

SUBDIVISION REGULATIONS
T o w n o f O x f o r d
Chenango County, New York

(as adopted 6-6-88,
amended 9-12-94
and last amended
7-11-2007)

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SUBDIVISION REGULATIONS

ARTICLE I: DECLARATIONS OF PURPOSE

Section 100 Purpose For the purpose of providing for orderly future growth and development of land, and affording adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health, and welfare of the populations, the Oxford Planning Board of the Town of Oxford adopts the following regulations for subdivision of land in the Town, acting under authority granted by the Town Board pursuant to the provisions of Article 16 of Town Law of the State of New York.

Section 101. Adoption In order that land subdivisions may be made in accordance with these policies, these regulations which shall be known as, and which may be cited as the "Town of Oxford Subdivision Regulations" have been adopted by the Planning Board and approved by the Oxford Board on 6-6-88, amended 9-12-94, amended 7-11-2007.

ARTICLE 2: DEFINITIONS

For the purpose of these regulations certain words and terms shall have the following meaning:

"Easement" Authorization by a property owner for the use of any designated part of his property by another, and for a specified purpose.

"Engineer or Licensed Professional Engineer" A person licensed as a professional engineer by the State of New York or licensed in a state with a reciprocal agreement with New York State.

"Highway Superintendent" The Highway Superintendent, Oxford Road Superintendent or similar titles as used in these regulations shall mean the Town of Oxford Superintendent of Highways or a duly authorized or designated representative.

"Owner" The owner shall mean the person or persons actually holding title of a parcel or tract of land.

"Lot" Any individual plot, parcel, tract or site of land identified on a subdivision map or by recorded survey, deed, description, or metes and bounds, for the purpose of sale, lease, donation, or separate use, with dimension requirements for individual lots consistent with these regulations, the Town of Oxford Zoning Ordinance or other Town Laws in effect.

"Lot Depth" Shall mean the horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

"Lot Width" Generally the distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district pursuant to the Zoning Ordinance.

"Master, Comprehensive or General Plan" 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" 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.

"Operational Requirements of the Planning Board" The set of guidelines, procedures, administrative details, forms and requirements of other related agencies (SEQR, "239-n" submission information, etc.) adopted and amended by the Planning Board which gives further information and guidance to subdividers concerning the subdivision approval process, the number of copies required for various documents to be submitted, and other details.

"Planning Board" The Planning Board of the Town of Oxford, Chenango County, New York.

"Preliminary Plat" A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision, as specified in Article 4, Section 402 of these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the Plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

"Sketch Plan" A sketch of a proposed subdivision showing the information specified in Article 4, Section 400 of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

"Street" Includes streets, roads, avenues, lanes, or other traffic ways for a neighborhood or as a feeder to a major street.

"Street, Dead End or Cul-De-Sac" A street or a portion of a street with only one vehicular traffic outlet.

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

"Street, Minor" A street intended to serve primarily as an access to abutting residential properties.

"Street, Pavement" The wearing or exposed surface of the roadway used by vehicular traffic.

"Street, Width" The width of a right-of-way, measured at right angles to the center line of the street.

"Subdivisions" The division of any parcel of land into two or more lots, blocks, or sites whether adjoining or not, with or without new streets or highways, and including re-subdivision, (including any grading, road construction, installation of utilities or other improvements or land use and development preparatory or incidental to division).

"Subdivision, Major" Any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal utilities.

"Subdivision Minor" Any subdivision containing not more than four lots, not involving any new street or road or the extension of municipal utilities and parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map, or Zoning Ordinance, if these exist, or these subdivision regulations. Once a subdivision is in place, any future splits or divisions to those established lots will require a new review process and approval by the Planning Board. A maximum of four subdivisions within an eight year period may be classified as a Minor Subdivision.

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

"Subdivider" Any person, firm, corporation, partnership, or any legal entity who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

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

"Zoning Ordinance" or "Town of Oxford Zoning Ordinance" Shall mean the Local Law Dealing with Zoning for the Town of Oxford, as amended.

ARTICLE 3: PROCEDURE FOR SUBMITTING SUBDIVISION APPLICATIONS

Section 300. When a subdivision of land is proposed to be made and before a contract for the sale of any lots, 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 procedures set forth in this Article 3.

Section 301. Sketch Plan

1. Submission of Sketch Plan: Any owner of land shall, prior to subdividing or resubdividing land, submit to the Town Clerk at least 10 days prior to the regular meeting of the Planning Board copies of a Sketch Plan of the proposed subdivision as specified in the Operational Requirements of the Planning Board, which shall comply with the requirements of Section 400, for the classification and preliminary discussion.

2. Discussion of Requirements and Classification: The subdivider, or his duly authorized representative, may attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, flood protection, and similar aspects, as well as the availability of existing services and other pertinent information.

At this time the Planning Board shall classify the Sketch Plan 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 subdivider shall then comply with the procedure outlined in Section 302 of these regulations. If such subdivision is classified as a Major Subdivision, the subdivider shall comply with the procedures outlined in Sections 303, 304, 305 and 306.

3. 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.

4. The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site as indicated by

the Natural Resource Composite Maps on file in the Town offices. If the site falls into areas on the soils map denoted as having "moderate" "severe", or "very severe" limitations, within flood hazard areas, or areas of unique hydrologic or natural habitat areas, (including wetlands), the Planning Board may require the subdivider to consult with the appropriate technical review or assistance agencies (such as, but not limited to the Soil Conservation Service, the State or County Health Departments, Army Corps of Engineers, and the Department of Environmental Conservation) to determine appropriate measures to mitigate or eliminate such problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or subdivider.

The Planning Board may require that design techniques such as clustering (in accordance with Section 308 herein) be used to avoid development in these critical resource areas, and shall not approve a sketch plan which has failed to adequately address these critical resources concerns (soils, flood hazards, hydrologic and natural habitat resources).

Section 302. Approval of Minor 'Subdivision

1. Within 6months after Planning Board classification of the Sketch Plan as a Minor Subdivision, the subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so may require resubmission of the Sketch Plan to the Planning Board for re-classification. The Plat shall conform to the layout shown on. the Sketch Plan plus any conditions established by the Planning Board. Said application shall also conform to the requirements listed in Section 401.

2. Sufficient copies of the subdivision (Final) Plat for a Minor Subdivision as specified in the Operational Requirements of the Planning Board shall be presented to the Town Clerk at least 10 days prior to a scheduled meeting of the Planning Board. The subdivider or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

3. A short form environmental assessment form for the proposed subdivision shall be available for review at this meeting of the Planning Board. The statement should consider potential impacts of the development as anticipated by the developer.

4. A public hearing shall be held by the Planning Board within 45 days of the time of submission of the Subdivision Plat for approval. Said hearing shall be advertised at least once in a newspaper of general circulation in the town at least 10 days before such public hearing.

5. Planning Board shall, within 45 days from the date of said

public hearing, conditionally approve, with or without modifications, disapprove or approve such Minor Subdivision Plat and so indicate on the Plat. Failure to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the plat. A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat subject to completion of such conditions as may be specified in said resolution.

Within 5 days of the Planning Board resolution of conditional approval, the Minor Subdivision Plat shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the subdivider including any conditions that must be met before the Plat can be signed.

Conditional approval of a Plat shall expire 180 days after the date of the resolution of such conditional approval. Within such 180 day period, or any extension thereof granted by the Planning Board, the conditionally approved Plat must be submitted for the Planning Board signature of final approval required by these regulations.

6. Upon receiving the signature of final approval required by Section 302.5, the Minor Subdivision Plat shall be filed in the offices of the County Clerk in accordance with the provisions of Section 306 of these regulations.

Section 303. Preliminary Plat for Major Subdivision

1. The subdivider of any subdivision classified by the Planning Board as a Major Subdivision shall submit a Preliminary Plat in accordance with Section 402 of these regulations, except where a waiver of any requirement may be specifically authorized by the Planning Board.

2. Sufficient copies of the Preliminary Plat as specified in the Operational Requirements of the Planning Board, clearly marked "Preliminary", shall be presented to the Town Clerk at least ten days prior to a regular monthly meeting of the Planning Board.

Environmental assessment statement for the proposed subdivision shall be available for review at the meeting of the Planning Board. The statement should consider potential impacts of the development as anticipated by the developer.

3. When applicable in Chenango County, the Secretary of the Planning Board, upon receipt of a Preliminary Plat, shall present a copy of said Plat to the County Planning Agency for review and report in accordance with the provisions of Sec 239-n of Article 12-B of the N.Y.S. General Municipal Law. The Chairperson of the Planning Board, or other designated member of the Planning Board,

shall present a copy of the Preliminary Plat to any other County or State Agency which has or may have jurisdiction of review or approval of the subdivision. This may include but is not limited to review by the New York State Health Department, or compliance with the New York State Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law) and State Pollution Discharge Elimination System as administered by the Department of Environmental Conservation. If the subdivision meets any Type I thresholds listed in Part 617.12 of the SEQOR regulations, lead agency for the SEQOR process shall be determined according to procedures outlined in Section 617.6 of the SEQOR regulations.

4. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.

5. The Planning Board shall study the suitability of the Preliminary Plat taking into consideration the requirement of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and design of streets and their relation to the topography, water supply, sewage disposal, drainage, lot sizes and arrangement, potential flood hazards, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map, and Zoning Regulations, if any such exist.

6. A determination of no significant environmental impact (Negative Declaration) or a draft Environmental Impact Statement ("EIS") is required by the designated lead agency before the subdivision may be approved (in accordance with Section 617.11 of the rules and regulations governing SEQOR or the local SEQOR law). The Secretary of the Planning Board shall notify any other agency which may have authority to review the subdivision (see Section 303(3) above) of this determination.

7. The time of submission of the Preliminary Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which the application for conditional approval of the Preliminary Plat, complete and accompanied by all data required by Section 402 of these regulations, has been filed with the Town Clerk.

8. Within 45 days after the time of submission of a Preliminary Plat, the Planning Board shall hold a public hearing on said Plat. This hearing shall be advertised in a newspaper of general circulation in the town at least 10 days before such hearing. This public hearing shall also be used to solicit comments on the draft EIS under SEQOR (if required). Within 45 days from the date of such public hearing the Planning Board shall take action to approve, with or without modifications, or disapprove such Preliminary Plat and the ground for any modification required or

the ground for disapproval shall be stated upon the records of the Planning Board.

9. When granting approval to a Preliminary Plat, the Planning Board shall state the conditions of such approval, if any, with respect to:

- a. The specific changes which will be required in the Final Subdivision Plat;
- b. The character and extent of the required improvements for which waivers may have been requested and which in the Planning Board opinion may be waived without jeopardy to the public health, safety, morals, and general welfare;
- c. The amount of improvement or the amount of all bonds, therefore, which will be required as a prerequisite to the approval of the Subdivision Plat.

The action of the Planning Board plus any conditions attached thereto shall be noted on, or attached to, three copies of the Preliminary Plat. One copy shall be returned to the subdivider, one retained by the Planning Board, and one forwarded to the Town Clerk. Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat; 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 Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording with the County Clerk. Prior to approval of the Final Subdivision Plat the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained.

Section 304. Final Plat for Major Subdivision

1. The subdivider shall, within 6 months after the approval of the Preliminary Plat, submit the Plat to the Planning Board in its final form. If the final Plat is not submitted within said 6 month period, approval of the Preliminary Plat may be revoked by the Planning Board.

2. The subdivider shall provide the Town Clerk with sufficient copies of the application, the Plat and all other drawings, and all offers of cession, covenants and agreements, at least 10 days in advance of the regular Planning Board meeting at which the Plat is to be officially submitted.

3. The time of submission of the Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which the application for approval of the Subdivision Plat, complete and accompanied by all data required by Section 403 of these regulations, has been filed with the Town Clerk.

4. Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by the Department of Environmental Conservation and/or the State or County-Department of Health shall

5. have received at least preliminary approval(s) of such facilities.

6. A public hearing on the Subdivision Final Plat must be held by the Planning Board if the Board deems there are substantial changes from the approved Preliminary Plat. Such hearing shall be held within 45 days after the time of submission of the Subdivision Plat for approval. Such hearing, shall be advertised in a newspaper of general circulation in the town at least 10 days before such hearing. This hearing may be waived by the Planning Board only if there are no substantial changes from the Preliminary Plat.

6. The Planning Board shall, within 45 days from the date of any public hearing, or the date of submission of the Final Subdivision Plat if no hearing is required, approve, conditionally approve with or without modifications, or disapprove said Plat and so indicate on the Plat. This time period may be extended by mutual consent of the subdivider and the Planning Board. Failure to act within the stated time period or a mutually agreed upon extension thereof, shall constitute approval of the Plat. A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat for recording with the County Clerk. However, the Subdivision Plat shall not be signed until the subdivider has complied with Section 305 of these regulations.

7.. If a draft EIS was required, the Planning Board's action on the subdivision plat shall include either a negative declaration or the final EIS and a statement of findings on the subdivision as required under Sec 8 - 0109-8 of the SEQR Act of 1975, as amended.

8. Within 5 days of the Planning Board resolution of conditional approval, the Final Subdivision Plat shall be certified by the Chairman of the Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the subdivider.

Section 305. Required Improvements

1. Improvements and Performance Bond - Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph a, or sub-paragraph b, below;

a. In an amount set forth 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 be satisfactory to the Town Board as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Town Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

b. The subdivider shall complete all required improvements to the satisfaction of the representative designated by the Town Board to fulfill such duties (hereafter referred to as "Development Administrator") 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 and not approved, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Development Administrator. Any such bond shall be satisfactory to the Town Board as to form, sufficiency, manner of execution, and surety. The Town Board hereby designates the Town Highway Superintendent as the Development Administrator for required improvements concerning roads, streets, highways and all other improvements relating to or in connection with the same. The Town Board hereby empowers the Planning Board to designate other persons as Development Administrators for specific subdivision applications according to the nature of the improvements required and the expertise necessary for determining that the improvements have been satisfactorily completed.

c. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Development Administrator.

2. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Development Administrator that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Development Administrator shall upon approval by the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and are not tantamount to the waiver or substantial alteration of the function of any improvements required by the Planning Board. Such changes shall be consistent with the statement of findings made pursuant to Section 8-0109-8 of the SEQOR Act and Section 617.9 of the statewide SEQOR regulations, if applicable, or else a separate SEQOR determination of significance will be required. The Development Administrator shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board.

3. Proper Installation of Improvements - If the Development Administrator shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board and Planning Board. The Town Board 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 Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

Section 306. Final Approval and Filing

1. Upon completion of the requirements set forth in Sections 304 and 305 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 authorized 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 60 days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of 60 days.

2. No changes, 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 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 307. Public Acceptance of Streets and Open Spaces

1. 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, recreation area, easement, or open space shown on such Subdivision Plat.

2. Ownership and maintenance of park, recreation or open space areas. When a park, playground, or other recreation area or open space shall have been shown on a Plat, Planning Board approval of the 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 where such requirement is considered necessary or desirable by the Planning Board to realize best use of the site, provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Section 308. Cluster Provisions

Pursuant to a resolution of the Town Board, the Town of Oxford Planning Board has been empowered to modify the minimum lot area, minimum width and minimum shoreline lot width requirements stated herein or in other local laws in accordance with the provisions of Section 281 of Town Law. In order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands and shorelines, the following shall be standards and procedures:

A. Standards.

1. The Town of Oxford Planning Board may make such modifications only with respect to the lands within special development areas.

2. The minimum acreage which may be developed under these Cluster Provisions shall be 10 acres, except that where public sewer and/or water are available the Planning Board may determine the minimum acreage.

3. No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land.

4. In the case of lands to be retained in open space, the Planning Board may require that such lands be restricted by deed restriction, restrictive covenant, conveyancy of a scenic easement or other appropriate means against any development or land use inconsistent with their retention in open space. Lands made available for parks, recreational use, or other municipal purposes, shall be clearly identified and ownership, conditions for use, and maintenance of such lands shall be clearly identified.

5. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in other town regulations or ordinances.

B. Procedures.

1. Request by Subdivider

A subdivider may request the use of this section simultaneously with the submission of the Sketch Plan, as described in Article 3, Section 301. Any submission subsequent thereto, shall require a resubmission of the Sketch Plan.

2. Alternate Sketch Plan

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

3. Plat Submission

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

4. Local Filing, Notation on Official Town Map

Any Subdivision Plat finally approved which involves modifications as provided for in this section shall be filed, in addition to the filing required in Article III, Section 6, hereof, with the Town Clerk, who shall make appropriate notation and reference thereto on the official town map.

ARTICLE 4: REQUIRED DOCUMENTS

Section 400. The Sketch Plan Shall consist of a drawing 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 same entire ownership of the subdivider to be shown on one sheet, and shall include:

1. A location map to indicate the relationship of the proposed subdivision to significant existing community facilities which will serve or influence the lay-out, such as major traffic arteries, shopping areas, schools, parks, employment centers, etc. Significant local natural resources such as water bodies, rivers, wetlands, bluffs, dunes and beaches shall also be indicated.
2. All existing structures, wooded areas, streams or water courses, flood hazard areas, wetlands, quarries or excavations, bedrock outcrops and other significant physical features, within the area to be subdivided and within 200 feet thereof. Topographic conditions shall be indicated at contour intervals of not more than 10 feet. U.S.G.S. maps are suitable.
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; scale, north arrow and acreage involved.
5. All the utilities available, and all streets which are either proposed or built.
6. The proposed pattern and approximate dimensions and area of lots, street layout, recreation areas, proposed surface water drainage, sewerage, and water supply within the subdivision area. A minimum 50' wide deeded access is required for all subdivisions.
7. All existing restrictions on the use of land including easements, covenants, or zoning divisions.

Section 401. Minor Subdivision Plat

In addition to the information required by Section 400 (which, if previously submitted, need not be resubmitted unless modified but may be incorporated by reference thereto), the following shall be submitted for Minor Subdivisions only:

1. A copy of such covenants or deed restrictions as are proposed to cover any part of the tract.
2. A 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 by monuments customarily used, and shall be referenced and shown on the Plat. The Planning Board May waive the field survey requirements for the first subdivision by an owner or subdivider.

3. Any report needed from the Health Department of jurisdiction approving the sewer and water supply facilities proposed for the site.

4. Proposed subdivision name, if any.

5. The Environmental Assessment Form (EAF) deemed to be required by the Planning Board.

Section 402. Major Subdivision - Preliminary Plat

The Preliminary Plat shall be submitted at a scale of one inch equals 400 feet, or another scale approved by the Planning Board, whichever most clearly illustrates the subdivider's proposal. The Preliminary Plat shall be clearly marked "Preliminary Plat" and shall include:

1. Proposed Subdivision name, name of town and county, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor including license number seal.

2. The name of all subdividers immediately adjacent if any, and the name of the owners of record of all adjacent property.

3. Zoning districts, including exact boundary lines, if more than one district, and any proposed changes in the zoning district lines or the zoning ordinance 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 (including DEC designated wetlands) floodable areas (including all HUD Federal Flood Insurance Hazard Areas.) rock outcrops, wooded areas, single trees greater than 1 foot in diameter, and other significant existing features for the proposed subdivision area.

6. Location of existing sewers, water mains, culverts and drains serving the property, if any, with pipe sizes, grades and direction of flow.

7. Contours with intervals of 10 feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 3 feet.

8. The width and location of any streets 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 right-of-way width, location, grades and street profiles of all streets or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, fire hydrants and sewer lines; connections to existing lines or alternate means of water supply or sewage disposal treatment, including sites for onsite systems, profiles of all proposed water and sewer mains. If septic systems are proposed, the results of soil boring and soil percolation tests shall accompany the preliminary plat. Where onsite water supply systems are proposed, the quality and quantity of water available shall be indicated.
10. Storm Drainage Plan indicating the approximate location and size of proposed lines, if any, and their profiles; connections to existing systems or alternate means of drainage.
11. Plans, sections, and other drawings as required to show the proposed location and type of all improvements required by Article 5 or by the Planning Board.
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. A 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. Corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type customarily used, and shall be referenced and shown on the Plat.
15. A copy of any covenants or deed restrictions that are intended to cover any lot in all or part of the tract.
16. If the Preliminary Plat submitted for approval covers only a part of the subdivider's entire holding in the area, a map shall be prepared showing the entire tract, as it relates to the parcel included on the Preliminary Plat.

17. The Environmental Assessment Form (EAF) deemed to be required by the Planning Board.

Section 403. Major Subdivision - Final Plat

The Final Plat to be approved by the Planning Board and filed with the Chenango County Clerk shall be drawn at the same scale as the Preliminary Plat. The Final Plat submission shall include:

1. Identifying title stating name of subdivision, if any, name and address of owner, seal of licensed land surveyor, scale, north arrow, and date.
2. Location, right-of-way widths, and identification of all existing streets and easements; location of existing buildings, wooded areas, wetlands, creeks, drainage ways, large trees, and other features to be retained; location, right-of-way widths, and identification of all proposed streets, ponds, watercourses and any other features.
3. Sufficient data to enable the Town of Oxford Planning Board to easily determine the location bearing and length of every street line, lot line, and boundary line, and the radii and length of all curves in the subdivision. When applicable these data should be referenced to monuments and tied into other reference points previously established.
4. The Final Plat shall 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 Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
5. All offers of cession and all covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town of Oxford's Attorney as to their form and legal sufficiency.
6. Lots within a subdivision shall be numbered or lettered in accordance with the prevailing practice.
7. Permanent reference monuments and lot corner markers as required by Article 5 shall be shown and their location referenced on the Plat.
8. Construction drawings as needed to show the location, size, grade, and construction of all improvements required by Article 5, or by the Planning Board, or proposed by the subdivider.

9. Certification from the Health Department of jurisdiction of sewage disposal and water supply systems to be used in the subdivision. No modification may be made after DOH certification.

10. Statement from the appropriate Town of Oxford officials certifying that required improvements have been satisfactorily installed or that an acceptable bond for such installation has been filed with the Town Clerk.

ARTICLE 5. DESIGN AND ENVIRONMENTAL STANDARDS

In considering applications 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 6 herein.

Section 500. General Considerations

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 Master Plan

Subdivisions shall conform to the Official Map of the Town of Oxford and shall be in harmony with the Master Plan, if such exists.

3. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Town of Oxford specifications, which may be obtained from the Oxford Highway Superintendent, Code Enforcement Officer or other appropriate officials.

Section 501. Street Layout

1. Width, Location and Construction

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Master Plan, if such exists, 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 in harmony with surrounding areas and streets.

2. Arrangement

The arrangement of streets in the 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 and drainage facilities.

3. Minor Streets

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

4. 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.

5. Provision for Future Re-Subdivision

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

6. Dead-End Streets

The creation of dead-end or loop residential streets will not be encouraged but may be allowed. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 20-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street or public property. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

7. 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 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 4-foot wide paved foot path be included.

8. Intersections with Collector of Major Arterial Roads
Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.

9. Street Jogs

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

10. Angle of Intersection

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

11. 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 sites as possible at or above the grade of streets. Grades of streets shall conform as closely as possible to the original topography.

Section 502. Street Design

1. Widths of Rights-of-Way

Streets shall have the following widths. When not indicated on the Master Plan or Official Map, the classification of streets shall be determined by the Board:

	<u>Minimum Right-of-Way</u>	<u>Minimum Pavement</u>
Major Streets	60 feet	24 feet
Local Streets	50 feet	18 feet

2. Improvements

Streets shall be constructed in accordance with standards established by the Oxford Highway Superintendent with regards to pavement types, sewers, gutters, curbs, lighting, fire hydrants, providing such standards have been approved by the Planning Board.

3. Utility Easements

Where topography makes it impractical to include utilities within the street rights-of-way, perpetual unobstructed easements at least 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.

4. Grades

Grades of all streets shall conform in general to the terrain, and shall not be less than one half (1/2) of one percent nor more than 6 percent for major or collector streets, or 10 percent for minor streets in residential areas, but in no case more than 3 percent within 50 feet of any intersection.

5. Changes in Grade

All changes in grade shall be connected by vertical curves of such length and radius as to meet with the Town of Oxford Road Design Standards so that clear visibility shall be provided for a safe distance.

6. Curve Radii at Street Intersections

All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.

7. Steep Grades and Curves; Visibility of Intersections

A combination of steep grades and curves shall be avoided. If directed, ground shall be excavated to achieve better visibility.

8. Dead-End Streets (cul-de-sacs)

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 1000 feet in length, and shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turn-around with a pavement radius of 50 feet shall be provided, unless the Planning Board approves an alternate arrangement.

9. 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 Oxford Road Superintendent. Where a subdivision is traversed by a watercourse, drainage way, channel of stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Oxford Road Superintendent and in no case less than 20 feet in width.

10. Curve Radii

In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of the street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.

Section 503. Street Names

No street shall have a name which will duplicate, or so nearly duplicate as to be confused with, the names of existing streets in the Town. A continuation of an existing street shall have the same name. (Generally, streets shall have names, and not numbers or letters).

Section 504. Lots

1. Lots to be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, 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.

2. Street Frontage All lots shall front on a public street.

3. Lot Ratios

The ratio of the depth of any lot to its width should not be greater than three to one, except as may be otherwise determined in the Zoning Ordinance.

4. Side Lines

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

5. Corner Lots

In general, corner lots should be larger than interior lots to provide for proper building setback from each street or to a private street which conforms to town right-of-way and construction specifications. In general, this access must provide at least 30 feet of frontage at the right-of-way line of said public or private street.

6. Monuments and Lot Corner Markers

Permanent monuments meeting specifications customarily used for such purposes as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets and other points as the Planning Board may require, and their location shall be shown on the Subdivision Plat.

Section 505. Drainage Improvements

1. Removal of Spring and Surface Water

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

2. Drainage Structure to Accommodate Potential Development Upstream

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Planning Board shall approve the design and size of facility based on anticipated run-off from a "ten year" storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

3. Responsibility from Drainage Downstream

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed

by the Oxford Engineer, or if there be none by the Planning Board. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a five year storm, the Planning Board shall notify the Oxford 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. .

Section 506. Parks, Open Spaces, and Natural Features

1. Required Dedication of Land

Each subdivider may be required to contribute to recreation facilities in the Town of Oxford. At the Planning-Board's discretion such contribution shall be in the form of land or cash in lieu of land, or a combination of both, in accordance with the specifications of Section 506.2. In general the location, size and type of park, playground or open space facilities shall be determined by the Planning Board. The decision of the Planning Board shall be made on a case-by-case basis. In deciding whether such contribution shall be required, and if so in what form or combination, and to what extent, the Planning Board shall be guided by factors such as, but not limited to:

- average lot size in the proposed subdivision
- lot and population density in the proposed subdivision and surrounding area
- existing recreational and open space facilities in the area
- existing municipal parks, playgrounds, recreational facilities and open spaces in the town and the projected. increased burden on such facilities caused by the proposed subdivision.

2. Amount of Land

If the Planning Board determines that such contribution shall be required for recreational purposes the Planning Board shall specify the size and nature of land to be so required, or the amount of cash in lieu thereof, or a combination of both, which shall be reasonably related to the increased need for recreational facilities and/or burden on existing facilities predicted to be caused by the proposed subdivision.

3. Cash in Lieu of Land

Cash in lieu of land where required by the Planning Board shall be paid to the Town of Oxford before final approval of a Plat is given by the Planning Board. Such payments shall be held in a special fund for acquisition and development of recreation

land. All money in this fund is to be used only for:

- a. The purchase of land that is suitable for new or enlarged parks, playgrounds or open spaces and located so as to serve the inhabitants of the Town of Oxford residential neighborhoods;
- b. The improvement of existing park, playground and open space lands which serve the community or park district in which the subdivision is located.

4. Dedication of Land

The Planning Board may require the subdivider to dedicate to the Town of Oxford for the programs of recreation and open space, land required by Section 506.2 if the Oxford Board approves such dedication.

Section 507. Environmental Considerations

1. 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.

a. Natural Terrain

Subdivision design shall preserve, so far as possible, the natural terrain and natural water courses, improvements and drainage areas.

b. Trees

A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site. On individual lots or parcels care shall be taken to preserve selected trees to enhance the landscape treatment of the development.

c. Soil

Natural fertility of the soil shall be preserved by disturbing it as little as possible, and no topsoil shall be removed from the site.

2. Flood Areas

Land subject to serious or regular flooding shall not be subdivided for residential occupancy or for such other uses as may increase danger to life or property or aggravate the flood hazard, but such land may be used for such uses, subject to any zoning regulations, or in such a way, that the flood danger to this property and other upstream or downstream properties will not be increased and periodic or occasional inundation will not be a substantial threat to life or property. The provisions of this section shall apply to all land falling within the 100 year

flood limit as shown on maps prepared by the Town of Oxford and the Department of Housing and Urban Development as periodically amended.

3. Steep Slopes

Development of steep slope (over 12%) sites will be conditionally acceptable only if there is no prudent or feasible alternative site, and erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development according to standards set by the U.S. Soil Conservation Service.

4. Vegetation

Development shall preserve, to the maximum extent practicable, existing vegetation within a development site. This includes, where necessary, planting of appropriate native species.

5. Sediment Control

The subdivider shall provide effective sediment control measures for planning and construction of subdivisions. Use of the following technical principles shall be applied as deemed appropriate by the County Soil and Water Conservation District.

- a. The smallest practical area of land shall be exposed at any one time during the development.
- b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- c. Temporary vegetation and/or emulsion shall be used to protect critical areas exposed during development.
- d. Sediment basins, debris basins, (silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters on land undergoing development.
- e. Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development.
- f. Permanent final vegetation and structures should be installed as soon as practical in the development.
- g. The development plan should be fitted to the type of topography and soils so as to create the least erosion potential.
- h. Wherever feasible, natural vegetation should be retained and protected.

6. Performance Standards

The interpretation and regulations of this Subdivision Regulation Law will be guided by the following performance criteria:

- a. Will not result in undue water or air pollution.
- b. Has sufficient water available for the reasonably foreseeable needs of the subdivision or development.
- c. Will not cause unreasonable burden on an existing water supply, if one is to be utilized.
- d. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- e. Will not cause unreasonable highway congestion or unsafe condition with respect to use of the highway, existing or proposed.
- f. Will not cause an unreasonable burden on the ability of a municipality to provide educational services.
- g. Will not place unreasonable burden on the ability of the local governmental services.
- h. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or irreplaceable natural areas.
- i. Is in conformance with any duly adopted local or regional master plan.

ARTICLE 6. VARIANCES, WAIVERS, AND MODIFICATIONS

Section 600. Special Circumstances (Waiver) Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not required in 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, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent of the Official Map, the Master Plan or any other regulation or ordinance, as they may exist.

Section 601. Design Innovations When design concepts which are imaginative and beneficial to the public interest are proposed by a subdivider, the Planning Board may modify the requirements of these regulations and impose additional conditions as necessary to permit the accomplishment of such concepts.

ARTICLE 7. AMENDMENTS

Section 700. The regulations may be amended by the Planning Board after public hearing and SEQR review on such amendments by the Planning Board and approval by the Oxford Board.

ARTICLE 8. ENFORCEMENT (VIOLATIONS AND PENALTIES)

Section 800. Penalties - Enabling Legislation - Enforcement Any person who shall commit or assist in the commission of any violation of this order, or who shall build, erect, construct, or attempt the same, to any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this order; and any person who shall omit, neglect, or refuse to do any act required by this order, shall be subject to a fine of not more than \$1000 to be recovered by the Oxford Board in any court of competent jurisdiction. Every such person shall be deemed guilty of a separate offense for each day that such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purpose of this article.

ARTICLE 9. SEPARABILITY

Section 900. 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.

ARTICLE 10. COURT REVIEW

Section 1000. Any person aggrieved by any decision of the Planning Board relative to a subdivision may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the N.Y.S. Civil Practice Law and Rules, providing the proceeding is commenced within 30 days after the filing of the decision in the office of the Planning Board, as all set forth in Section 282 of N.Y.S. Town Law.

Town of Oxford

Reference Guide for Major Subdivision

The Town of Oxford Planning Board recommends that a copy of its "Subdivision Regulations" be purchased in order to help with the process of any subdivision application. (Please see the Oxford Town Clerk for Subdivision Applications and regulations)

First Meeting:

- A. Submit to the Oxford Town Clerk 10 copies of a sketch plan 10 days prior to the regular Planning Board meeting. Follow requirements of Section 400, Page 15 of the "Subdivision Regulations" for sketch plan.

Second Meeting:

- A. Submit to the Oxford Town Clerk 10 copies of a Preliminary Plat 10 days prior to the regular Planning Board meeting. Follow Section 402, pages 16 & 17 of the "Subdivision Regulations" for Preliminary Plats.
- B. Major Subdivision fee of \$50.00 plus \$10.00 per lot is payable to the Oxford Town Clerk upon submission of Preliminary Plats.
- C. Submit a full Environmental Assessment Form (E.A.F.) Completing Part I only.
- D. **Note:** Within 45 days after the time of submission of a Preliminary Plat, The Planning Board shall hold a Public Hearing on said Plat. This Public Hearing shall be advertised in the *Norwich Evening Sun* at least 10 days before hearing date.

Third Meeting

- A. Submit to the Oxford Town Clerk 10 copies of a Final Plat. Follow section 403, page 18 of the "Subdivision Regulations."
- B. **Note:** Subdivider must comply with Regulations in Sections 306, 307, and 308 of the "Subdivision Regulations." if applicable.

T o w n o f O x f o r d

Reference Guide for Minor Subdivision

The Town of Oxford Planning Board recommends that a copy of its "Subdivision Regulations" be purchased in order to help with the process of any subdivision application. (Please see the Oxford Town Clerk for Subdivision Applications and regulations)

First Meeting:

- A. Submit to the Oxford Town Clerk 10 copies of a sketch plan 10 days prior to the regular Planning Board meeting. Follow requirements of Section 400, Page 15 of the "Subdivision Regulations" for sketch plan.

Second Meeting:

- A. Submit to the Oxford Town Clerk 10 copies of a Final Plat 10 days prior to the regular Planning Board meeting. Follow Section 401, pages 15 & 16 of the "Subdivision Regulations" for Final Plats.
- B. Minor Subdivision fee of \$75.00 is payable to the Oxford Town Clerk at the time of Final Plat submission.
- C. Submit a short Environmental Assessment Form (E.A.F.) With Part I completed.
- D. Note: A Public Hearing shall be held by the Planning Board within 45 days of the time of Subdivision Plat for approval. Said hearing shall be advertised at least once in the *Norwich Evening Sun* at least 10 days prior to the Public Hearing date.