

TOWN OF ASHLAND
LAND SUBDIVISION REGULATIONS

Prepared by: The Town of Ashland Planning Board

As Amended: March 11, 2002

REGULATIONS AND ORDINANCES
FOR THE
TOWN OF ASHLAND

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ARTICLE 1

DECLARATION OF POLICY

By the authority of the resolution of the Town Board of the Town of Ashland, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Ashland is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary plats. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the official map, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire fighting equipment to buildings and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known

as, and which may be cited as the “Town of Ashland Subdivision Regulations” have been adopted by the Planning Board and approved by the Town Board as amended on March 11, 2002.

ARTICLE II

DEFINITIONS

FOR THE PURPOSE OF THESE REGULATIONS, CERTAIN WORDS AND TERMS USED HEREIN ARE DEFINED AS FOLLOWS:

SUBDIVISION: means any tract of land which is divided into three or more parcels after the effective date of these amended regulations, along an existing or proposed street, highway, easement of right-of-way, for sale or for rent, regardless of whether the parcels are contiguous. Property shall not be deemed a parcel if by deed restriction building suitable for human occupation are prohibited thereon. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of (a) the third parcel within any consecutive three year period if the tract is not part of a subdivision previously approved pursuant to these amended regulations or (b) the second parcel at any time if the tract is part of a subdivision previously approved pursuant to these amended regulations. The word “tract” shall mean any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

MAJOR SUBDIVISION: means any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

MINOR SUBDIVISION: means any subdivision containing not more than four (4) lots fronting on an existing street, highway, easement, or right of way for sake or rent not involving any new street or road or the extension of municipal facilities, and not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, official map, or zoning ordinance, if such exists, of these regulations.

SKETCH PLAN: means a sketch of a proposed subdivision showing the information specified in Article V, Section 1 of these regulations to enable the sub-divider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

PRELIMINARY PLAT: means a drawing or drawings clearly marked “preliminary plat” showing the layout of a proposed subdivision, as specified in Article V, Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final

form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SUBDIVISION PLAT OR FINAL PLAT: means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed and recorded by the applicant in the Office of the County Clerk.

STREET: means and includes streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.

MAJOR STREET: means a street which serves or is designed to serve heavy flow of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

COLLECTOR STREET: means a street which serves or is designated to serve as a traffic way for a neighborhood or as a feeder to a major street.

MINOR STREET: means a street intended to serve primarily as an access to abutting properties.

DEAD END STREET OR CUL DE SAC: requires dead end streets to go to the end of property lines, so that other neighboring property owners may continue the proposed street or road on their side in order to discourage dead end street and cul-de-sacs.

STREET PAVEMENT: means the wearing or exposed surface of the roadway used by vehicular traffic.

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

EASEMENT: means authorization by a property owner for the use by another and for a specified purpose of any designated part of the owners property.

PLANNING BOARD: means the Planning Board of the Town of Ashland.

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

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

LICENSED ENGINEER: means an engineer or a licensed land surveyor with an education law section 7208(n) special exemption who is retained by the Town at the expense of the subdivider. Whenever appropriate, the Town Highway Superintendent or members of the Town Planning Board shall be designated to act as a substitute for the licensed engineer upon specific authorization by the Town Planning Board.

SURVEYOR: means a person licensed as a land surveyor by the State of New York.

SUB-DIVIDER: means any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for itself or others.

CLERK OF THE PLANNING BOARD: means that person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.

ARTICLE III

PROCEDURE IN FILING SUBDIVISION APPLICATIONS

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

SECTION 1. SKETCH PLAN

A. SUBMISSION OF SKETCH PLAN AND DETERMINATION OF APPLICABILITY

Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Clerk of the Planning Board at least ten(10) days prior to the regular meeting of the Board, two (2) copies of a sketch plan of the proposed subdivision which, unless the subdivision proposal is specifically exempted from Town review according to the definition of the term “subdivision” as found in Article II of these regulations, shall comply with the requirements of Article V, Section I, for the purposes of classification and preliminary discussion.

If the proposed subdivision is exempted under the definition, the sketch plan will be stamped by the Clerk of the Planning Board as “accepted for filing” and no Planning Board review is required. If the proposed subdivision is not exempted under the definition, the subdivider shall be instructed to proceed as outlined below, under Section B.

B. DISCUSSION OF REQUIREMENTS AND CLASSIFICATION

The sub-divider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.

Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. The Board may

require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the sub-divider shall then comply with the procedure outlined in Article III, Sections 2 and 6 of these regulations. If it is classified as a major subdivision, the sub-divider shall then comply with the procedures outlined in Article III, Section 3,4,5,6, and 7.

For a period of three (3) years after approval of any minor subdivision, any application for re-subdivision of any parcel thereof, by the original sub-divider or any entity in which the original sub-divider has a controlling interest shall be deemed to include all parcels of the original subdivision for purposes of fee calculation or for purposes of classification of the re-subdivision as a major or minor subdivision.

C. STUDY OF SKETCH PLAN

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

SECTION 2. APPROVAL OF MINOR SUBDIVISION

A. APPLICATION AND FEE

Within six (6) months after classification of the sketch plan as a minor subdivision by the Planning Board, the sub-divider shall submit an application for approval of a subdivision plat. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article V, Section 2-A. All applications for plat approval for minor subdivisions shall be accompanied by a fee of \$10.00 dollars.

B. NUMBER OF COPIES

Five (5) copies of the subdivision plat shall be presented to the Clerk of the Planning Board at the time of submission of the subdivision plat.

C. SUB-DIVIDER TO ATTEND PLANNING BOARD MEETING

The sub-divider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.

D. WHEN OFFICIALLY SUBMITTED

The time of submission of the subdivision plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and all data required by Article V, Section 2 of these regulations have been filed with the Clerk of the

Planning Board.

E. PUBLIC HEARING

A public hearing shall be held by the Planning board within forty-five (45) days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the town at least ten (10) days before such hearing. Proof of notification must be via letters to adjacent land owners with returned signed receipts of certified letters given to the Planning Board.

F. ACTION ON SUBDIVISION PLAT

The Planning Board shall within forty-five (45) days from the date of the public hearing, act to conditionally approve, with modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the sub-divider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in his office, and a certified copy mailed to the sub-divider. The copy mailed to the sub-divider shall include a certified statement of such requirements which when completed will authorize the signing of the conditionally approved plat. Upon the completion of such requirements, the plat shall be signed by the duly designated Officer of the Planning Board. Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time.

The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature if in its opinion such extension is warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

SECTION 3. PRELIMINARY PLAT FOR MAJOR SUBDIVISION

A. APPLICATION AND FEE

Prior to the filing of an application for the approval of a major subdivision plat, the sub-divider shall file an application for the approval of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked as "Preliminary Plat" and shall be in the form described in Article V, Section 3, hereof. The preliminary plat shall, in all respects,

comply with the requirements set forth in the provision of Sections 276 and 277 of the Town Law and Article V, Section 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board.

The application for approval of the preliminary plat shall be accompanied by a fee of one hundred dollars (\$100.00), plus fifty dollars (\$50.00) per lot for each lot in the proposed subdivision.

B. NUMBER OF COPIES

Five (5) copies of the preliminary plat shall be presented to the Clerk of the Planning Board at the time of submission of the preliminary plat.

C. SUB-DIVIDER TO ATTEND PLANNING BOARD MEETING

The sub-divider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

D. STUDY OF PRELIMINARY PLAT

The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of the 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, ORDINANCES ESTABLISHING SPECIFICATIONS FOR THE DEDICATION OF TOWN ROADS AND STREETS, STRUCTURE ORDINANCE AND TRAILER ORDINANCE and other applicable local ordinances, laws and regulations. The town engineer shall review the preliminary plat and report its findings to the Planning Board.

E. WHEN OFFICIALLY SUBMITTED

The time of submission of the preliminary plat shall be considered to be the date on which, the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, Section 3 of these regulations has been filed with the Clerk of the Planning Board.

F. APPROVAL OF THE PRELIMINARY PLAT

Within forty-five (45) days after the receipt of such "Preliminary Plat" by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the town at least ten (10) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Within (45) days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in

which the Planning Board must take action on such plat, may be extended by mutual consent of the sub-divider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing, any modifications, as it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such preliminary plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in the Planning Board Clerk's Office, a certified copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within such a forty-five (45) day period shall constitute approval of the preliminary plat.

When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the preliminary plat; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, and (3) the amount of improvement or the amount of all letters of credit therefore which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations.

SECTION 4. PLAT FOR MAJOR SUBDIVISION

A. APPLICATION FOR APPROVAL AND FEE

The sub-divider shall, within six (6) months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application blank available from the Clerk of the Planning Board. All applications for plat approval for major subdivisions shall be accompanied by a fee of \$100.00. If the final plat is not submitted within six (6) months after the approval of the preliminary plat, the Planning Board may refuse to approve the final plat and required re-submission of the preliminary plat.

B. NUMBER OF COPIES

A sub-divider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Clerk of the Board with a copy of the application and three (3) copies (one copy in ink on film or an acceptable equal) of the plat, the original and one true copy of all offers of cession, covenants, and agreement and two (2) prints of all construction drawings.

C. WHEN OFFICIALLY SUBMITTED

The time of submission of the subdivision plat shall be considered to be the date on which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V, Section 4 of these regulations, has been filed with the Clerk of the Planning Board.

D. ENDORSEMENT OF STATE COUNTY AGENCIES

Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the New York State DEP and/or the New York Department of Health, whichever approval is necessary. Applications for approval of plans for sewer or water facilities will be filed by the sub-divider with all necessary Town, County and State agencies. Endorsement and approval by the New York State Department of Health shall be secured by the sub-divider before official submission of the subdivision plat.

E. PUBLIC HEARING

Within forty-five (45) days of the submission of a plat in “final form” for approval a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least ten (10) days before such hearing. Proof of notification via certified letters with receipts to adjoining land owners with returned signed receipts must be given to the Planning Board.

F. ACTION ON PROPOSED SUBDIVISION PLAT

The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within forty-five (45) days of its receipt by the Clerk of the Planning Board. This time may be extended by mutual consent of the sub-divider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

Upon resolution of conditional approval of such final plat the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution the plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in the Clerk’s office and a certified copy mailed to the sub-divider. The copy mailed to the sub-divider shall include a certified statement of such requirements which when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the plat shall be signed by three (3) duly authorized officers of the Planning Board. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. However, the Planning Board may extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

SECTION 5. REQUIRED IMPROVEMENTS

A. IMPROVEMENTS AND LETTERS OF CREDIT

Before the Planning Board grants final approval of the subdivision plat, the sub-divider shall follow the procedure set forth in either sub-paragraph (1) or sub-paragraph (2) below:

1. In an amount set by the Planning Board the sub-divider shall either file with the

Town Clerk a certified check to cover the full cost of the required improvements or the sub-divider shall file with the Town Clerk a letter of credit to cover the full cost of the required improvements. Any such letter of credit shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner for execution and surety. A period of one (1) year (or such other period as the Planning Board may determine appropriate, not to exceed three (3) years shall be set forth in the letter of credit with which required improvements must be completed.

2. The sub-divider shall complete all required improvements to the satisfaction of the licensed engineer, who shall be retained at the expense of the sub-divider, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the sub-divider shall file with the Town Clerk a letter of credit or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the licensed engineer. Any such letter of credit shall be satisfactory to the Town Board and Town Attorney as to form sufficiency, manner of execution and surety.
3. The required improvements shall not be considered to be complete until the installation of the improvements has been approved by the licensed engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the sub-divider completes all required improvements according to sub-paragraph (2) , then, said map shall be submitted prior to endorsements of the plat by the Planning Board. However, if the sub- divider elects to provide a letter of credit or certified check for all required improvements as specified in sub-paragraph (1), such letter of credit shall not be released until such a map is submitted.

B. MODIFICATION OF DESIGN OF IMPROVEMENTS

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

C. INSPECTION OF IMPROVEMENTS

At least five (5) days prior to commencing construction of required improvements the sub-divider 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 sub-divider proposes to commence

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

D. PROPER INSTALLATION OF IMPROVEMENTS

If the licensed engineer shall find, upon inspection of the improvements performed before the expiration date of a letter of credit, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the sub-divider, the engineer shall so report to the Town Board, Building Inspector, and Planning Board. The Town Board then shall notify the sub-divider, and take all necessary steps to preserve the Town's rights under the letter of credit. No plat shall be approved by the Planning Board as long as the sub-divider is in default on a previously approved plat.

SECTION 6. FILING OF APPROVED SUBDIVISION PLAT

A. Upon completion of the requirements in sections 4 and 5 above, and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the Office of the County Clerk. Any subdivision plat not so filed or recorded within thirty (30) days of the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act, shall become null and void.

B. PLAT VOID IF REVISED AFTER APPROVAL

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

SECTION 7. PUBLIC STREET, RECREATION AREAS

A. PUBLIC ACCEPTANCE OF STREETS

The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such subdivision plat.

B. OWNERSHIP AND MAINTENANCE OF RECREATION AREAS

When a park, playground, or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication, and provision for the cost of grading development, equipment, and maintenance of any such recreation area or a cash amount of \$200.00 per parcel or lot payable by the sub-divider upon Planning Board approval. In the event any parcel or lot is thereafter to have a multiple family dwelling constructed thereon, an additional \$200.00 per residential unit shall be payable by the building permit applicant upon issuance of such permit.

ARTICLE IV

GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering application for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

SECTION 1. GENERAL

A. CHARACTER OF LAND

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

B. CONFORMITY TO OFFICIAL MAP AND MASTER PLAN

Subdivision shall conform to the Official map of the Town and shall be in harmony with

the master plan, if such exists.

C. SPECIFICATIONS FOR REQUIRED IMPROVEMENTS

All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the licensed engineer.

SECTION 2. STREET LAYOUT

A. WIDTH, LOCATION, AND CONSTRUCTION

Streets shall be of sufficient width, suitably located and adequately constructed to conform with the Town Ordinance for the Dedication of Town Roads and Streets, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. Final topping on roads or streets in approved subdivisions shall be applied no earlier than three (3) months prior to dedication to the town and only during the calendar period June 1 to September 1. Thirty percent (30%) of the sum filed with the Town Clerk by a certified check or letter of credit pursuant to Article III, Section 5A hereof shall be held until the Town Attorney certifies that such road or street has been duly and lawfully dedicated to the Town. In all subdivisions which include roads and streets, the sub-divider shall (a) commit by documentation to be approved by the Town Attorney to plow, repair and maintain such road or street for so long as the same are not public highways dedicated to the Town or (b) recorded with the Greene County Clerk's Office in a form to be approved by the Town Attorney an enforceable "Road Maintenance Agreement" requiring guarantees of lots in the subdivision to be responsible for such plowing, repairing, and maintenance.

B. MINOR STREETS

Minor streets shall be so laid out that their use by through traffic will be discouraged.

C. SPECIAL TREATMENT ALONG MAJOR ARTERIAL STREETS

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

D. PROVISION FOR FUTURE RE-SUBDIVISION

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district, if any, in which a subdivision is located, the Board may require that streets

and lots be laid out so as to permit future re-subdivisions in accordance with the requirements contained in these regulations.

E. DEAD-END STREETS

In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two (2) street connections with existing public streets, or streets shown on the official map, if such exists, or streets on an approved subdivision plat for which a letter of credit has been filed.

F. BLOCK SIZE

Blocks generally shall not be less than 400 feet, nor more than 1200 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 (20) 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 (4) foot wide paved foot path be included.

G. INTERSECTIONS WITH COLLECTOR OR MAJOR ARTERIAL ROADS

Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.

H. STREET JOGS

Street jogs with center line offsets of less than 125 feet shall be avoided.

I. RELATION TO TOPOGRAPHY

The street 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 sides as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

SECTION 3. STREET DESIGN

A. UTILITIES AND STREETS

The Planning Board shall, wherever possible, require that utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention.

B. UTILITY EASEMENTS

Where topography is such as to make impractical the inclusion of utilities within the street right-of-way, perpetual unobstructed easement at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the street. 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.

C. CHANGES IN GRADE

All changes in grade shall be connected by vertical curves of such length and radius as met with the approval of the licensed engineer so that clear visibility shall be provided for safe distance.

D. STEEP GRADES AND CURVES; VISIBILITY OF INTERSECTIONS

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded on Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

E. WATERCOURSES

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the licensed engineer.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the licensed engineer, and in no case less than twenty (20) feet in width.

F. CURVE RADII

In general, street lines within a block, deflecting from each other at any one (1) point by more than ten (10) degrees, shall be connected with a curve, the radius of which for the centerline

of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

G. SERVICE STREETS OR LOADING SPACE IN COMMERCIAL DEVELOPMENT

Paved rear service streets of not less than twenty (20) feet in width, or in lieu thereof, adequate off-street loading space, suitable surfaced, shall be provided in connection with lots designed for commercial use.

H. FREE FLOW OF VEHICULAR TRAFFIC ABUTTING COMMERCIAL DEVELOPMENT

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 street width shall be increased by such 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 commercial or business district.

SECTION 4. STREET NAMES

A. TYPE OF NAME

All street names shown on a preliminary plat or subdivision plat, shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.

B. NAMES TO BE SUBSTANTIALLY DIFFERENT

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names. Streets which join or are in alignment with streets of any abutting or neighboring property may bear the same name.

SECTION 5. LOTS

A. LOTS TO BE BUILD ABLE

The lot arrangement shall be such that in constructing a building there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

B. 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.

C. DRIVEWAY ACCESS

Driveway access and grades shall conform to specifications of the Town Driveway Ordinance, if one exists. Driveway grades between the street and the setback line shall not exceed ten (10) percent.

D. ACCESS FROM PRIVATE STREETS

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

E. MONUMENTS AND LOT CORNER MARKERS

Permanent monuments meeting specifications approved by the licensed engineer as to size, type and installation, shall be set at such block corners, angle points of curves in streets and other points as the licensed engineer may require, and their location shall be shown on subdivision plat.

SECTION 6. DRAINAGE IMPROVEMENTS

A. REMOVAL OF SPRING AND SURFACE WATER

The sub-divider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

B. DRAINAGE STRUCTURE TO ACCOMMODATE POTENTIAL DEVELOPMENT UPSTREAM

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The licensed engineer shall approve the design and size of facility.

C. RESPONSIBILITY FOR DRAINAGE DOWNSTREAM

The sub-divider'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 licensed engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a five (5) 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 said condition.

D. LAND SUBJECT TO FLOODING

Land subject to flooding or land deemed by the Planning Board to be uninhabitable as set forth in the Ashland Flood Zoning Ordinance 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 said hazardous conditions.

SECTION 7. PARKS, OPEN SPACES, AND NATURAL FEATURES

A. RECREATION AREAS SHOWN ON TOWN PLAN

Where a proposed park, playground or open space shown on the town plan is located in the whole or in part of a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in paragraph (B) below. Such area or areas may be dedicated to the Town or County by the sub-divider if the Town Board approves such dedications.

B. PARKS AND PLAYGROUNDS NOT SHOWN ON TOWN PLAN

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

The Board shall require that not less than two (2) acres of recreation space be provided per 100 dwelling units shown on the plat. However, in no case shall the amount be more than ten (10) percent of the total area of the subdivision. Such area or areas may be dedicated to the Town by the sub-divider if the Town Board approves such dedication. Appropriate legal measures should be taken to assure that such land can never be developed for other than recreational purposes.

C. 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 sub-divider shall submit, prior to final approval, to the Board three (3) prints (one on film) drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

- a. The boundaries of the said area, giving lengths and bearing of all straight line, radii, lengths, central angles and tangent distances of all curves.
- b. Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures, and wetlands.

- c. Existing, and if applicable, proposed changes grade and contours of the said area and of area immediately adjacent.

D. WAIVER OF PLAT DESIGNATION OF AREA FOR PARKS AND PLAYGROUNDS (APPLIES TO MAJOR SUBDIVISION ONLY).

In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for parks, 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 may then require as a condition to approval of the plat a payment to the town of a cash amount as set forth in Article III, Section 7B. 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 Article IV, Section 7B. Such amount shall be paid to the Town Board at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special town recreation site acquisition and improvement fund to be used for the acquisition of land for recreational purposes that (a) is suitable for permanent 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, and (c) shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, providing the Planning Board finds there is a need for such improvements.

E. RESERVE STRIPS PROHIBITED

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

F. PRESERVATION OF NATURAL FEATURES

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

ARTICLE V

DOCUMENTS TO BE SUBMITTED

SECTION 1. SKETCH PLAN

- A. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:
1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 2. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Topographic conditions are significant: contours shall also be indicated at intervals of not more than ten (10) feet.
 3. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
 4. The tax map sheet, block and lot numbers, if available.
 5. All the utilities available, and all streets which are either proposed, mapped or built.
 6. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply (see section 2-A3 within the subdivided areas).
 7. All existing restrictions on the use of lands including easements, covenants, or zoning lines.

SECTION 2. MINOR SUBDIVISION PLAT

- A. In the case of minor subdivision ONLY, the subdivision plat application shall include the following information:
1. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
 2. All on-site sanitation and water supply facilities shall be designed to meet the

minimum specifications of the State Department of Health, and a note to this effect shall be stated on the plat and signed by the licensed engineer.

3. The plat to be filed with the County Clerk shall be printed on drafting film or be clearly drawn in MYLAR upon drafting film. The size of the sheet shall be 24 to 36 inches.

SECTION 3. MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for approval:

- A. Five (5) copies of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch showing:
 1. Proposed subdivision name, name of town and county in which it is located, dated true north point, scale, name and address of record owner, sub-divider and engineer or surveyor including license number and seal.
 2. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
 3. Zoning district, if any, including exact boundary lines of district, if more than one (1) district, and any proposed changes in the zoning district lines and/or zoning ordinances text applicable to the area to be subdivided.
 4. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 5. Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
 6. Location of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades and direction of flow.
 7. Contours with intervals of twenty (20) feet or less as required by the Board, except when roads are involved. When roads are involved it should remain at two (2) foot intervals. Approximate grading plan if natural contours are to be changed more than two (2) feet.
 8. The width and location of any street or public ways or places shown on the official map or the master plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public way proposed by the developer.
 9. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law, profiles of all proposed water and sewer lines.

10. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
 11. Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
 12. Preliminary designs of any bridges or culverts which may be required.
 13. The proposed lot lines with approximate dimensions and area of each lot.
 14. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
 15. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by the licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the licensed engineer and shall be referenced and shown on the plat.
- B. If the application covers only a part of the sub-divider's entire holding (s), the sub-divider shall submit a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract. The part of the sub-divider's entire holding (s) submitted shall be considered in the light of the entire holding (s).
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

SECTION 4. MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for plat approval:

- A. The plat to be filed with the County Clerk shall be printed on drafting film, or be clearly drawn on MYLAR upon drafting film. The size of the sheets shall be 24 inches by 36 inches, including a margin for binding of two (2) inches, outside of the border, along the left side and a margin of one (1) inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one (1) sheet is required an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The plat shall show:

1. Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of record owner and sub-divider name, licensed number and seal of the licensed land surveyor.
 2. Street lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.
 3. Sufficient data acceptable to the licensed engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State System of Plane Coordinates, and in any event should be tied to reference points previously established by a public authority.
 4. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true north point.
 5. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat, copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made 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 and 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 specification of the licensed engineer. When referenced to the State System of Plane Coordinates they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the licensed engineer and their location noted and referenced upon the plat.
 9. All lot corner markers shall be permanently located satisfactorily to the licensed engineer, at least three-quarter ($3/4$) inches (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
 10. Monuments of a type approved by the licensed engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and that all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the licensed engineer.
- B. Construction drawings including plans, profiles and typical cross-sections as required, showing the proposed location, size and type of street, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

SECTION V. REIMBURSEMENT OF REVIEW COSTS

- A. The applicant shall be required to establish an escrow account to reimburse the Town of Ashland for the legitimate costs of review associated with the use of professionals qualified to review the required plans, reports and other technical information submitted in support of an application for a communication or broadcast tower and facility. The initial amount of the establishment of the escrow account shall be determined on a case-by-case basis as 1% of the estimated overall cost of the project but in no case shall be less than \$3000.00 or a larger amount estimated by the Planning Board to be reasonable and necessary to cover the cost of the review to be incurred by the Town. All necessary reviewing professionals assisting the Town in such reviews shall provide an estimate of the approximate cost of review services. The Town shall submit an itemized bill to the applicant at least ten (10) days prior to any deduction of such amount billed from the escrow account. The Planning Board may periodically and at its discretion require the replenishment of the escrow account established hereunder. Upon completion of the application and review process, any balance remaining in the escrow account shall be refunded to the applicant within (30) days of the submission and payment of the final bill by the Town and payment in full of all application and approval fees.

ARTICLE VI

WAIVERS

SECTION 1.

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy of lack of connecting facilities adjacent or in proximity to the proposed subdivision, it 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 master plan, or the zoning ordinance, if such exists.

SECTION 2.

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

ARTICLE VII

SEPARABILITY

SECTION 1.

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