
LAND SUBDIVISION LAW

TOWN OF HILLSDALE, NEW YORK

ARTICLE 1: TITLE, SCOPE, AND PURPOSES

Section 1 TITLE

This local law shall be known and may be cited as "The Subdivision Law of the Town of Hillsdale."

Section 2 SCOPE

A local law regulating the approval of subdivision plats in the Town of Hillsdale, authorizing the Planning Board to:

- A. Approve plats showing lots, blocks, or sites, with or without streets or highways;
- B. Conditionally approve Preliminary Plats, within the Town of Hillsdale; AND
- C. Pass and approve the development of entirely or partially undeveloped plats already filed in the Office of the Columbia County Clerk.

Section 3 AUTHORITY AND PURPOSES

This local law is enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Article 2, Section 10, et. seq. and Sections 271, 276, 277, and 278 of the Town Law, in conformance with the Comprehensive Plan for the Town of Hillsdale, enacted simultaneously herewith, to protect and promote public health, safety, comfort, convenience, economy, natural, agricultural, and cultural resources, aesthetics, and the general welfare, and for the additional purposes listed in Section 1.3 of the Town of Hillsdale Zoning and Land Use Control Law (hereinafter "Zoning Law").

Section 4 APPLICATION

No subdivision of any lot, tract, or parcel of land shall be effected and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use and travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this local law.

Section 5 POLICY

It is the policy of the Town of Hillsdale to consider land subdivision plats as part of a plan for the orderly, efficient, environmentally sound, and economical development of the Town of Hillsdale, consistent with the Town of Hillsdale Comprehensive Plan and Zoning Law and the requirements of the State Environmental Quality Review Act (SEQRA). The following objectives shall guide the Planning Board's decisions:

- A. 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. Proper provision shall be made for drainage, water supply, sewerage, and other needed improvements and utilities.

- C. Streets shall be of such width, grade, and location as to appropriately accommodate present and anticipated future traffic and to facilitate fire protection, while minimizing disruption of the natural environment.
- D. Park or other natural areas of suitable location, size, and character for playground or other passive or active recreational purposes shall be shown on Subdivision Plats, where appropriate.
- E. Proper provision shall be made for leaving undeveloped natural areas and corridors to mitigate the adverse environmental impacts of Subdivision and to sustain a diversity of native vegetation and wildlife, to protect water resources, agricultural land, and scenic viewsheds, and to implement the Town's policies of protection of its environmental and cultural resources pursuant to the Zoning Law.
- F. New development shall be laid out in a manner that reflects and complements historic development patterns.

Section 6 INTERPRETATION OF PROVISIONS

All provisions of this local law shall be construed to fulfill the purposes and policies stated in Sections 3 and 5 above and the policies expressed in the Town of Hillsdale Comprehensive Plan (hereinafter the "Comprehensive Plan").

Section 7 SELF-IMPOSED RESTRICTIONS

Nothing in this local law shall prohibit a Subdivider from placing self-imposed restrictions, not in violation of this local law, on the development. Such restrictions shall be indicated on the Plat.

Section 8 CONFLICT WITH STATE LAWS

To the extent that any provisions of this local law are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, Sections 271 and 276 through 278, the Town Law shall govern.

Section 9 SEPARABILITY CLAUSE

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 declared to be invalid.

ARTICLE 2: DEFINITIONS

For the purposes of this local law, certain words and terms used herein are defined as follows.

Agricultural Data Statement. An identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which a Subdivision is proposed, as provided in Section 305-a of the Agriculture and Markets Law. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed Subdivision and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the Subdivision is proposed; and a tax map or other map showing the site of the proposed Subdivision relative to the location of farm operations identified in the agricultural data statement.

Clerk of the Planning Board. That person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of this local law.

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

Common Driveway. A driveway serving no more than four (4) lots, owned in common or created by reciprocal easements.

Dead-end Street or Cul-de-sac. A street or portion of a street with only one vehicular traffic outlet.

Driveway. A private way providing vehicular access from a public or private road to a residence or to a commercial or non-commercial establishment.

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

Engineer or Licensed Professional Engineer. A person licensed as a professional engineer by the State of New York.

Farm Operation. Land used in agricultural production, farm buildings, equipment, and farm residential buildings.

Lot Line Adjustment. A modification of lot boundaries in which a portion of one or more lots is added to an adjoining lot or lots without increasing the total number of buildable lots.

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

Major Subdivision. Any Subdivision not classified as a Minor Subdivision.

Master or Comprehensive Plan. A comprehensive plan adopted by the Town Board pursuant to Section 272-a of the Town Law.

Minor Street. A public or private road intended to serve primarily as an access to abutting properties.

Minor Subdivision. Any Subdivision containing not more than four lots created since February 1, 1969, fronting on an existing street, and not involving any new public or private street or road.

Planning Board or Board. The Planning Board of the Town.

Preliminary Plat. A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed Subdivision, as specified in this local law, submitted to the Planning Board for purposes of consideration prior to submission of the Plat in final form and in sufficient detail to apprise the Planning Board of the layout of the proposed Subdivision.

Private Road. A privately owned road held in common ownership by a homeowners' association and approved pursuant to Article III, Section 8 of this local law.

Road/Street. A public or private way for pedestrian and vehicular traffic, including avenue, lane, highway, or other way, excluding a driveway or common driveway.

Sketch Plan. A sketch of a proposed Subdivision showing the information specified in Article V, Section 1 of this local law 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 this local law.

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

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

Subdivider. A person, firm, corporation, partnership, or association who shall lay out any Subdivision or part thereof as defined herein, either for himself or for others.

Subdivision. The division of any parcel of land as it existed on February 1, 1969 into two or more lots, blocks, or sites with or without streets or highways, including re-subdivision. Property shall be deemed to be divided into separate legal parcels if divided by a public road. Acreage on one side of the road may not be combined with acreage on the other side of the road to create a conforming lot.

Subdivision Plat or Final Plat. A drawing or drawings in final form showing a proposed Subdivision containing all information or detail required by law and by this local law, and which, if approved by the Planning Board, may be duly filed by the applicant in the Office of the County Clerk.

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

Town Engineer. The duly designated engineer of the Town or such other individual consultant, or specialist consulted by the Town and/or the Planning Board in connection with any aspect of a Subdivision application.

Travelled Way. That portion of a road which, because of its grading, base, drainage, and surface, is passable in all seasons by motor vehicles, including fire trucks and ambulances. As used in this local law, travelled way shall refer to the average width of the road.

Zoning Law. The Zoning and Land Use Control Law of the Town of Hillsdale.

ARTICLE 3: SUBDIVISION APPLICATION PROCEDURE

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

Section 1 SKETCH PLAN

A. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or re-subdividing land or implementing a lot line adjustment, submit to the Clerk of the Planning Board at least 3 weeks prior to the regular meeting of the Board two copies of a Sketch Plan of the proposed Subdivision, which shall comply with the requirements of Article V, Section 1, for the purposes of classification and preliminary discussion.

B. Discussion of Requirements and Classification

The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of this local law for street improvements, drainage, sewerage, water supply, fire protection, and other improvements, as well as the availability of existing services and other pertinent information. At such meeting, the Planning Board shall also discuss the requirements of the Zoning Law, including all relevant Siting Guidelines, and shall indicate whether a flexible lot subdivision may be required.

Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Lot Line Adjustment, Minor Subdivision, or Major Subdivision as defined in this local law. The Board may require, however, when it deems it necessary for protection of the public health, safety, or welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is determined to be a Lot Line Adjustment, the Planning Board shall follow the Procedure outlined in Article III, Section 2.0. If the Sketch Plan is classified as a Minor Subdivision, the Subdivider shall comply with the procedure outlined in Article III, Section 2.1 of this local law. If it is classified as a Major Subdivision, the Subdivider shall then comply with the procedures outlined in Article III, Sections 3, 4, and 5.

C. Study of Sketch Plan

At the above meeting, the Planning Board shall determine whether the Subdivision Plat meets the purposes of this local law and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

SECTION 2.1 PROCEDURE FOR LOT LINE ADJUSTMENTS

If the Planning Board determines that the Sketch Plan is a Lot Line Adjustment, it shall determine by resolution that the proposed lot line adjustment does not constitute a Subdivision as defined in this local law, and shall empower a duly authorized officer to make a notation to that effect upon the Sketch Plan and to sign such plan which may then be filed by the applicant in the Office of the County Clerk. The Sketch Plan to be filed with the County Clerk shall be no larger than 22 inches by 44 inches.

SECTION 2.2 APPROVAL OF MINOR SUBDIVISION

A. Application and Fee

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the Subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the

Planning Board. Such 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 Minor Subdivision application fee in the amount established by resolution of the Town Board, which fee shall be credited to the Town General Fund. (See attached fee schedule.)

B. Number of Copies

Six 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. Agricultural Data Statement Notification

Upon receipt of a Minor Subdivision Plat application containing an agricultural data statement, the Clerk of the Planning Board shall mail a copy of the agricultural data statement to the owners of land identified by the Subdivider in the agricultural data statement. The cost of mailing the notice shall be borne by the Subdivider.

D. Subdivider to Attend Planning Board Meeting

The Subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the Subdivision Plat.

E. Study of Plat

The Planning Board shall study the practicability of the Plat taking into consideration the requirements of the community, the best use of the land being subdivided, the Rural or Hamlet Siting Guidelines (as appropriate), and the impacts of the proposed Subdivision on the functioning of farm operations in an agricultural district as shown in any agricultural data statement. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan and Zoning Law.

F. 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 fees and all data required by Article V, Section 2 of this local law, has been filed with the Clerk of the Planning Board, and the Planning Board has issued a negative declaration (or if appropriate, accepted a draft environmental impact statement), under the State Environmental Quality Review Act.

G. Public Hearing

A public hearing shall be held by the Planning Board within 62 days from the date of submission of the Subdivision Plat for approval. Such hearing shall be advertised in a newspaper of general circulation in the town at least five days before such hearing.

H. Action on Subdivision Plat

The Planning Board shall, within 62 days from the date of the public hearing, act to conditionally approve, 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 Subdivider and the Planning Board. In the event the Planning Board fails to take action on a Subdivision Plat within the time prescribed herein, or for such extended period established by the mutual consent of the Subdivider and the Planning Board, the Plat shall be deemed approved, and a certificate of the Town Clerk as to the date of submission and the failure to take action within such prescribed time shall be issued on demand, and shall be sufficient in lieu of written endorsement of other evidence of approval herein required.

I. Conditional Approval

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 days of the resolution granting conditional approval, the Plat shall be certified by the Clerk of the Planning Board as conditionally approved, and a copy filed in his office, and a certified copy mailed to the Subdivider. The copy mailed to the Subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat. Upon 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 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 two additional periods of 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 Subdivider shall file an application for the approval of a Preliminary Plat of the proposed Subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in Article V, Section 3 hereof. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law, and Article V, Section 3 of this local law, except where a waiver may be specifically authorized by the Planning Board.

The application for approval of a Preliminary Plat shall be accompanied by a Preliminary Plat fee in the amount established by the Town Board, which shall be credited to the Town General Fund. (See attached fee schedule.)

The Subdivider shall also be responsible for all reasonable engineering, planning, legal, and other project review costs incurred by the Town in connection with the Subdivision application. The application for approval of the Preliminary Plat shall be accompanied by a deposit to a project review reserve fund in an amount established by the Planning Board. Any project review funds not expended by the Town in the consideration and review of the Subdivider's application shall be returned to the Subdivider upon completion of the Subdivision process or the withdrawal of the Subdivision application. All costs incurred by the Town which are in excess of the funds deposited shall be paid by the Subdivider to the Town prior to final approval of the Subdivision Plat. The Town reserves the right to request additional deposits to the project review reserve fund if necessary to cover additional costs.

B. Number of Copies

Six 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. Agricultural Data Statement Notification

Upon receipt of a Major Subdivision Plat application containing an agricultural data statement, the Clerk of the Planning Board shall mail a copy of the agricultural data statement to the owners of land identified by the Subdivider in the agricultural data statement. The cost of mailing the notice shall be borne by the Subdivider.

D. Subdivider to Attend Planning Board Meeting

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

E. Study of Preliminary Plat

The Planning Board shall study the practicability of the Plat taking into consideration the requirements of the community, the best use of the land being subdivided, the Rural or Hamlet Siting Guidelines (as appropriate), and the impacts of the proposed Subdivision on the functioning of farm operations in an agricultural district as shown in any agricultural data statement. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan and Zoning Law.

F. 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 project review fund deposit, and all data required by Article V, Section 3 of this local law has been filed with the Clerk of the Planning Board, and the Planning Board has either issued a negative declaration or accepted a draft environmental impact statement as complete pursuant to the State Environmental Quality Review Act.

G. Approval of the Preliminary Plat

Within 62 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 five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate for full public consideration of such Preliminary Plat. Within 62 days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove the Preliminary Plat, and the ground of the 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 the Plat may be extended by mutual consent of the Subdivider and the Planning Board. When approving a Preliminary Plat, the Planning Board shall state in writing such modifications, if any, as it deems necessary for submission of the Plat in final form. Within five days of the approval of the Preliminary Plat, it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in his office, a certified copy mailed to the owner, and a copy forwarded to the Town Board. In the event the Planning Board fails to take action on a Preliminary Plat within the time prescribed therefor, such Preliminary Plat shall be deemed granted preliminary approval. The certificate of the Town Clerk as to the date of submission, and the failure of the Planning Board to take action within such prescribed time, shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

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

- (1) The modifications it requires 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 bonds therefor 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 Subdivision Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of this local law. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study on the Subdivision in final form or as a result of new information obtained at the public hearing.

Section 4 FINAL PLAT FOR MAJOR SUBDIVISION

A. Application for Approval and Fees

The Subdivider shall, within six 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 Subdivision shall be accompanied by an additional deposit to the project review reserve fund if requested by the Planning Board and by a Major Subdivision Plat fee in the amount established by resolution of the Town Board, which fee shall be credited to the Town General Fund. (See attached fee schedule.) If the Final Plat is not submitted within six months after the approval of the Preliminary Plat, the Planning Board may revoke Preliminary Plat approval.

B. Number of Copies

A Subdivider 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 four copies of the Plat, the original and one true copy of all offers of cession, covenants, conservation easements, homeowners association and other agreements, and two prints of all construction drawings.

C. When Officially Submitted

The time of submission of the Final Subdivision Plat shall be considered to be the date on which the application for approval of the Final Subdivision Plat, complete and accompanied by the required fee and project review reserve fund deposit and all data required by Article V, Section 4 of this local law, has been filed with the Clerk of the Planning Board.

D. Endorsement of State, County, and Town Agencies

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Columbia County Department of Health. The Subdivider shall file applications for approval of plans for water or sewer facilities with all necessary Town, City, County, and State agencies. Endorsement and approval by the Columbia County Department of Health shall be secured by the Subdivider before official submission of the Subdivision Plat.

E. Final Plats Which Are in Substantial Agreement with Approved Preliminary Plats

When a Final Plat is submitted which the Planning Board deems to be in substantial agreement with a Preliminary Plat approved pursuant to this Section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such Plat, within 62 days of its receipt by the Clerk of the Planning Board.

F. Final Plats Which Are Not in Substantial Agreement with Approved Preliminary Plats

When a Final Plat is submitted which the Planning Board deems not to be in substantial agreement with a Preliminary Plat approved pursuant to this Section, the following shall apply:

- (1) Final Plats not in substantial agreement with approved Preliminary Plats may require further review under the State Environmental Quality Review Act.
- (2) The Planning Board shall hold a public hearing on such Final Plat not later than 62 days after the receipt of the Final Plat. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.
- (3) The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such Plat, within 62 days after the date of the public hearing. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. Notwithstanding the foregoing provisions of this Section, the period in which the Planning Board must take action on such Final Plat may be extended by mutual consent of the Subdivider and the Planning Board. In the event the Planning Board fails to take action on a Final Plat within the time prescribed herein, or for such extended period

established by the mutual consent of the owner and the Planning Board, the Plat shall be deemed approved, and a certificate of the Town Clerk as to the date of submission and the failure to take action within such prescribed time shall be issued on demand, and shall be sufficient in lieu of written endorsement of other evidence of approval herein required.

G. Conditional Approval

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 days of the resolution granting conditional approval, the Plat shall be certified by the Clerk of the Planning Board as conditionally approved, and a copy filed in his office, and a certified copy mailed to the Subdivider. The copy mailed to the Subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat. Upon 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 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 two additional periods of 90 days each.

Section 5 REQUIRED IMPROVEMENTS

A. Improvements and Performance Bond

Before the Planning Board grants final approval of the Subdivision Plat, the Subdivider shall follow the procedure set forth in either Subsection (1) or (2) below.

- (1) In an amount set by the Planning Board, the Subdivider shall either file with the Town Clerk a certified check or irrevocable letter of credit to cover the full cost of the required improvements, OR the Subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of Town Law and shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution, and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
- (2) The Subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the Subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Engineer as to form, sufficiency, manner of execution, and surety.

B. Modification of Design of Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The Town Engineer shall issue any authorization under this Subsection (5) (B) in writing, and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

C. Inspection of Improvements

At least five days prior to commencing construction of required improvements, the Subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of the improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper Installation of Improvements

If the Town Engineer 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, Building Inspector, and Planning Board. The Town Board shall notify the Subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the Subdivider is in default on a previously approved Plat.

Section 6 FILING OF APPROVED SUBDIVISION PLAT

A. Final Approval and Filing

Upon completion of the requirements in Sections 4 and 5 of this local law, and notation to that effect upon the Subdivision Plat, the Plat 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 Subdivider in the Office of the County Clerk. Any Subdivision Plat not filed or recorded within 62 days of the date upon which the Plat is approved or considered approved by reason of the failure of the Planning Board to act, shall become null and void. Plats approved in sections shall comply with applicable provisions of Section 276 of the Town Law.

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 Plat is first re-submitted to the Planning Board and the Planning Board approves such modifications. In the event that any Subdivision Plat is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

Section 7 PUBLIC STREETS AND 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 on the Subdivision Plat.

B. Ownership and Maintenance of Recreation Areas

When a park, playground, or other recreational area is shown on a Plat, the approval of the Plat shall not constitute an acceptance by the Town of the 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 Subdivider and the Town Board covering future deed and title, dedication, and provision for the cost of grading, developments, equipment, and maintenance of any such recreation area.

Section 8 SPECIAL PROVISIONS FOR PRIVATE ROAD SUBDIVISIONS IN RURAL AREAS

It is the policy of the Town to discourage the construction of new Town roads in rural parts of the Town, except where new through roads may be needed. Therefore, in appropriate circumstances, properly constructed private roads shall be encouraged. Such roads may be unpaved and may be narrower than the Town Road Specifications require for roads accepted by the Town.

A. Applicability

A Private Road Subdivision (PRS) shall be allowed in any Subdivision of land in the RU District, provided that total development on the road is limited to no more than ten lots.

B. Required Findings

In order to allow a PRS, the Planning Board must make the following findings:

- (1) The proposed alignment of the road is suitable for a cul-de-sac and is not an appropriate location for a through Town road.
- (2) The proposed PRS will benefit the Town by limiting development in a rural area and/or by preserving open space of conservation value as set forth in Section 4.5-1 of the Zoning Law.
- (3) The PRS complies with the Procedures and Standards set forth in Subsection C below.

C. PRS Procedures and Standards

- (1) The applicant shall submit to the Planning Board a professional engineer's drawings showing the location, dimensions, and grade of the road, as well as the specifications setting forth the proposed composition of the road.
- (2) Written comment from the Town Superintendent of Highways and approval by the engineer retained by the Town shall be secured before Planning Board approval of any private road.
- (3) A homeowners' association (HOA) must be created to own and provide for the perpetual care and maintenance of the private road, unless a waiver is granted pursuant to Article VI. Such HOA shall meet all requirements for an open space HOA set forth in Section 4.5-4(b) of the Zoning Law. The HOA must have the power to assess the Subdivision lot owners for their share of the maintenance costs of the private road. The HOA shall contract directly with the Town or a qualified road contractor to ensure that the road will always be maintained and kept open to permit emergency vehicle access. In the event that a private road contractor does not properly maintain the road, the Town may assume maintenance responsibilities and charge the HOA for all reasonable costs thereof. Such costs, if unpaid for more than sixty days, shall become a lien on all properties in the Subdivision, enforceable in the same manner as a property tax lien. The Planning Board shall have discretion to determine whether the applicant should be required to establish a maintenance fund at the time of approval and, if so, how much of a deposit should be required. The Planning Board shall also have discretion to determine whether a performance bond must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance bond shall be and what form it shall take.
- (4) The private road may never be offered for dedication to the Town unless it conforms to Town Highway specifications in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication, even if the road conforms to Town Highway specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town Highway specifications shall be borne by the homeowners' association (HOA).
- (5) The HOA shall contract with the Town to provide at regular intervals (to be determined by the Planning Board) a written certification from a licensed professional engineer that

the physical integrity of the private road is adequate to meet its present needs and the needs which can reasonably be anticipated in the future.

- (6) The lots in the Subdivision may never be subdivided beyond the number of lots permitted in Subsection A, regardless of whether the private road remains a private road. This restriction on Subdivision shall be implemented by a recorded deed restriction or conservation easement enforceable by the Town.
- (7) The Subdivision Plat shall show the road clearly labeled PRIVATE ROAD.
- (8) Design Standards. The following are minimum standards for construction of private roads:
 - (a) All construction shall be in accordance with this local law and shall be under the immediate inspection, supervision, and approval of the Planning Board.
 - (b) The right-of-way for a private road shall be not less than forty feet wide with a travelled way not less than eighteen feet wide.
 - (c) Whenever possible and as far as practicable, roads shall follow natural contours.
 - (d) Minimum curve radius shall be sixty feet; minimum tangent distance between reverse curves shall be thirty feet.
 - (e) Grade shall not exceed fifteen percent (15%) nor be less than one percent (1%). Grade shall not be greater than two percent (2%) within thirty feet of an intersection.
 - (f) The subgrade and foundation course shall be constructed as required by Town Highway specifications.
 - (g) The wearing surface shall consist of at least two inches of crushed stone or gravel.

ARTICLE 4: GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR ALL SUBDIVISIONS

In considering applications for Subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. These standards shall be minimum requirements and may be waived by the Planning Board only under circumstances set forth in Article VI of this local law.

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 Zoning Law and Comprehensive Plan

Subdivisions shall conform to the Zoning Law, and shall be in harmony with the Comprehensive Plan. In case of a conflict between this local law and the Zoning Law, the Zoning Law shall control.

C. Specifications for Required Improvements

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

D. Character of the Development

In making any determination regarding streets, highways, parks, and required improvements, the Planning Board shall take into consideration the prospective character of the development, whether high-density or low-density residential, mixed-use, business, or industrial.

E. Reserve Strips

Reserve strips of land, preventing access from any portion of a subdivided property to streets or adjoining property shall not be permitted, unless the Planning Board finds such strips to be necessary for the protection of public health or safety.

F. Preservation of Natural Features

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

Section 2 STREET LAYOUT

A. Width, Location, and Construction

Streets shall be surveyed and shall be compatible with the existing character of the hamlet or rural area in which they are located. They shall be adequately constructed to accommodate the anticipated traffic and provide access for fire fighting, snow removal, and road maintenance equipment. The arrangement of streets shall not result in undue hardship to adjoining properties and shall follow the patterns shown in the Hamlet and Rural Siting Guidelines. Roads shall be constructed to such specifications as the Planning Board shall deem appropriate to fulfill the purposes of the Zoning Law, after review and recommendation by the Town Highway Superintendent.

B. Arrangement

Where appropriate, the arrangement of streets shall provide for continuation into adjoining Subdivisions and un-subdivided land, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, or needed utilities and public services such as sewer, water, and drainage facilities. Where, in the

opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

C. Minor Streets

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

D. Special Treatment along Major Arterial Streets

When a Subdivision abuts or contains an existing or proposed major arterial street, the Planning 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.

E. Provision for Future Re-subdivision

Where a tract lying within a hamlet area is subdivided into lots substantially larger than the minimum size required by the Zoning Law, the Planning Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in this local law.

F. Dead-End Streets

In the RU Zoning District, dead-end or loop residential streets will be allowed where the Planning Board finds that such streets will help preserve blocks of open space of conservation value and will not interfere with traffic circulation. In the HM District, dead-end streets will be allowed only if necessitated by the presence of wetlands, watercourses, or steep slopes. The Planning Board may require a 50-foot-wide easement to provide for the future continuation of the street to adjoining land developments. In the case of dead-end streets, where needed or desirable, the Planning Board may require the reservation of a 20-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing 20 or more lots shall have at least two street connections with existing public streets or streets on an approved Subdivision Plat for which a bond has been filed.

G. Block Size

Within the hamlet districts, blocks generally should not be less than 400 feet nor more than 1,200 feet in length. In general, no block width should 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 footpath be included.

H. Intersections with Collector or Major Arterial Roads

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

I. Street Jogs

Except in the hamlet districts, street jogs with center line offsets of less than 125 feet shall be avoided.

J. 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.

K. 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 to obtain as many of the building sites as possible at or above the grades of the streets (except for "high-low" streets, as described in the Hamlet Siting Guidelines). Grades of streets shall conform as closely as possible to the original topography.

Section 3 STREET DESIGN

A. Widths of Rights-of-Way

Streets shall have the following widths. (When not indicated in the Comprehensive Plan, the classification of streets shall be made by the Planning Board.)

	<u>Minimum Right-of-Way</u>	<u>Minimum Width Improved Surface</u>
Major Streets	66 feet	44 feet
Collector Streets	60 feet	40 feet
Minor Streets	50 feet	20 feet
Private Roads	40 feet	18 feet

B. Improvements

- (1) Streets shall be graded and improved and storm drainage facilities and street signs provided. Such grading and improvements shall be approved as to design and specifications by the Town Engineer. In the RU District, Private Roads and Minor Streets shall not be required to be paved unless topographic or traffic conditions warrant.
- (2) In Subdivisions where the typical lot size is less than 40,000 square feet or the typical lot width at the street right-of-way is less than 125 feet, the following may be required: curbs, gutters, sidewalks, water mains, fire hydrants, sewers, and street lights. Such improvements shall be approved as to design and specifications by the Town Engineer.

C. Utilities in Streets

Each lot in a Subdivision must have utility line service. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the travelled way and street line to simplify location and repair of the lines. The Subdivider shall install underground service connections to the property line of each lot within the Subdivision before the street is paved. The requirement of underground utility lines may be waived where the Board finds that the topography or geology is unsuitable, or where the Subdivision protects open space resources by maintaining a low density of development.

D. Utility Easements

Where topography is such as to make impractical the inclusion of 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.

E. Grades

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half percent nor more than six percent for major and collector streets, or 10 percent for minor streets, but in no case more than three percent within 50 feet of any intersection.

F. Changes in Grade

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

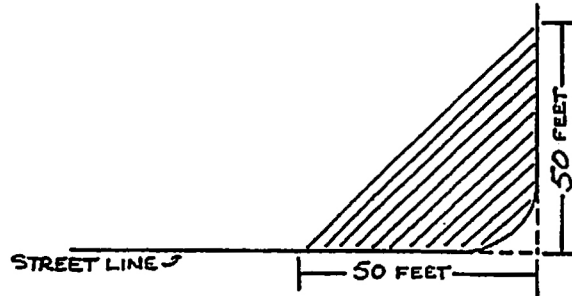
G. Curve Radii at Street Intersections

Within the RU District, 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.

H. Steep Grades and Curves; Visibility at 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 feet higher than the center line of the street. If directed by the Planning Board, ground shall be excavated to achieve visibility.

SKETCH A



I. Dead-End Streets (Cul-de-Sacs)

Streets designed as permanent cul-de-sacs should, in general, not exceed 1,500 feet in length in the RU District and 300 feet in the HM District. Such streets shall terminate in a circular turn-around having a minimum right-of-way radius of 100 feet and a travelled way radius of 75 feet to the center of the road. At the end of temporary dead-end streets, a temporary turn-around with a travelled way radius of 75 feet shall be provided. The Planning Board may approve an alternate termination of a permanent or temporary cul-de-sac, provided that it is sufficient for turning maneuvers by fire-fighting vehicles. The Planning Board may approve a cul-de-sac longer than 1,500 feet if the Subdivider places a perpetual conservation easement on at least 80% of the parcel to which the cul-de-sac provides access.

J. Watercourses

- (1) Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Highway Superintendent or Town Engineer.
- (2) Where a Subdivision is traversed by a watercourse, drainage way, channel, or stream, a stormwater easement or drainage right-of-way shall be provided as required by the Town Engineer, in no case less than 20 feet in width.

K. Service Streets or Loading Space in Commercial Developments

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

L. Free Flow of Vehicular Traffic Abutting Commercial Developments

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 shall be approved by the Planning Board. In general, streets should 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 other street names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

Section 5 LOTS

A. Lots to Be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Law, there will be no foreseeable difficulties for reasons of topography or other conditions.

B. County Health Department Approval

Any lot which is subdivided for purposes of constructing a habitable structure and is not served by a public sewage disposal system shall be approved for its suitability for septic systems by the Columbia County Department of Health. Any lot not so approved shall be prominently marked on the Plat "not approved for habitable building purposes." No such lot shall be built upon with a habitable structure unless the owner subsequently obtains Subdivision approval for such lot as a building lot from both the Planning Board (in strict compliance with this local law and the Zoning Law) and the Columbia County Department of Health.

C. Side Lines

. Within the Hamlet Districts, 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.

D. Driveway Access

Driveway access and grades shall conform to the specifications of the Zoning Law. Driveway grades between the street and the setback line shall not exceed 10%, and shall not exceed 3% within 25 feet of the driveway-road intersection. Driveway exits shall be at right angles to the road within 25 feet of the driveway-road intersection. Driveways (other than common driveways) on lots with 100 feet or more of road frontage shall have a minimum setback from the side property line of 20 feet. Clearance for sight lines from driveways shall follow the intersection clearance requirements in Article IV, Subsection (3) (H) (Sketch A).

E. Monuments and Lot Corner Markers

Permanent monuments meeting specifications approved by the Town 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 Town Engineer may require, and their location shall be shown on the Subdivision Plat.

Section 6 DRAINAGE IMPROVEMENTS

- A. Subdivisions shall be designed to minimize off-site stormwater runoff by minimizing grading, cutting, and filling; minimizing the use of impermeable surface materials on roads, driveways, and other improved areas; retaining existing vegetation; using gently sloped vegetated swales; and employing other non-structural or structural measures including retention or detention basins. The objective of such measures shall be to maintain or improve pre-development drainage conditions.

B. Removal of Spring and Surface Water

Where stormwater cannot be retained on-site through the design measures described in Subsection (A) above, the Subdivider may be required 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.

C. 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 Town Engineer shall approve the design and size of the facility based on anticipated runoff from a 25-year storm under conditions of probable future development in the watershed.

D. Responsibility For 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 Town Engineer. Where it is anticipated that the additional runoff incident to the development of the Subdivision will overload an existing downstream drainage facility during a 10-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the Subdivision until provision has been made for the improvement of such condition.

E. Land Subject to Flooding

Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy or for any other uses that may increase danger to health, life, or property, or aggravate the flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation. Such land may also be improved in a manner that reduces the threat of localized and downstream flooding. All Subdivisions involving wetlands shall comply with the New York State Department of Environmental Conservation and U. S. Army Corps of Engineers regulations governing wetlands, as well as the wetland protection provisions of the Zoning Law.

Section 7 RESERVATION OF PARKLAND ON SUBDIVISION PLATS CONTAINING RESIDENTIAL UNITS

- A. Before the Planning Board may approve a Subdivision Plat containing residential units, such Subdivision Plat shall show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes.
- B. Land for park, playground, or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular Subdivision Plat will contribute.
- C. In the event that the Planning Board makes a finding pursuant to Subsection (7) (B) above that the proposed Subdivision Plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such Subdivision Plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the Subdivision Plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground, or other recreational purposes, pursuant to the provisions of

this Section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground, or other recreational purposes, including the acquisition of property.

D. Information to be Submitted

In the event that an area to be used for a park or playground is required to be shown, the Subdivider shall submit to the Planning Board, prior to final approval, five prints drawn at a scale of not less than 30 feet to the inch (1" = 30 feet), showing such area and the following features thereof:

- (1) The boundaries of the area, giving lengths and bearings of all straight lines; radii, lengths, central angles, and tangent distances of all curves.
- (2) Existing features such as brooks, ponds, clusters of trees, rock outcrops, and structures.
- (3) Existing and, if applicable, proposed changes in grade and contours of the area, and of the area immediately adjacent to it.

ARTICLE 5: DOCUMENTS TO BE SUBMITTED

The requirements of the following sections may be modified upon request in accordance with the provisions of Article VI.

Section 1 SKETCH PLAN

- A. The sketch plan information initially submitted to the Planning Board shall consist of a copy of the official town map (available at the Office of the Town Clerk) showing the location of the entire tract which is proposed to be subdivided and a sketch of the entire tract at a scale of 200 feet or 400 feet to the inch (unless a smaller scale is needed to present the entire tract on one sheet) showing the following information:
- (1) The location of the portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 - (2) Within the portion to be subdivided and within 200 feet thereof, topography at 10-foot contour intervals, as well as all existing structures, wooded areas, ponds, streams, wetlands, and other significant physical features.
 - (3) The name of the owner and of all adjoining property owners.
 - (4) The kind of development proposed, including uses (such as residential, commercial, or mixed-use) and pattern (such as conventional, flexible lot, or hamlet cluster).
 - (5) All the utilities available, and all streets which are either proposed, mapped, or built.
 - (6) The proposed layout of lots (including lot width and depth), road and driveway type and configuration, recreation areas, conservation easement areas, systems of drainage, sewerage, and water supply within the subdivided area.
 - (7) All existing restrictions on the use of land, such as easements, covenants, conservation easements, and zoning district boundaries (including stream corridor, agricultural preservation, floodplain, and other mapped overlay districts).
 - (8) For Lot Line Adjustments, only items 1, 3, and the revised lot layout need to be shown.

Section 2 MINOR SUBDIVISION PLAT

- A. In the case of Minor Subdivisions ONLY, the Subdivision Plat application shall be clearly marked "Final Plat" and shall include all information required in Section 1 above, as well as the following additional information:
- (1) A copy of conservation easements, covenants, or deed restrictions intended to cover all or part of the tract. Execution of such documents shall precede or be made a condition of Plat approval.
 - (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the Plat. In the case of a tract in which less than 50% of the land is to be platted for buildable lots, the Planning Board may waive the requirement of a field survey of that portion of the tract which is not to be so platted. For any partial flexible lot or cluster subdivision, the Plat shall clearly show the total permitted lot count for the tract, the number of lots created by the Plat, and the number of lots permitted to be platted in the future. This requirement may be waived if the Planning Board determines that a full lot count is not necessary due to the small number of lots in relation to the size of the entire parcel, provided that such determination is noted on the Plat.

- (3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Board of Health, and a note to this effect shall be stated on the Plat and signed by a licensed engineer.
 - (4) Proposed Subdivision name, name of the Town and County in which it is located.
 - (5) Date, north point, map scale, name and address of record owner and Subdivider.
 - (6) If the platted lots abut agricultural uses, the agricultural disclosure statement required by Section 8.6-2 of the Zoning Law.
 - (7) If the property to be subdivided is in an agricultural district and contains a farm operation or lies within 500 feet of a farm operation in an agricultural district, an agricultural data statement, as required by Section 305-a(2) of the Agriculture and Markets Law (see Definitions).
 - (8) The Plat to be filed with the County Clerk shall be no larger than 22 inches by 44 inches.
 - (9) Such other information as the Planning Board deems necessary to conduct an informed review.
- B. If the application covers only a part of the Subdivider's entire holdings, the applicant shall submit a map or sketch of the entire contiguous holdings, indicating acreages and the relation of the proposed Subdivision to the entire tract. The portion of the Subdivider's holdings proposed for Subdivision shall be considered in light of the entire holdings.

Section 3 MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for approval:

- A. Six copies of the Preliminary Plat prepared at a scale of one hundred (100) feet to the inch, or such other scale as the Planning Board may deem appropriate, showing:
 - (1) Proposed Subdivision name, name of Town and County in which it is located, date, true north point, scale, name and address of record owner, Subdivider, 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, including overlay districts
 - (4) All parcels of land proposed to be dedicated to public use or preserved as open space and the conditions of such dedication or preservation.
 - (5) Location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, soil types, slopes greater than 15% and 30%, 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 five feet or less if required by the Planning Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two feet.
 - (8) The width and location of any streets or public ways or places shown on the official map or the Comprehensive Plan within the area to be subdivided, and the width, location, grades, and street profiles of all private roads, common driveways, or public ways proposed by the Subdivider.
 - (9) The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.

- (10) Stormwater 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, and 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. The permanent easements shall not be less than 20 feet in width and shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the Subdivision Plat 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 by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the Plat. For any partial flexible lot or cluster subdivision, the Plat shall clearly show the total permitted lot count for the tract, the number of lots created by the Plat, and the number of lots permitted to be platted in the future. This requirement may be waived if the Planning Board has determined that a full lot count is not necessary due to the small number of lots in relation to the size of the entire parcel, provided that such determination is noted on the Plat.
 - (16) If the property to be subdivided is in an agricultural district and contains a farm operation or lies within 500 feet of a farm operation in an agricultural district, an agricultural data statement, as required by Section 305-a(2) of the Agriculture and Markets Law (see Definitions).
- B. If the application covers only a part of the Subdivider's entire holdings (or those of a related person), the Subdivider shall submit a map or sketch of the entire contiguous holdings, indicating acreages and the relation of the proposed Subdivision to the entire holdings. The map shall show an outline of the platted area with its proposed streets and shall indicate 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 area proposed for Subdivision shall be considered in light of the entire holdings.
- C. A copy of conservation easements, covenants, or deed restrictions intended to cover all or part of the tract, in draft form.

Section 4 MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for approval:

- A. The Plat to be filed with the County Clerk shall be no larger than 22 inches by 44 inches. The Plat shall normally be drawn at a scale of no more than 100 feet to the inch, oriented with the north point at the top of the map. When more than one 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 Subdivider, name, license number, and seal of the licensed land surveyor.

- (2) Street lines, pedestrian ways, lots, reservations, easements, areas to be dedicated to public use, and, if required by Section 8.6 of the Zoning Law, an agricultural disclosure statement.
- (3) Sufficient data acceptable to the Town 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 dedicated public open spaces, all areas protected by conservation easements, and all open spaces or recreation areas where title is reserved by the Subdivider. The Subdivider shall submit copies of executed deeds, conservation easements, and such other agreements or documents as are necessary to show the manner in which such areas are to be owned, maintained, and preserved. For any partial flexible lot or cluster subdivision, the Plat shall clearly show the total permitted lot count for the tract, the number of lots created by the Plat, and the number of lots permitted to be platted in the future. This requirement may be waived if the Planning Board has determined that a full lot count is not necessary, provided that such determination is noted on the Plat.
- (6) All offers of cession and conservation easements or covenants governing the preservation and maintenance of unceded open space shall be approved by the Town Attorney as to their legal sufficiency.
- (7) Lots and blocks within a Subdivision shall be numbered and lettered in accordance with the prevailing Town practice.
- (8) Permanent reference monuments shall be shown, and shall be constructed in accordance with specifications of the Town 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 Town Engineer and their location noted and referenced upon the Plat.
- (9) All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least three-quarters of an inch (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 Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by the Town Engineer.
- (11) A map shall be submitted to the satisfaction of the Planning Board, indicating the location of monuments marking all underground utilities as actually installed. If the Subdivider completes all required improvements according to Article III, Subsection (5)(a)(2) of this local law, then such map shall be submitted prior to final approval of the Subdivision Plat. However, if the Subdivider elects to provide a bond or certified check for all required improvements (as specified in Article III, Subsection (5)(a)(1)), such bond shall not be released until such a map is submitted in a form satisfactory to the Planning Board.

ARTICLE 6: WAIVERS AND VARIANCES

Section 1 WAIVERS

- A. 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 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 conflict with the Zoning Law or the Comprehensive Plan.
- B. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Section 2 AREA VARIANCES

If a proposed Plat contains one or more lots which do not comply with the Zoning Law dimensional regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to the Zoning Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the Zoning Law. In reviewing such application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance.

FEES AND DEPOSITS

Local Law #1 of the year 2000

(Legal Fees and Engineering Costs referred to in Article III)

ZONING BOARD OF APPEALS FEES AND DEPOSIT SCHEDULE

Application Fees which must accompany the application:

Minor Project	\$ 50.00
Major Project	\$100.00
Deposit on all applications to be used to defray costs, expenses, etc	\$300.00

On all applications to the Zoning Board, the applicant shall be liable for all costs incurred by the Town in processing the application which includes but is not limited to: Advertising; Stenographic minutes of meetings; Engineering review costs; Environmental or special study fees; and Recording fees. The Zoning Board shall have the authority to waive the deposit provided for above on a minor project if it determines that it is unlikely that additional review costs will be incurred by the Board in connection with the application.

Review Fee: In order for the Town to defray the cost for review, on any project the owner/developer will be required to deposit with the Town a sum of money as estimated by the Town or Town consultants. The town will then escrow the money and be authorized to pay the cost for review from the money on deposit in the account. Upon final approval, should monies remain in the account following the Town consultant's final billing for the project, they shall be returned to the applicant. If monies on deposit prove to be insufficient for the review cost, the applicant shall deposit monies in an amount sufficient to cover the cost of such additional review as may be required, prior to obtaining final project approval.

PLANNING BOARD FEES AND DEPOSIT SCHEDULE

Application Fees which must accompany the application:

Minor Subdivision:

Application Fee	\$100.00
Deposit to defray costs, expenses, etc	\$100.00
Recreation Fee on Final Approval	\$300.00 per lot created

Major Subdivision:

Preliminary Plan Application Fee	\$200.00 plus \$50.00 per lot
Final Plat Application Fee	\$100.00
Recreation fee on Final Plat Approval	\$300.00 per lot created

(Upon Planning Board findings required Pursuant to Town Law Sec. 277)

Fee for restamping of expired approval for any approved subdivision map not filed in the County Clerk's Office within sixty-two (62) days after Planning Board Approval \$ 50.00

On all applications to the Planning Board, the applicant shall be liable for all costs incurred by the Town in processing the application which includes but is not limited to : Advertising; Stenographic minutes for meetings; Engineering review costs; Environmental or special study fees; and recording fees.

Review Fee: In order for the Town to defray the cost for review, on any project the owner/developer will be required to deposit with the Town a sum of money as estimated by the Town or Town consultants. The Town will then escrow the money and be authorized to pay the cost for review from the money on deposit in the account. Upon final approval, should monies remain in the account following the Town consultant's final billing for the project, they shall be returned to the applicant. If monies on deposit prove to be insufficient for the review cost, the applicant shall deposit monies in an amount sufficient to cover the cost of such additional review as may be required, prior to obtaining final project approval.

APPLICATIONS FOR MULTIPLE ACTIONS BY THE ZONING BOARD OR PLANNING BOARD

In the event an application with respect to a single project seeks more than one type of action from the Zoning Board or Planning Board, such Board, in its discretion on a case-by-case basis, shall establish the total required application fee; provided, however, such application fee shall not be less than the highest fee established above for one of the separate actions requested from such board.

SUPERSESSON OF PREVIOUS FEE SCHEDULES

This Local Law specifically supersedes all previous fee schedules for application fees and/or review fees before the Zoning Board of Appeals and Planning Board, as amended from time to time. This Local Law, however, does not affect any fee schedule which may heretofore or hereafter established or amended with respect to fees for building permit applications, the issuances of building permits or the issuance of certificates of occupancy.