

Chapter A159

OPEN DEVELOPMENT DISTRICT REVIEW PROCEDURE

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| § A159-1. Initial determination. | § A159-6. Maintenance agreement. |
| § A159-2. Submission of map. | § A159-7. Easements. |
| § A159-3. Use of roadways. | § A159-8. Compliance with zoning requirements. |
| § A159-4. Highway standards. | |
| § A159-5. Subdivision of lots. | |

[HISTORY: Adopted by the Planning Board of the Town of Olive 3-10-1981. Amendments noted where applicable.]

GENERAL REFERENCES

Enforcement of Planning Board regulations — See Ch. 5, Art. V.	Subdivision of land — See Ch. 133.
Streets and sidewalks — See Ch. 129.	Zoning — See Ch. 155.
	Standard road requirements — See Ch. A160.

§ A159-1. Initial determination.

The Planning Board shall first make a determination that the use of the Open Development District is appropriate and that the town's interests would be served by such a district.

§ A159-2. Submission of map.

The proposed developers should submit at least three copies of a map of the proposed area which meets the requirements outlined in the sketch plan phase of the Olive Subdivision Regulations¹ so the Board may review the proposal as it might look in the future when all land within the area has been developed.

§ A159-3. Use of roadways.

The Planning Board should ensure the roadway is sufficient for normal vehicular traffic including delivery trucks (moving vans, oil trucks, etc.); fire, first aid and other emergency vehicles; as well as passenger cars which may need to use the roadway.

§ A159-4. Highway standards.

Highway standards should be sufficient so the road can eventually meet town highway specifications if landowners wish to improve the road and deed it over to the town. These standards should include, but not be limited to, a fifty-foot right-of-way for the entire length of

¹ Editor's Note: See Ch. 133, Subdivision of Land.

the road; a road grade within town highway specifications; necessary culvert pipes to ensure proper drainage alongside of and under the roadway; a proper roadway base; and sufficient pavement width for present development and possible future development. (Minimum width should allow for passage of two vehicles going in opposite directions.)

§ A159-5. Subdivision of lots.

Lots should not be further subdivided without proper approvals being granted. Further approvals in subdivisions may require upgrading of road and deeding over to town to ensure proper access as development reaches its maximum.

§ A159-6. Maintenance agreement.

- A. A road maintenance agreement must be executed by present owners prior to final subdivision approval and be made a part of all deeds transferring or conveying any subdivided or original parcels to new owners. The maintenance agreement should include provisions:
- (1) To improve the road should further development occur as outlined in the resolution granting Open Development District.
 - (2) Maintain the road so emergency and safety vehicles can properly gain access to all developed parcels in the area.
 - (3) Protect the town from any liability or responsibility for care or maintenance of the road while it remains a private road.
- B. In the case of an Open Development District, which is not a part of a proposed subdivision, such a maintenance agreement should be required as part of the resolution of the Town Board or said resolution should be subject to a proper maintenance agreement being executed and filed in the County Clerk's office.

§ A159-7. Easements.

The Planning Board may require and should investigate possible easements on roadway and/or through certain lots to allow residents of the town to gain access to state-owned land, scenic overlooks, historical sites, or other noteworthy locations. These should be provided for as part of the Open Development District provisions.

§ A159-8. Compliance with zoning requirements.

The Planning Board should ensure all setback and lot size requirements of the Zoning Ordinance² are applicable to individual lots in the area with respect to proposed private road.

² Editor's Note: See Ch. 155, Zoning.