- D. Step Three: Aligning the Road and Trails. Align roads in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
- E. Step Four: Lot Lines. Draw in the lot lines. Cluster subdivisions are intended to allow flexibility while preserving important natural attributes of the land. Density is calculated following a formula based upon the net acreage of the property. In order to determine the net acreage of a given area of land, it is necessary to subtract land that is unbuildable or that presents other development constraints.
 - 1. Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Town. Compact development is encouraged if it advances the protection of significant resources.
 - 2. The minimum lot width and other dimensional standards (except lot size) of § 212-29 Lot Area and Yard Requirements may be waived at the discretion of the Planning Board

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- for any subdivision that meets the policy standards of subsections 4 and 5 below and provided that there is adequate lot area for the siting of on-site wells and on-site wastewater treatment systems where planned. **The limiting factor on lot size in cluster subdivisions is the availability of water and sewer infrastructure.**
3. The Planning Board shall determine appropriate lot sizes in the course of its review of a Cluster Subdivision based upon the criteria established in this section and the requirements of the Tompkins County Department of Health. Town services, if available, and/or private water/sewage systems may be used to meet these requirements. In order to permit a clustered lot configuration, wells and on-site wastewater treatment systems may also be located in areas of protected open space, provided that necessary easements are provided for maintenance of these facilities.
 4. The applicant shall specify dimensional requirements for a proposed Cluster Subdivision by identifying setbacks and other lot dimensions to be incorporated into the Final Plat. The Planning Board may vary bulk requirements to accommodate a Cluster Subdivision. The Planning Board may consider an application to develop a portion of a parcel if a Resource Analysis is provided for the entire parcel.
 5. There shall be no required area, bulk, or dimensional standards in a Cluster Subdivision with the exception of building height and building length as stated in Table A: Dimensional Standards. Where such subdivision abuts an existing residence, all side and rear yard setbacks are required as stated in Table A: Dimensional Standards for the zone where the Cluster Subdivision is located.
 6. Where lot width requirements have been waived, the minimum road frontage for each lot shall not be less than 50 feet.
 7. Side lot lines shall be substantially at right angles or radial to street lines.
 8. Through lots or reverse-frontage lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. An easement of suitable width, across which there shall be no right of access, may be required along the line of lots abutting such road or other disadvantageous use. As an alternate, where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street.
 9. The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval. Private roads may be permitted only by resolution of the Town Board in accordance with Section xxx.
 10. Radius corners shall be provided on the property line substantially concentric with the curb radius corners.

8. Density Bonuses

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The Planning Board may, in its discretion, grant a density bonus for Cluster Subdivisions advancing specific policy goals enumerated below. The density bonus allows additional lots. The number of additional lots is calculated by multiplying the total number of allowed lots by 0.25 (25%) and rounding to the nearest whole number.

Accordingly, and notwithstanding the minimum lot sizes set forth above, the following additional requirements shall apply to Major Subdivisions within the Rural/Agricultural Zone:

1. The maximum density permitted in § 212-29 Lot Area and Yard Requirements may be increased through density bonuses designed to advance important goals of the Comprehensive Plan and Agricultural and Farmland Protection Plan. In accordance with § 261-b of the Town Law of the State of New York, the Town Board of the Town of Ulysses is empowered to provide for a system of zoning incentives or bonuses in exchange for specific environmental, social, economic, or cultural benefits or amenities as the Town Board deems necessary and appropriate and which are consistent with the intent and purpose set forth in the Comprehensive Plan.
2. These density bonuses may be combined to result in a total density bonus not exceeding 25%. The density permitted by this section shall not be reduced as a result of the Resource Analysis required in Q.7. or as a result of the reservation of parkland during the subdivision process. Density bonuses are given at the discretion of the Planning Board based upon written findings by the Planning Board documenting the expected public benefit. Density bonuses are calculated by first determining the allowable base density under § 212-29 Lot Area and Yard Requirements and then multiplying that number by 100% plus the percentages that follow:
 - i. If the applicant allows public access to protected open space on the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town (such as a trail connector or access to an important natural area): a maximum of 10% density bonus.
 - ii. If the applicant preserves at least 80% of the parcel as working farmland (including the creation and preservation of new working farmland): a maximum of 20% density bonus.
 - iii. If the applicant preserves at least 80% of the parcel as permanent open space: a maximum 20% density bonus. The requirements for permanent open space are provided in Section V, Parks, open space, and natural features.
 - iv. energy efficiency (LEED)
 - v. road frontage protection
 - vi. buffers to waterways and ditches (both distance and vegetated)
 - vii. stormwater retention infrastructure

9. Preservation of Open Space

- A. If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner's association, private

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landowner(s), a utility company, a non-profit organization, or the Town or other governmental entity, as long as it is permanently protected from development by a conservation easement held by a unit of government or qualified conservation organization.

B. Permanent Preservation by Conservation Easement

- a. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry and silviculture, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the New York State General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Tompkins County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. The Town shall maintain a current map which displays all lands subject to conservation easements or deed restrictions.
- b. The conservation easement shall limit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry and silviculture shall be conducted in conformity with applicable New York State Department of Environmental Conservation best management practices.

C. Ownership of Open Space Land

- a. Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be held in private ownership, offered for dedication to Town, County, or State governments, transferred to a qualified not-for-profit conservation organization acceptable to the Planning Board, owned in common by a homeowner's association (HOA), or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.
- b. If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
 - i. The HOA must be established before the approved subdivision Final Plat is signed, and must comply with all applicable provisions of the General Business Law.
 - ii. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance,

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- and maintenance of common open space, private roads, and other common facilities.
- iii. The open space restrictions must be in perpetuity.
- iv. The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
- v. Property owners must pay their pro rata share of the costs and the assessment levied by the HOA must be able to become a lien on the property.
- vi. The HOA must be able to adjust the assessment to meet changed needs.
- vii. The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the Town. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder, or to pay its real property taxes.
- viii. Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
- ix. The attorney for the board reviewing the application shall find that the HOA documents presented satisfy the conditions in Subsections (a) through (h) above and such other conditions as the Planning Board shall deem necessary.

P. General requirements and design standards. In considering applications for subdivision of land, the Planning Board shall be guided by the following principles and the standards set forth in § 212-142Q through V hereof. The standards shall be considered minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article XXI, § 212-142W hereof.

(1) 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.

(2) Conformity to Official Map and Ulysses Comprehensive Plan. Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Ulysses Comprehensive Plan.

(3) Specifications for required road improvements. All required improvements shall be constructed or installed to conform to the Town specifications, which are found below. Further specifications and consultation may be obtained from the Zoning Officer.

Q. Road considerations.

(1) Statement of acceptance. All roads that are to be dedicated as public roads must comply with the standards set forth in this document. All access roads that are not to be dedicated as public roads must comply with § 280-a of Town Law. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements and rights-of-way. A written statement of acceptance must be filed by the Highway Superintendent and the Town Attorney before any road shall be accepted by the Town Board.

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(2) Width, location, and construction. Roads shall be sufficiently wide, suitably located, and adequately constructed to conform to the Ulysses Comprehensive Plan and to accommodate the prospective traffic and afford access for firefighting, snow removal and other road-maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. Refer to Article XXI, § 212-142R hereof for roads that are to be turned over to and maintained by the Town.

(3) Arrangement of roads.

(a) The arrangement of roads in a subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water lines and drainage facilities. Subdivisions 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 exist, or streets on an approved subdivision plat for which a bond has been filed.

(b) Where, in the determination of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

(4) Minor roads. Minor roads shall be so laid out that their use by through traffic will be discouraged.

(5) Special treatment along major arterial roads. When a subdivision abuts or contains an existing or proposed major arterial road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary to afford adequate protection of residential properties and to afford separation of through and local traffic.

(6) Loop roads and circle drives. The creation of loop residential roads will be encouraged wherever the Planning Board finds that such roads are needed or desirable. Circle drives create problems for snow plowing and are discouraged. The Planning Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street.

(7) Dimensions of blocks. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot-wide paved foot path be included.

(8) Openings for minor roads. Minor or secondary road openings into such roads shall, in general, be at least 500 feet apart.

(9) Road jogs. Road jogs with center-line offsets of less than 125 feet shall not normally be permitted.

(10) Angles of intersection. The angle of intersection for all roads shall be such that for a distance of at least 100 feet a road is within 10° of a right angle to the road it joins.

(11) Roads' relation to topography. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of roads shall conform as closely as possible to the original topography.

Existing text shown in black – *changes proposed to existing code shown in red*

(12) Borders with railroad or limited-access highway rights-of-way. Where a subdivision borders on or contains a railroad right-of-way or a limited-access highway right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

R. Road design.

(1) Guidelines.

(a) Rights-of-way:

[1] Major roads: sixty-six-foot right-of-way, forty-foot minimum pavement width (four travel lanes).

[2] Local roads: sixty-foot right-of-way, twenty-foot minimum pavement width (two travel lanes).

[3] Additional rights-of-way may be required where deep cuts or fills are needed.

(b) Width of road: twenty-foot minimum pavement width, lanes ten-foot minimum width.

(c) Shoulder width: six-foot minimum width.

(d) Sight distance: Sight distance shall be at least 300 feet for intersections, horizontal curves and vertical curves.

(e) In all cases where lots of less than two-hundred-foot frontage are shown on the highway, alignment shall accommodate a potential future five-foot-wide sidewalk on the side along the highway right-of-way.

(2) Construction specifications (Refer to Figure 2[11]).

(a) Before any gravel is placed, the subgrade shall be crowned to a five-percent grade and shall be well compacted.

(b) Adequate ditches shall be provided by the builder. The minimum ditch grade shall be 0.5%. The Town will maintain ditches after acceptance of road.

(c) Culverts shall be placed in natural waterways, at low spots in grade, and in other spots where required. Builder will furnish culverts and install head walls if requested by the Highway Superintendent. All culvert sizes and lengths shall be determined and culvert designs approved by the Highway Superintendent before installation.

(d) Under drains shall be placed in low, wet areas where side hill seepage is encountered or in other areas where required.

(e) Approved gravel base shall be placed six inches to 18 inches deep from ditch to ditch and well compacted. All depth measurements refer to compacted depths. The top lift shall be crushed gravel or crusher-run stone, 20 feet wide and six inches deep centered on base and compacted. The total compacted depth of gravel shall be 12 inches to 24 inches. Gravel base will be compacted at six- to eight-inch lifts, top grade compacted at the six-inch lift.

(f) All roads must be paved with either a liquid bituminous material or a plant-mixed bituminous concrete material. Base course three inches minimum, top course two inches minimum.

(g) Crown on road: two-percent grade.

(h) If considered necessary for road maintenance purposes, the Highway Superintendent may require greater road curve radii than the standards in the following sections.

Existing text shown in black – *changes proposed to existing code shown in red*

[11]

Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(3) Further road improvements, including fire hydrants and lighting. Roads shall be graded and improved with pavement. In addition, roads may require curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, street trees and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town's Engineer. Such grading and improvements shall be approved as to design and specifications by the Town's Engineer.

(a) Fire hydrants shall conform to all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York and the Town of Ulysses specifications or laws for public water service.

(b) Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town Electrical Inspector.

(4) Underground utilities. The Planning Board shall require that underground utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved. Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

(5) Grades. Grades of all roads shall conform in general to the terrain, and shall not be less than 0.5% nor more than 6% for major or collector roads, or 10% for minor roads in residential zones, but in no case more than 3% within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town's Engineer so that clear visibility shall be provided for a safe distance.

(6) Curves at intersections. All road right-of-way lines at intersections shall be rounded by curves of at least a twenty-foot radius, and curbs shall be adjusted accordingly. (Refer to Figure 3.[12])

[12] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(7) Visibility. Visibility at intersections shall be maintained. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road) which is shown shaded on the figure below shall be cleared of all growth (except isolated trees) and obstructions above a level three feet higher than the center line of the road. If such is directed, ground shall be excavated to achieve visibility. (Refer to Figure 4[13].)

[13] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

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(8) Circle drive requirements. Circle drive roads shall terminate in a circular turnaround having a minimum outside right-of-way diameter of 220 feet and a minimum right-of-way width of 60 feet. Circle drive roads are to be discouraged and a loop road used instead. At the end of a temporary dead-end road, the developer should put in a temporary hammerhead turnaround. (Refer to Figure 5.[14])

[14] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(9) Loop roads. The two intersections of a loop road with the main road must be a minimum of two lot depths apart. (Refer to Figure 6.[15])

[15] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(10) Watercourses. Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Highway Superintendent or the Town's Engineer. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Highway Superintendent or the Town's Engineer, which in no case shall be less than 20 feet in width.

(11) Curves at deflecting roads. In general, road 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 from the center line of the street shall not be less than 400 feet on major roads, 200 feet on local roads, and 100 feet on minor roads. (Refer to Figure 7.[16])

[16] Editor's Note: Said Figure is on file and available for inspection in the Town offices.

(12) Service roads. Paved rear service roads of not less than 20 feet in width, or in lieu thereof, adequate off-road loading space, surfaced with a suitable, dust-free material, shall be provided in connection with lots designed for commercial use.

(13) Commercial zones. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the road width shall be increased by such an amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such a commercial or business district.

S. Road names.

(1) All road names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters.

(2) Proposed road names shall be substantially different so as not to be confused in sound or spelling with present names in this or nearby municipalities, except that roads that join or are in alignment with roads of an abutting or neighboring property shall bear the same name. Generally, no road should change direction sharply or at a corner without a change in name.

T. Lots.

(1) Lots shall be buildable. The lot arrangement shall be such that in constructing a building in compliance with the zoning regulations, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots approved in a subdivision cannot be further divided.

Existing text shown in black – *changes proposed to existing code shown in red*

(2) Side lines. All side lines of lots shall be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give a better road or lot plan.

(3) Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site, and to avoid obstruction of free visibility at the roadway intersection. See Article XXI, § 212-142R(7).

(4) Driveway access. Driveway access and grades shall conform to specifications of the Town Law. Driveway grades between the street and the setback line shall not exceed 10%.

(5) Access from private roads. Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with these regulations.

(6) Monuments and lot corner markers. Monuments and lot corner markers shall be permanent monuments meeting specifications approved by the Town Board as to size, type and installation; they shall be set at such block corners, angle points, points of curves in streets and other points as the Town's Engineer may require; and their location shall be shown on the subdivision plat.

U. Drainage improvements.

(1) Stormwater runoff. All subdivisions are subject to all New York State and local laws governing stormwater runoff.

(2) Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away by pipe or watercourse any spring or surface water that may exist either previous to, or as a result of, a subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

(3) Drainage structure to accommodate potential development upstream. Any culvert or other drainage facility shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision. The Town's Engineer shall approve the design and size of the facility on the basis of anticipated runoff from a ten-year storm under conditions of total potential development permitted by the zoning regulations in the watershed.

(4) Downstream drainage. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town's Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of such condition.

(5) Land subject to flooding. Land subject to flooding shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or improved in a manner satisfactory to the Planning Board to remedy the hazardous conditions.

V. Parks, open spaces, and natural features.

Existing text shown in black – *changes proposed to existing code shown in red*

(1) Open space to be shown on plat. Where a proposed park, playground, or open space shown on the Town 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 § 212-142V(2) hereof. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.

(2) Parks and playgrounds not shown on Town Plan.

(a) The Planning Board shall require that a plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.

(b) The Board shall require that not less than three acres of recreation space be provided for 100 dwelling units shown on the plat. However, in no case shall the Board require more than 10% of the total area to be set aside in the subdivision. Such area or areas may be dedicated to the Town 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, prior to final approval, submit to the Board eight prints (one on Mylar) drawn in ink showing, at a scale not smaller than 1:300, such area and the following features thereof:

(a) The boundaries of the area, giving metes and bounds 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 area and of areas immediately adjacent.

(4) Waiver of plat designation of area for parks and playgrounds. In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for a 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 Ulysses in an amount established by the Town Board. Payment shall be per gross acre 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 § 212-142V. Such amount shall be paid to the Town at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that:

(a) Is suitable for public park, playground or other recreational purposes.

(b) Is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies.

(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, providing the Town Board finds there is a need for such improvements.

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(5) Reserve strips. Reserve strips of land which might be used to control access from a proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.

(6) Preservation of natural features. The Planning Board shall, wherever possible, seek to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of 20 inches or more at breast height shall be removed unless the tree is within the right-of-way of a street as shown on the final subdivision plat or the tree is damaged or diseased.

Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 20 inches or more as measured at breast height above the base of the trunk be indicated to be removed without prior approval by the Planning Board. All trees 20 inches in diameter or greater at breast height shall be shown on the plat or survey map.

W. Waivers of certain required improvements.

(1) Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the Board may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Ulysses Comprehensive Plan or this chapter.

(2) In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.