

Model Subdivision Ordinances

Subdivision Regulations (Town of Middlesex, NY)

Model Subdivision Regulations, Dutchess County Planning Department, NY

Conservation Subdivision Regulations (City of Saratoga Springs, NY)

TOWN OF MIDDLESEX
Land Subdivision Regulations

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General References: Building Construction , Flood Damage Prevention and/or Zoning – see Article #4

ARTICLE 1 – Declaration of Policy

1.1 Purpose

The Town Board of the Town of Middlesex finds that in order to provide for the orderly, efficient and economical development of the Town in keeping with the Town's environmental and rural character as noted in the Town's *Master Plan of 1992*, the Planning Board shall have the power and authority to consider, review, and approve land subdivision plats within the boundaries of the Town of Middlesex.

Further, The Town Board of the Town of Middlesex finds that in order to protect the Town of Middlesex, its residents and their property, with respect to land development within the Town, it is essential for the Town to have:

- A. Competent engineers and planners retained by the Town to review and approve plans and designs, and make recommendations to the Town Board and Planning Board.
- B. Competent engineers and planners retained by the Town to inspect the construction of highways, drainage, sewer, other facilities, and parks to be dedicated to the Town and to recommend their acceptance by the Town.
- C. Competent attorneys retained by the Town to negotiate and draft appropriate agreements with developers, obtain, review and approve necessary securities, insurance and other legal documents, review proposed deeds and easements to assure the Town is obtaining good and proper title and to generally represent the Town with respect to legal disputes and/or issues with respect to developments.

The cost of retaining such competent engineers, planners, and attorneys should ultimately be paid by those who seek to profit from such development, rather than from general Town funds.

1.2 Authority

By the authority of the resolution of the Town Board of the Town of Middlesex adopted on June 14, 2007, pursuant to the provisions of Article 16 of *New York State Town Law*, the Planning Board of the Town of Middlesex is authorized and empowered to approve plats showing lots, blocks, or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of Yates County and to approve preliminary plats within the Town.

Further authority for this local law is contained in sub paragraphs (a)(12) and (d)(3) of the *New York State Municipal Home Rule Law* Section 10(1) (ii) and *New York State Municipal Home Rule Law* Section 22. To the extent that *New York State Town Law* Sections 274-a, 276, and 277 do not authorize the Town Board or Town Planning Board to require the reimbursement to the Town of legal, planning, and engineering expenses incurred by the Town in connection with the review and consideration of application for subdivision approval, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event such expenses are not paid to the Town. It is the expressed intent of the Town Board to change and supersede *New York State*

Town Law, Sections 274-a, 276, and 277 to empower the Town to require such payment as condition to such approvals.

1.3 Lot layout, street system and open spaces.

All proposed lots shall be so laid out and of such a size as to conform to the intent of the Town's *Master Plan*, and *Yates County, Looking Ahead: A Planning and Design Guide*, prepared by Roger Trancik, FASLA, 1990. The proposed streets shall compose a convenient system conforming to the *Official Map*, and *Standards of New Roads – Town of Middlesex* and shall be properly related to the proposals shown on the *Master Plan*. These roads shall be of such width, grade and location as to accommodate the prospective automobile, bicycle, and pedestrian traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings (as detailed in documents such as, but not limited to, the *Town of Middlesex Zoning Law* Section 703). Proper provision shall be made for open spaces for parks and playgrounds where appropriate. Where possible, existing features of the landscape such as large trees, water courses, rock outcrops, historic spots and other irreplaceable physical assets should be preserved.

1.4 Title, adoption and approval.

In order that land subdivisions may be made in accordance with this policy, this local law shall be known as the *Town of Middlesex Land Subdivision Regulations* having been approved and adopted by the Town Board on June 14, 2007.

ARTICLE 2 – Definitions

2.1 Terms Defined

ACCESS LANE WAY - A public or private right-of-way of limited use intended only to provide access to the rear or side of lots or buildings in hamlet, village, or similar densely built areas.

APPLICANT – Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Town Planning Board or Town Board to approve a development or subdivision.

BLOCK - A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.

COLLECTOR STREET - A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

COMPREHENSIVE PLAN (MASTER PLAN) A comprehensive plan, (also called a master plan) prepared by the Planning Board pursuant to Section 272-a of the New York State 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.

DEAD-END STREET or CUL-DE-SAC - A street or a portion of a street with only one vehicular traffic outlet.

DEVELOPER – see SUB-DIVIDER

DRAINAGE FACILITY – All surface water drainage facilities, including, but not limited to, detention and retention basins, storm sewers and their appurtenances, drainage swales and ditches, and any easements through or over which said facilities may be constructed or installed in or in connection with a development.

EASEMENT - The authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER- A person licensed as a professional engineer by the State of New York.

HIGHWAY – The term ‘highway’ includes a street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass and underpass, and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders, and sidewalks in or in connection with a development.

LOCAL STREET - see ‘Minor Street’

MAJOR STREET - 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.

MAJOR SUBDIVISION - Any subdivision of a parent parcel of land into four (4) or more lots including the parent parcel, or any subdivision requiring any new public street, road, or extension of municipal facilities.

MINOR STREET - A street that provides for direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or major streets.

MINOR SUBDIVISION - Any subdivision of a parent parcel of land into no more than (3)three lots, including the parent parcel and not previously classified as a major subdivision.

OFFICIAL MAP - The map established by the Town Board pursuant to § 270 of New York State Town Law, showing streets, highways, and parks and drainage, both existing and proposed.

PARENT PARCEL – A parcel of land as it existed on the rolls of the Yates County Office of Real Property Services as of the effective date of these regulations.

PLANNER - The duly designated professional planner of the Town, either as a member of the Town staff or as a consultant to the Town, or position assigned with similar duties.

PLANNING 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 Article 5 of these regulations, submitted to the Planning Board for the 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.

STEEP SLOPE – Any geographical area having a gradient of 15% or greater (ratio of vertical distance to horizontal distance), using a minimum horizontal distance of ten (10)

feet, and whether man-made or natural, and whether created by a retaining structure or not. Further, the minimum area being categorized as steep slope shall be 1/10 of an acre (4356 sq. ft. or approx. 65 ft x 65 ft).

STREET - Includes streets, roads, avenues, lanes, or other traffic ways, between right-of-way lines whether public or private.

STREET PAVEMENT - The wearing or exposed surface of the roadway used by vehicular (including bicycle) traffic.

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

STRUCTURAL FILL – Native or imported soil or granular material suitable to achieve minimum compaction requirements for the project.

SUBDIVIDER - Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for themselves or others.

SUBDIVISION - The division of any parent parcel of land into any number of lots, blocks or sites, with or without streets, for the purpose of sale, transfer of ownership, or development. The term 'subdivision' shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat on file in the Yates County office of Real Property Services. The term 'subdivision' is further defined as either a 'minor' or 'major' subdivision (Please see 'Minor Subdivision' and 'Major Subdivision' for these definitions).

SUBBASE MATERIAL – The lowest layer of imported or approved native material used in the construction of a roadbed or as bearing material under structures, consisting of a material with approved compaction characteristics. A material applied on top of a finished subgrade.

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 regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Register.

SUBGRADE – The finished surface elevation achieved after removing organic surface material, and after subsequent cut or fill activity using approved native or import soil.

SURFACE TREATMENT – The finish material applied to the surface of a road, such as asphalt concrete, compacted granular material, etc.

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

TEMPORARY DEAD END STREET / TURNAROUND / CUL-DE-SAC – A subdivision street / road that has not been completely constructed per approved plans. (refer to Section 4.4 I)

TOWN BOARD - The legislative body of the Town.

TOWN ENGINEER - The duly designated engineer of the Town, either as a member of the Town staff or as a consultant to the Town, or position assigned with similar duties.

UNDEVELOPED PLAT - Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20% or more of the lots within the plat are unimproved.

ARTICLE 3 - Application Procedures

3.1 Application in writing required.

Whenever any subdivision of land is proposed, 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. The process begins by meeting with the Town Code Enforcement Officer (CEO) at the Middlesex Town Hall for initial review of the proposed subdivision. The applicant shall receive general instructions, along with an *Application For Planning Board Review / Approval* (subdivision application). In addition, the need for a Zoning Board of Appeals review may be identified if a special use permit and/or variance is necessary.

3.2 Pre-Application Meeting

- A. Prior to submitting a subdivision application it is advisable that the subdivider meet with the Planning Board to informally discuss the proposed subdivision, zoning requirements, expected timetables for approval, etc. The subdivider shall notify the Planning Board at least (10) days prior to a regularly scheduled monthly Planning Board meeting to be included in the meeting agenda.
- B. However, prior to submitting a final plat application for a minor subdivision or a preliminary plat application for a major subdivision, the subdivider shall meet with the Planning Board to submit a sketch and participate in an informal review. The sketch plan should show the location of the subdivision, all existing structures, wooded areas, streams, ponds, lakes, or poorly drained areas, significant physical features, available utilities and the proposed pattern of lots, roads, drainage and sewer and water facilities. In addition, the applicant shall submit a statement attesting to ownership of other interests or surrounding contiguous parcels of land.
- C. The Planning Board shall determine whether the proposed subdivision and sketch plan meets the purposes of this chapter and shall inform the subdivider of the necessary action he should take in meeting the requirements of these regulations.

3.3 Minor Subdivision.

- A. Application and fee.
 - 1. Any owner of land shall, prior to subdividing or re-subdividing a minor subdivision, submit an application for approval of a subdivision plat to the Planning Board Chairperson at least 20 calendar days prior to the next regularly scheduled meeting of

the Planning Board. The plat shall conform to the requirements listed in Article 5, Section 5.1.

2. All applications for plat approval for minor subdivisions shall be accompanied by a fee as set forth in the *Schedule of Fees*.
- B. Number of copies. The subdivider shall submit seven (7) copies of the plat.
- C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representatives, shall attend the meeting of the Planning Board to discuss the subdivision plat.
- D. Plat Approval. The procedure for approval of the plat shall be in accordance with Subdivision 6 of § 276 of the *New York State Town Law*.

3.4 Preliminary plat for Major Subdivision.

- A. Application and fee.
 1. Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in Article 5, Section 5.2. The preliminary plat shall, in all respects, comply with the requirements set forth in the of Sections 276 and 277 of the *New York State Town Law*, and Article 5, Section 5.2 of these Subdivision regulations, except where a waiver may be specifically authorized by the Planning Board.
 2. The application for review of the preliminary plat shall be accompanied by a fee as set forth in the *Schedule of Fees*.
- B. Number of copies. Seven (7) copies of the preliminary plat shall be presented to the Planning Board Chairperson at least 20 calendar days prior to a regularly scheduled meeting of the Planning Board.
- C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representatives, shall attend the meeting of the Planning Board to discuss the preliminary plat.
- D. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage and watercourses, lot sizes and arrangements, the future development of the adjoining lands as yet not subdivided, and the requirements of the *Master Plan*, the *Official Map*, and zoning regulations, paying particular regard to *Town of Middlesex Zoning Law* Sections 402 and 403. The Planning Board shall make an initial determination of environmental significance of the proposed plat pursuant to SEQRA regulations. The Planning Board may schedule and conduct a public hearing on any subdivision plat application at any point during the review process.
- E. Plat Approval. The procedure for approval of the plat shall be in accordance with Subdivision 5 of § 276 of the *New York State Town Law*.

3.5 Final plat for major subdivision.

- A. Application and fee. Within six months of the approval of the preliminary plat the owner shall file with the Planning Board an application for approval of the subdivision plat in final form. A fee as sufficient to pay costs incurred shall accompany all applications. If the final plat is not submitted within six months of the approval of the preliminary plat, the Planning Board may revoke the approval of the preliminary plat. The Town CEO and the Planning Board shall jointly agree upon said amount.
- B. Number of copies. The subdivider shall provide the Planning Board Chairperson with a copy of the application and seven (7) copies of the plat (in a format that satisfies the requirements of the Yates County Clerk's Office), plus the original and one (1) true copy of all offers of cession, covenants, and agreements and two (2) prints of all construction drawings. These documents shall be submitted at least 20 calendar days prior of the regularly scheduled meeting of the Planning Board.
- C. Endorsement of state and county agencies. Applications for approval of plans for sewer and water facilities will be filed by the subdivider with all necessary town, county and state agencies. Before official submission of the subdivision plat, the subdivider shall secure endorsement and approval by the *New York State Department of Health*.
- D. Approval Procedure. The procedure for approval of the plat shall be in accordance with Subdivision 6 of § 276 of the *New York State Town Law*. The Planning Board shall schedule and conduct a public hearing on any subdivision plat application at any point during the review process.
- E. Building permits. These shall be issued only after approval of the final plat is granted.

3.6 Project Execution Requirements.

The Subdivider shall be required to provide for, or comply with, the following:

- A. Performance Bonding for major subdivisions. Prior to any building permit being issued, the subdivider shall provide bonding for the benefit of the Town of Middlesex to both assure completion of all Town required improvements and to cover the cost of restoring the site should the subdivider abandon the project before completion. If the latter occurs, the bond will be used to fund all necessary work required to return the parcel to near its original state or to a condition satisfactory to the Town Planning Board and Town Code Enforcement Officer. The value of the bond shall be an agreed upon percentage of the overall project estimate that will be sufficient to cover the conditions stated above. Any such bond shall comply with the requirements of § 277 of the *New York State Town Law* and shall be satisfactory to the Town Board or it's designee as to form, sufficiency, manner of execution and surety. A period of one year (or other period as the Town Board may determine appropriate, not to exceed three years), **commencing from the start of any site activity**, shall be set forth in the bond within which required improvements must be completed.
- B. Inspection of Required Improvements. The Town Board shall appoint as Town Representative either the Town Code Enforcement Officer (CEO) or the Town's

Consulting Engineer (CE) as the point contact for the subdivider on all matters of construction inspection, construction modifications and project acceptance. After receipt of a building permit, and at least ten (10) calendar days prior to commencing construction of required improvements, the subdivider shall notify the Town Representative in writing what the construction start date will be. The Town Representative shall subsequently begin periodic site inspections to assure that required improvements per the final plat are being performed satisfactorily. If any of the required improvements are found to be out of compliance with the approved plans and specifications, the Town Representative shall give the subdivider written notice. If the subdivider fails to respond to the written notice in a reasonable period of time, the Town Board may revoke the building permit and shall take all necessary steps to preserve the Town's rights under Article 7 (Enforcement) of this Law.

NOTE: Primary inspection responsibilities for the project are anticipated to fall under the scope of the engineering and design firm secured by the subdivider. The Town Representative shall monitor and coordinate with these primary inspection efforts.

- C. Reimbursement of Fees and Expenses. The applicant, for approval of a subdivision in the Town, shall reimburse the Town of all reasonable and necessary planning and engineering expenses incurred by the Town in connection with the review and consideration of such subdivision. A developer who constructs, or proposes to construct, one or more highways, drainage facilities, utilities or parks within, or in conjunction with, an approved subdivision in the Town shall reimburse the Town for all reasonable and necessary legal, planning, and engineering expenses incurred by the Town in connection with the inspection and acceptance by the Town of such highways, drainage facilities, utilities and parks and the dedication of same to the Town.
1. Exemptions. **If the parcel being subdivided is not in the Lake Residential District NOR classified as steep slope AND** is subdivided into no more than two (2) lots abutting an existing public highway, this subdivision is hereby exempt from reimbursement of fees and expenses.
 2. Exemptions. Notwithstanding anything to the contrary contained in this local law, an applicant or developer shall not be required to reimburse the Town for any part of a legal, planning, or engineering fee incurred by the Town for services performed in connection with matters, including but not limited to, those resulting from complaints by third parties, as to which the Town Board determines the applicant or developer had no responsibility or was beyond the reasonable control of the applicant or developer.
- D. Modification of design improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Representative that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Representative, upon approval by the Town Planning Board, may authorize such modifications provided that these modifications are within the spirit and intent of the Town *Master Plan* and do not violate any governing specifications. Authorization for the change(s) shall be granted via signatures by both the Town Representative and the Planning Board on a change authorization form prepared and submitted by the subdivider in advance of any modification work taking place. The subdivider shall take note that modification review by the Planning Board may not take place until the next regularly scheduled meeting.

- E. Completion of Required Improvements. The subdivider shall alert the Town Representative in writing when a final inspection of Town required improvements is requested. One required item of completion will always be a set of as-built drawings, properly drafted, locating all underground utilities, roadway centerlines, rights-of-way, and lot boundaries, all referenced off any new permanent survey monuments or established existing control points. Once all required improvements have been performed
- F. satisfactorily, the Town Representative shall prepare and present a *Letter of Completion* to the Chair of the Town Planning Board for joint signatures. Upon receipt of a properly signed *Letter of Completion* from the Town Representative, the subdivider will be allowed to release any performance bond in force.

NOTE: No *Letter of Completion*, or release of bonding, shall be issued or granted if subdivider is in default on any previously approved plat.

3.7 Deposit and Payment of Fees

- A. Simultaneously with the filing of an application for approval of a development and prior to the commencement of any construction of buildings, highways, drainage facilities, utilities or parks therein, the applicant or developer, as the case may be, shall deposit with the Town Clerk a sum of money sufficient to pay the costs incurred by the Town for engineering, planning and legal services as described in Section 3.6C of this local law. Said amount shall be determined by the Town Board.
- B. Upon receipt of such sums, the Town Clerk shall cause such monies to be placed in a separate non-interest bearing account in the name of the Town and shall keep a separate record of all such monies so deposited and the name of the applicant or developer and project for which such sums were deposited.
- C. Upon receipt and approval by the Town Board of itemized vouchers from an engineer, planner, and/or attorney for services rendered on behalf of the Town pertaining to the development, the Town Clerk shall cause such vouchers to be paid out of the monies so deposited, and shall furnish copies of such vouchers to the applicant or developer at the same time such vouchers are submitted to the Town.
- D. The Town Board shall review and audit all such vouchers and shall approve payment of only such engineering, planning, and legal fees as are reasonable in amount and necessarily incurred by the Town in connection with the review, consideration and approval of developments and the inspection and acceptance of highways, drainage facilities, utilities and parks within or in conjunction with such developments. For purpose of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by engineers, planners, or attorneys to the Town for services performed in connection with the approval or construction of a similar development and in this regard the Town Board may take into consideration the size, type and number of buildings to be constructed, the amount of time to complete the development, the topography of the land on which such development is located, soil conditions, surface water, drainage conditions, the nature and extent of highways, drainage facilities, utilities and parks to be constructed and any special conditions or considerations as the Town Board may deem relevant; and a fee or part thereof is necessarily incurred if it was charged by the engineer, planner, or attorney for a service

- which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Town, protect public or private property from damage from uncontrolled, surface water run-off and other factors, assure the proper and timely construction of highways, drainage facilities, utilities and parks, protect the legal interests of the Town including receipt by the Town of good and proper title to dedicated highways and other facilities and the avoidance of claims and liability, and such other interests as the Town Board may deem relevant.
- E. If at any time during or after the processing of such application or in the construction, inspection or acceptance of buildings, highways, drainage facilities, utilities or parks there shall be insufficient monies on hand to the credit of such applicant or developer to pay the approved vouchers in full, or if it shall reasonably appear to the Town Board that such monies will be insufficient to meet vouchers yet to be submitted, the Town Board shall cause the applicant or developer to deposit additional sums as the Town Board deems necessary or advisable in order to meet such expenses or anticipated expenses
 - F. In the event that the applicant or developer fails to deposit such funds or such additional Funds, the Town Board shall notify as applicable, the Chairperson of the Planning Board, Planning Board, and the Town's Code Enforcement Officer of such failure, and any review, approval, building permit or certificates of occupancy may be withheld by the appropriate board, officer or employee of the Town until such monies are deposited.
 - G. After final approval, acceptance and/or the issuance of a *Certificate of Occupancy* relating to any specific development, and after payment of all approved vouchers submitted regarding such development, any sums remaining on account to the credit of such applicant or developer shall be returned to such applicant or developer, along with a statement of the vouchers so paid.
 - H. Application Fees. The deposits required by Section 3.7 of this law shall be in addition to any regular application fees as may be required by Section 3.3A and 3.4A, and shall not be used to offset the Town's general expenses of legal and engineering services for the several boards of the Town, nor its general administration expenses.

3.8 Filing of approved subdivision plat.

- A. Final approval and filing. Upon completion of the requirements in Sections 3.6 and 3.7 above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chair or Acting Chair) and shall be filed by the applicant in the office of the County Clerk. The plat shall be signed and filed before any building permit is issued and before any work commences. Any subdivision plat not so filed or recorded within 62 calendar 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.
- 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 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.

3.9 Acceptance of public streets and recreation areas.

- A. Ownership and maintenance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such subdivision plat. Please refer to the document entitled Standards for New Roads - Town of Middlesex, which can be obtained from the Town of Middlesex Highway Superintendent.
- B. Ownership and maintenance of recreation areas. When a park, playground, or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect.

Note: In the instance of park or recreational land provision, either at the time of application or at a future date, the Town Board, in consultation with the Planning Board and Town staff, reserves the right to accept dedication of such park or recreational land to the Town as public property. The Town Board may also require the filing of a written agreement between the applicant and the Town covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such park or recreation area.

ARTICLE 4 - General Requirements and Design Standards

4.1 Minimum standards; waiver.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth below. These standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Article 6 herein.

4.2 General requirements.

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Conformity to Official Map and Master Plan. Subdivisions shall conform to the *Official Map* of the Town and shall be in harmony with the *Master Plan*.
- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Code Enforcement Officer. This shall include design and construction per *Standards for New Roads - Town of Middlesex* and *Town of Middlesex Zoning Laws*, Sect. 700.12, Driveways.
- D. Other applicable standards. Applicant must be in compliance with all other existing documents to be inclusive of but not limited to the following:

Local Municipal Laws/ Standards/Guides:

- a. *Zoning Law of 1999*
- b. *Master Plan of 1992*
- c. *Standards for New Roads*

- d. *Storm Water Management and Erosion Control Local Law #3 of 1999*
- e. *The Canandaigua Lake Uniform Docking and Mooring Law #4 of 1992.*

New York State Laws/Regulations/Acts:

- a. *NYS Environmental Quality Review Act (SEQRA)- to include coordination and approval through NYS Dept. of Transportation & NYS Dept. of Health*
- b. *NYS DOH Water & Septic Regulations*
- c. *NYS DOT Driveway Policy and Standards*
- d. *NYS DOH Realty Subdivision*
- e. *NYS Environmental Law*
- f. *NYS Town Law, particularly Sections 274-a, 276, 277*
- g. *NYS Standards and Specifications for Erosion and Sediment Control*
- h. *NYS Phase II Storm Water Regulations*
- i. *NYS Historic Preservation Office- Prehistoric & Historic Structures and Site Protection Law*

Federal Laws/Acts/Statutes:

- a. *US Code of Federal Regulations*
- b. *Federal Clean Water Act*
- c. *Federal Emergency Management Agency – National Flood Insurance Program*

4.3 Street layout.

- A. Width, location and construction. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the *Master Plan* and to accommodate the prospective traffic of all modes (motor vehicle, bicycle, pedestrian) and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient network of streets.
- B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of 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. 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. 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, deep lots with rear service lane ways, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic and limit the access points to the arterial.
- D. 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.

- E. Dead-end streets. The creation of dead-end or loop residential streets should not interfere with normal traffic (including bicycle and pedestrian) circulation in the area. Where dead-end streets are needed, the Board may require the reservation of a fifty (50) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street, and/or to provide for the potential future continuation of the dead-end street pavement.
- F. Block size. In order to encourage walking and neighborhood connections, blocks generally shall not be less than 400 feet nor more than 800 feet in length. If a block does exceed 800 feet in length, the Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that an eight-foot-wide paved footpath be included.
- G. Intersections with collector or major arterial streets. Subdivisions containing 20 lots or more shall have at least two (2) street connections with existing public streets, or streets shown on the *Official Map*, or streets on an approved subdivision plat for which a bond has been filed. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- H. 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.
- I. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.
- J. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

4.4 Street design.

- A. 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>Type of Street</u>	<u>Min. Right-of-Way</u>	<u>Min. Pavement</u>	<u>Max. Pavement</u>
Major	66 feet	24 feet	N/A
Collector	60 feet	24 feet	N/A
Local	50 feet	15 feet	24 feet
Access Lane ways	24 feet	15 feet	20 feet

- B. Improvements. Streets shall be graded and improved with pavements, concrete or granite curbs, gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights

and signs, street trees, and fire hydrants, except where waivers may be requested, and the Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Town Engineer. The Town Engineer shall approve such grading and improvements as to design and specifications.

1. Fire hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the *New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York*.
 2. Street lighting facilities. All new street lighting facilities must be “dark sky” compliant. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town electrical inspector.
- C. Utilities in streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the public right-of-way between the paved roadway and right-of-way line. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- D. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements of 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 1/2 nor more than 6% for major collector streets, or 10% for minor streets in residential zones, but in no case more than 3% 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. All street right-of-way lines at intersections shall be rounded by curves of at least 20 feet radius. Curve radii at intersections of two local streets or a local and a collector street shall be rounded by curves of no more than 25 feet. In all instances, curbs shall be adjusted accordingly.
- H. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is area defined as a triangular area formed by two intersecting street lines and a line connecting points on such street lines 30 feet distance from their point of intersection shall be cleared of all growth (except isolated trees) and obstructions above the level of three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.
- I. Dead-end streets or cul-de-sacs. Where dead-end streets are included in the design, total street length shall not exceed 400 feet in length, and shall terminate per Section 3 in the Standards for New Roads- Town of Middlesex. Alternates to these designs may be considered if plantings or landscaped centers are included so as to reduce the

amount of impervious surface.

Note: If a temporary dead-end street or cul-de-sac is established, such as to provide for vehicle turnaround at the street termination of phase I, the temporary dead-end street or cul-de-sac shall be constructed with the same geometry as per Section 3 of the Standards for New Roads indicated above. Surface treatment for the temporary turnaround portion must be compacted subbase material at minimum, and must be maintained. The intent is to have all streets stabilized and functional within any phase of a subdivision, prior to allowing any residency, so that emergency vehicles can always maneuver without delay.

- J. Watercourses. Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Engineer, and in no case less than 20 feet.
- K. Curve radii. In general, street lines within a block, deflecting from each other at anyone point by more than 10°, shall be connected with a curve, the radius of which for the center line of street shall not be less than 400 feet on major streets, 200 feet on collector streets and 100 feet on minor streets.
- L. Service streets or loading space in commercial development. Paved rear service streets of not less than 18 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.

4.5 Street names.

- A. Type of name. The Planning Board, **coordinating with County 911 authorities**, shall approve all street names shown on a preliminary plat or subdivision plat. In general, streets shall have names and not numbers or letters. Street names should also reflect the established pattern in the town and should refrain from multiple word names (i.e. naming a street after a person and using first and last name). Street names should also reflect the history and character of the community and region and use appellations such as “street”, “avenue”, “road”, “terrace” and “parkway.” Appellations such as “drive”, “court”, “trail” and “run” should be discouraged.
- B. Names to be substantially different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, a street that is continuous shall retain the same name (such as a loop street).

4.6 Lots.

- A. Buildable Lots. **The Planning Board shall approve the site plan only after consideration is given to all existing regulations and constraints. Criteria used during review shall include, but not be limited to, proximity to existing gullies and waterways, septic system constraints, driveway and parking design, setback requirements, easements, permanent site drainage and erosion control design, impact**

to any existing old grow vegetation, geotechnical data provided, location of well site, impact of project on neighboring lots, location of steep slopes, and any retaining wall requirements.

- B. 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.
- C. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.
- D. Driveway access. Driveway access and grades shall conform to specifications of the *Standards for New Roads – Town of Middlesex*. Driveway grades between the street and the setback line shall not exceed 10%.
- E. Access from private streets. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.
- F. 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, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the subdivision plat.

4.7 Drainage improvements

- A. Goals of drainage improvements. In keeping with the stated goals and requirements of the *Federal Clean Water Act /Phase II Storm Water Regulations*, as administered by the New York State Department of Environmental Conservation, every effort should be made to retain water on site or within the immediate area. Storm water and runoff from buildings, roads, and parking areas should be captured to the greatest extent practicable and allowed to infiltrate back into the ground so as to re-charge groundwater resources and prevent large volumes of water flowing off-site. Regional storm water facilities that can accommodate run-off from an entire development are encouraged, especially in concert with cluster subdivision design. The subdivider shall be required by the Planning Board to address any spring or surface water that may exist either previous to, or as anticipated as a result of, the full development of the subdivision.
- B. Design of drainage improvements. The design of culverts, bridges, and other drainage facilities shall be approved by the Town's consulting engineer based on the criteria and specifications contained in the following technical documents **and a hydrology evaluation for all phases of the development to be performed and submitted by the subdivider's engineer:**
 - 1. The *NYS Storm Water Management Design Manual* (New York State Department of Environmental Conservation, most current version or its successors)
 - 2. The *NY Standards and Specifications for Erosion and Sediment Control* (Empire State Chapter of the Soil & Water Conservation Society, 2004, most current version or its successors).

Drainage facilities shall be located in the street right-of-way where feasible, or in

perpetual unobstructed easements of appropriate width.

- C. 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 Town's consulting engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- D. Land subject to flooding. Land subject to flooding or land deemed by the Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase the danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Board to remedy said hazardous conditions.

4.8 Parks, open spaces and natural features.

- A. Recreation areas shown on Town's *Master Plan of 1992*. Where a proposed park, playground or open space shown on the Town's *Master Plan of 1992* is located in whole or in part in a subdivision, the subdivider shall show such areas on the plat in accordance with the requirements specified in Subsection B below and notify the Planning Board. Such area or areas may be dedicated to the Town or County by the subdivider if the Planning Board **and Town Board** approve such dedication.
- B. Parks and playgrounds not shown on Town's *Master Plan of 1992*. The Planning Board shall require that the subdivider reserve sites of a character, extent, and location suitable for the development of a park, playground or other recreational purpose. For a major subdivision, each reservation shall be of an area equal to **20%** of the total land within the subdivision, but in no case shall a reservation be less than two total acres. The area to be preserved shall possess the suitable topography, general character, and adequate road access necessary for its recreational purposes. Small parks, squares, commons, and medians integrated into the subdivision and used for informal community gathering spaces or focal points and passive recreation are encouraged. Where the Planning Board requires land to be set aside for parks, playgrounds, or other recreational purposes, the Board shall require that the site be graded, loamed and seeded and may require it to be fenced.
- C. Preservation of natural features. The Planning Board **encourages the preservation** of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses, beaches, historic places and structures, vistas and similar irreplaceable assets. **As such, a Natural Resource Inventory and Plan (also called an Existing Resources and Site Analysis Plan) shall be required as part of phase I submittals. The plan shall not only contain aerial photography of the site, but shall call out existing vegetative cover, soil types, tree canopy lines, etc..** No tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street shown on the final

subdivision plat. **Smaller diameter trees may be designated as old growth after Site Review, and shall be protected as well. The overall plan for tree removal shall be subject to the approval of the Planning Board.** Design expectations shall include the planting of additional trees throughout the subdivision as an enhancement feature of the subdivision application.

ARTICLE 5 - Documents to be Submitted

5.1 Minor subdivision plat.

The following documents (A, 1-10, B and C) and a *short EAF* from *the SEQR* process shall be submitted with this document package.

- A. Seven (7) copies of the minor subdivision plat prepared at a scale of not more than 100 feet, but not less than 50 feet to the inch showing:
 1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 2. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
 3. The Tax Map sheet, block and lot numbers, if available.
 4. All the utilities available, and all streets which are either proposed, mapped or built.
 5. The proposed pattern of lots (including lot width and depth) within the subdivided area.
 6. All existing restrictions on the use of the land including easements, covenants, or zoning lines.
 7. 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 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.
 8. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the *New York State Department of Health*, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
 9. Proposed subdivision name, name of the town and county in which it is located.
 10. The date, North point, map scale, name and address of record owner and subdivider.
- B. The plat to be filed with the County Clerk shall be in a format that satisfies the filing requirements of the Yates County Clerk's Office.
- C. The plat to include a written description of the overall project design approach and construction being planned for the lots, style, and size range in S.F. and height of buildings, development amenities, general approach for utilities, new covenants being

considered, home owner's associations being planned, green space considerations, playgrounds, etc.

D. The development of each lot within a minor or major subdivision must comply with the Stormwater Management and Erosion Control Law.

5.2 Major subdivision preliminary plat and accompanying data.

The following documents (A, 1-15, B, C and D) and a *Full Environmental Assessment Form* from the *SEQR* process shall be submitted with this document package.

- A. Seven (7) copies of the preliminary plat prepared at a scale of not more than 100 feet, but not less than 50 feet to the inch 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 exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the text of Chapter 155, Zoning, 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, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
 6. The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction flow.
 7. Contours with intervals of five feet or less as 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 *Master Plan*, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer. Rights-of-way that are proposed to be dedicated to the Town or other public entity shall be so identified (see Article 5, Section 5.2, Subsection A4).
 9. The approximate location and size of all proposed waterlines, valves, hydrants, and sewer lines, and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the *Public Health Law*; profiles of all proposed water and sewer lines.

10. Storm Water Pollution Prevention Plan: A Storm Water Pollution Prevention Plan (SWPPP), consistent with the requirements of Section Eight of the *Storm Water Management and Erosion Control Law (Local Law #3 of 1999)* and Phase II, *Storm Water Regulations of the Federal Clean Water Act* as administered by the New York State Department of Conservation, shall be required for Preliminary Subdivision Plat approval. The SWPPP, and practices listed within, shall follow the design criteria and standards contained in the following technical documents:
 - a. The *New York State Storm Water Management Design Manual* (New York State Department of Environmental Conservation, most current version or its successor)
 - b. *New York Standards and Specifications for Erosion and Sediment Control* (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successors).
 11. Plans and cross sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and sub base; the location of manholes, basins and underground conduits.
 12. Preliminary designs of any bridges or culverts, which may be required.
 13. The proposed lot lines with approximate dimensions and area of each lot.
 14. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and shall provide satisfactory access to an existing public highway or public open space shown on the subdivision or the *Official Map*.
 15. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the plat.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings.
 - C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
 - D. Include a written description of the overall project design approach and construction being planned for the lots, to include style, size range in S.F. and height of buildings, development amenities, general approach for utilities, new covenants being considered, home owner's associations being planned, green space considerations, playgrounds, etc.

5.3 Major subdivision final plat and accompanying data.

The following documents (A, 1-10, B, and C) and a *Full Environmental Assessment Form* from the *SEQR* process shall be submitted with this document package:

- A. The plat to be filed with the County Clerk shall be in a format that satisfies the filing requirements of the Yates County Clerk's Office. The plat shall be drawn at the same scale required for the preliminary plat and 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 will show all data required for the preliminary plat (as detailed in Article 5, Section 5.2) as well as:
 1. Sufficient data acceptable to the Town CEO or the Town's consulting 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.
 2. 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, scale and true North point.
 3. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereof.
 4. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 5. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
 6. Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town's consulting engineer or Code Enforcement Officer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the *New York State Department of Public Works*. They shall be placed as required by the Town's consulting engineer or Code Enforcement Officer and their location noted and referenced upon the plat.
 7. All lot corner markers shall be permanently located satisfactorily to the Code Enforcement Officer or the Town's consulting engineer at least 3/4 inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.
 8. 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.

- B. Construction drawings including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub base, manholes, catch basins and other facilities.
- C. Storm Water Pollution Prevention Plan: Any revisions to the Storm Water Pollution Prevention Plan (SWPPP) submitted as part of the preliminary plat shall be required for Final Subdivision Plat approval.
- D. Final written narrative of project. (refer to Section 5.2.D)

ARTICLE 6 - Variances and Waivers

6.1 Variances due to extraordinary hardship.

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the *Official Map*, *Master Plan*, or the *Zoning Law*.

6.2 Variances due to special circumstances.

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.

6.3 Conditions of variances to secure objectives of regulations.

In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE 7 - Enforcement

7.1 Penalties for offenses.

A violation of any part of this local law or order issued in connection with this local law shall constitute a “violation” as defined in the Penal Law of the State of New York, and shall be punishable by a fine of not less than \$100, nor more than \$1000, or by imprisonment for a period not to exceed (60) days, or both. For each day that a violation continues, this shall constitute a separate violation.

7.2 Enforcement.

The Code Enforcement Officer or designee shall enforce these regulations.

Adopted by Town Board 6/14/2007

Model Subdivision Regulations

By: Lindsay Carille, Senior Planner and Roger Akeley, Commissioner

A New Approach – The Preliminary Meeting

Before an applicant brings in a sketch plan, your subdivision regulations state that a preliminary meeting must take place. At this first meeting the applicant and board members identify and discuss the assets and constraints of the site, go through a checklist of possible issues, and discuss location of suitable building envelopes. The applicant now has the necessary information to develop an informal sketch plan.

This preliminary meeting is described in §85-9, Preapplication Procedure, and the process is outlined in §85-25, Resource Analysis and Conceptual Discussion Phase of the following model Subdivision Regulations.

This approach will curtail the mistakes commonly made in subdivisions where the land is carved into individual lots with no regard for protecting its natural assets. It will guide development where it should go and limit development where it should not go.

Everyone Wins

The preliminary meeting is the start of a conversation where everyone knows what is important to the municipality, what features are important to save, and what the reviewing body would like to see on the site. With minimal expense, the applicant learns up front where the “buildable” areas are on the site. The applicant will also know what to expect in the SEQR process, as possible environmental impacts will already have been discussed. This can be done with an 11x17 map of soils, slopes, water bodies and parcel data, a checklist, a site walk, and a discussion. The potential for months of “back and forth” between the applicant and the Board has now been avoided. The consultants can use their talents to satisfy both the needs of the applicant and the municipality.

What Needs to Change in your Subdivision Regulations?

1. Inclusion and full description of a new “preliminary meeting” requirement.
2. Explanation of data requirements for presentation and discussion at the preliminary meeting (soils, slopes, water bodies, viewsheds, parcel data, etc.).
3. Two additions to your subdivision regulations:
 - a. Checklist of site characteristics.
 - b. Portrayal of map data requirements.

The following model Subdivision Regulations also include an expanded Policy section (§84-3), a detailed Terms definition section (§84-7), the addition of Rural Road Standards (§84-18), the inclusion of a Maximum Density Calculation (§84-21), and the inclusion of Design Guidelines (Appendix A) and House Siting Guidelines (Appendix B).

Want More Information?

If your community would like a presentation on this process, please contact:
Lindsay Carille, Senior Planner
Dutchess County Department of Planning and Development
845-486-3600 or lcarille@co.dutchess.ny.us

Chapter 84

SUBDIVISION OF LAND

ARTICLE I General Provisions

§84-1. Legislative authority.

§84-2. Purpose and title.

§84-3. Policy [Please note the expanded policy section](#)

§84-4. Inconsistencies with Town Law.

§84-5. Self-imposed restrictions.

ARTICLE II Definitions

§84-6. Word interpretation.

§84-7. Terms defined. [Please note the expanded definitions section](#)

ARTICLE III Application and Approval Procedure

§84-8. Compliance required.

§84-9. Pre-application procedure. [Please note the addition of the pre-application](#)

§84-10. Minor subdivisions.

§84-11. Preliminary plat.

§84-12. Final plat.

§84-13. Waiver of requirements.

§84-14. Issuance of building permits.

§84-15. Improvements in streets.

ARTICLE IV
General Requirements and Design Standards

§84-16. Compliance required.

§84-17. Preservation of existing features.

§84-18. Streets. [Please note the addition of rural road standards](#)

§84-19. Blocks.

§84-20. Driveways.

§84-21. Lots. [Please note the maximum density calculation](#)

§84-22. Reservations and dedications.

ARTICLE V
Required Data and Documents

§84-23. Compliance required.

§84-24. General requirements.

§84-25. Resource analysis and conceptual discussion phase.

[Please note the resource analysis, checklist, map samples](#)

§84-26. Sketch plan.

§84-27. Preliminary plat.

§84-28. Final plat.

ARTICLE VI
Required Improvements and Agreements

§84-29. Completion of improvements or filing of bond required.

§84-30. Performance bonds.

§84-31. Required improvements.

§84-32. Inspection.

§84-33. Public utilities.

APPENDIX A: Design guidelines. [Please note addition of design guides](#)

APPENDIX B: House siting guidelines. [Please note addition of siting guides](#)

SUBDIVISION OF LAND

ARTICLE I General Provisions

§ 84-1. Legislative authority.

By authority of the resolution adopted by the Town Board on the _____ day of _____, 200__, pursuant to the provisions of Article 16 of the Town Law, the Town of _____ Planning Board has the power and authority to approve or disapprove plats for subdivision within the unincorporated area of the Town of _____.

§ 84-2. Purpose and title.

In order that land in the Town of _____ may be subdivided in accordance with the policy set forth herein, these regulations are hereby adopted and shall be known and may be cited as the "Town of _____ Subdivision Regulations."

§ 84-3. Policy.

It is declared to be the policy of the Town of _____ Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, economic, environmentally sound development of the town and to that goal require that all land subdivision follow the guidelines under Article IV: General Requirements and Design Standards, Appendix A: Design Guidelines and Appendix B: House Siting Guidelines.

In cases where the Planning Board finds that a proposed subdivision may adversely affect the preservation of natural areas, and/or prime farmland or farmland of statewide importance, according to the soil survey prepared for Dutchess County by the U.S. Department of Agriculture, the Planning Board may require an applicant to submit a plan for a conservation subdivision as provided for in §278 of Town Law.

These subdivision regulations shall supplement and facilitate the provisions of the Town's Comprehensive Plan, Greenway Connections: Greenway Compact Program and Guide for Dutchess County Communities, Zoning Law, and Zoning District Map. The following objectives shall guide the Planning Board's decisions:

- A. Land is to be subdivided in a way that enhances the natural and scenic resources of the area in which it is located and preserves important scenic viewsheds, environmental resources, tracts of contiguous wildlife habitat, and viable farmland.
- B. Subdivided lots shall be of such character that they can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- C. Proper provision shall be made for water supply, drainage, sewage, utilities and other needed improvements.
- D. Proposed development shall be planned such that it is compatible with sound development patterns of adjacent and neighboring properties within the Town of _____.

- E. Proposed public roads shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic, and shall meet town highway specifications and other local laws of the Town of _____. Rural road standards will be promoted for development within rural areas, with requirements matching the low intensity rural purpose.
- F. All development shall be designed to afford adequate light and air, to facilitate adequate fire and emergency protection, and to provide access for fire fighting and other emergency equipment.
- G. Provision shall be made for permanent reservations of open spaces and when appropriate, provisions for pedestrian trails, viewing areas, and passive parks as well as for the long term protection of water resources and wildlife habitat. These areas shall be shown on the plat.
- H. All reviews of applications specified in these regulations shall be coordinated with involved agencies and boards at the local, County and State levels to ensure consistent, well-designed subdivisions and decision-making that will benefit the Town of _____.
- I. Proper provision shall be made for leaving undeveloped natural areas and corridors to mitigate adverse environmental impacts of the proposed subdivision and to sustain a diversity of native vegetation and wildlife, to protect water resources, agricultural land, viewsheds, and to implement the Town's policies of protecting its environmental and cultural resources pursuant to the Comprehensive Plan, Zoning Law, and other applicable local laws.
- J. In their interpretation and application, provisions of these regulations shall be held to be minimum requirements. More stringent provisions may be required if it is demonstrated that different or higher standards are necessary to promote the town's public health, safety, and welfare.
- K. In order to avoid a segmented review and to promote optimum use of the parcel in the future, applicants may be required to prepare a conceptual plan for their entire parcel whenever an application to subdivide a portion of a larger lot is submitted.

§ 84-4. Inconsistencies with town law.

Should any of these regulations conflict or be inconsistent with any provision of the Town Law, such provision of the Town Law shall apply.

§ 84-5. Self-imposed restrictions.

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however, shall be indicated on the plat.

ARTICLE II Definitions

§ 84-6. Word interpretation.

Words in the singular include the plural, and words in the plural include the singular. The word “persons” includes a corporation and unincorporated association, and “building” includes “structure” and shall be construed as if followed by the words “or part thereof.” The word “street” includes “road,” “highway” and “lane”; and “watercourse” includes “drain,” “ditch” and “stream.” The word “shall” is mandatory unless otherwise indicated.

§ 84-7. Terms defined.

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

100-YEAR FLOODPLAIN – The channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood can be carried without substantial increases in flood heights.

BOND - A performance bond duly issued by a bonding or surety company approved by the Town Board with security acceptable to the Town Board, or a performance bond duly issued by the developer-obligor accompanied by security in the form of cash, certified check or United States Government bearer bonds deposited with the Town Board in the full amount of the obligation.

BUILDING ENVELOPES – The preferred area(s) for development which are identified once the resource analysis and concept discussion on a property has been completed.

BUFFER – An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms and designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

CONCEPTUAL DISCUSSION – Initial concepts for a site or building based on the Resource Analysis and input from the reviewing board(s) and the applicant(s).

CONSERVATION EASEMENT – A perpetual restriction on the use of land as may be acquired in accordance with the provisions of Section 49, Title 3 of the Environmental Conservation Law or Section 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, as well as natural, cultural and scenic resources.

CONSERVATION SUBDIVISION – A conservation subdivision, sometimes known as cluster development, is a subdivision where the applicable zoning ordinance or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of the remainder of the land.

CROSSWALK - A right-of-way, publicly or privately owned, which cuts across a block to furnish access for pedestrians to adjacent street or properties.

DEED RESTRICTION - A covenant or restriction placed in a deed that restricts the use of the land in some way. These are often used to insure that the owner complies with a condition imposed by the developer or a land use body.

EASEMENT - A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

FAMILY DWELLING UNIT - Housekeeping accommodations for one (1) or more persons living as a family.

FLAG LOT - A large lot not meeting minimum road frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

HOA - Homeowners Association. A group that governs a subdivision, condominium or planned community. The association collects monthly fees from all owners to pay for common area maintenance, handle legal and safety issues and enforce the covenants, conditions, and restrictions set by the developer.

IMPROVEMENT - A physical change to the land necessary to produce usable and desirable lots from raw acreage, including grading, pavement, curb, gutter and utilities, including water supply, together with sanitary and storm sewers and drains and betterments to existing watercourses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs and monuments.

LOT - A parcel of land intended for transfer of ownership or building development.

LOT DEPTH - The mean horizontal distance between the front and rear lines of a lot.

LOT, DOUBLE-FRONTAGE - A lot, the generally opposite ends of which both abut on streets.

LOT, FLAG OR REAR - See Flag Lot

LOT WIDTH - The width of a lot at the building line.

MASTER PLAN or TOWN PLAN - The comprehensive plan, or part thereof, which may consist of several maps, data, etc., prepared by the Planning Board and filed in the office of the Planning Board, the office of the Town Engineer or the Town Highway Superintendent and the office of the Town Clerk, indicating the general locations recommended for major motorways, parks and other public open spaces, public building sites and routes for public utilities.

OFFICIAL MAP, COUNTY - A map established by the County Board of Representatives under the General Municipal Law, Article 12-B, § 239-h, and of changes and additions thereto, made under the provisions of the General Municipal Law, Article 12-B, § 239-i.

OFFICIAL MAP TOWN - A map established by the Town Board under § 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of § 213 of the Town Law.

OFFICIAL SUBMITTAL DATE - The date when a sketch plan, a preliminary layout or a subdivision plat shall be considered submitted to the Planning Board, hereby defined to be the date of the meeting of the Planning Board at which all required surveys, plans and data described in Article V are submitted.

OWNER - The owner of the land proposed to be subdivided, or his agent.

PLANNING BOARD - The agency empowered by the municipal legislative body under applicable New York State enabling legislation to act as the Planning Board of the Town of North East with respect to subdivision administration.

PLAT - The final map or drawing prepared, on a base map prepared by a licensed land surveyor for recording, by a licensed professional engineer, registered architect, licensed land surveyor or licensed landscape architect, which shall have his New York State seal affixed thereon and on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

PRELIMINARY PLAT - A plan prepared by a licensed professional engineer, licensed land surveyor, registered architect or a licensed landscape architect, on a base map prepared by a licensed land surveyor, showing existing features of the land and proposed street utility and lot layout within and adjacent to a subdivision.

PRELIMINARY REVIEW - Preliminary project plans submitted to the Planning Board for review and comment prior to the submission of a formal application.

PRIME FARMLAND SOILS – Prime farmland soils, as defined by the U.S. Department of Agriculture, are soils that are best suited for producing food, feed, forage, fiber, and oilseed crops. These soils are listed with an “I” on the Dutchess County Soil Survey Information Chart within the Dutchess County Soil Survey.

REAR LANE - A strip of land over which there is a right-of-way, publicly or privately owned, on which no building fronts, serving as a secondary means of access to two (2) or more properties.

RESOURCE ANALYSIS – The review and evaluation of the natural, historical and cultural resources on a site, resulting in the identification of resources to be protected and establishing building envelopes.

RESUBDIVISION - A change in a subdivision plat or resubdivision plat filed in the office of the Dutchess County Clerk, which change affects any street layout shown on such plat, affects any area reserved thereon for public use or diminishes the size of any lot shown thereon.

RIDGE - A ridge is a geological feature that includes a continuous elevational crest for some distance. Ridges can be termed hills or mountains as well, depending on size and shape.

RIGHT-OF-WAY - A strip of land between property lines open for use as a street, alley or crosswalk.

SETBACK OR BUILDING LINE - A line, generally parallel to the street line, beyond which the front portion of a building may not project into the front yard.

SHARED DRIVEWAY – This privately owned and maintained driveway branches out to serve up to three residences and does not need a turnaround area at the end of the driveway. Driveway access is typically controlled by sight-line, grades, and ecological factors, such as wetlands and stream crossings. Usually a maintenance agreement is drawn up by property owners for a shared driveway.

SIGHT DISTANCE - The distance an object eighteen (18) inches off the pavement (a taillight) is visible from an eye level four and one-half (41/2) feet above the pavement (average-height driver's eyes).

SIGNIFICANT WILDLIFE HABITATS – Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals and plants.

SKETCH PLAN - A freehand sketch made on a topographic survey map showing the proposed subdivision in relation to existing conditions.

STATEWIDE IMPORTANT SOILS – Statewide important soils is land that is of statewide importance for the production of crops. These soils are listed with an “S” on the Dutchess County Soil Survey Information Chart within the Dutchess County Soil Survey.

STEEP SLOPES - Surface formation with a vertical incline greater than 22.5 degrees or 25 percent, a sufficient steepness to cause problems such as erosion or increased flooding when disturbed for land development or other purposes.

STREET - A general term used to describe a right-of-way, publicly or privately owned, serving as a means of vehicular and pedestrian travel and furnishing space for utilities. The following functional classification is used in these regulations.

A. RESIDENTIAL COLLECTOR ROAD – A residential collector road collects traffic from residential areas and channels it to larger roads, such as county highways, state highways, arterials, and interstates. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans, and cars.

B. RESIDENTIAL AND FARM ACCESS ROAD – This road, used mostly by cars, small trucks and farm vehicles, provides access solely to residences or to residences and farm areas. Traffic on this road is light, but it may include occasional large trucks, school buses and farm equipment.

C. PRIVATE ROAD – This is a paved or unpaved road that serves a limited number of single-family residences or a recreational area. Private roads can be maintained by local highway departments or by a private homeowner association.

D. CUL-DE-SAC or DEAD-END STREET - A minor street with one (1) end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround.

STREET PAVEMENT - The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH - The distance between property lines.

SUBDIVIDER - Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION - The division of any parcel of land into two (2) or more lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale or building development.

SUPERINTENDENT - The duly elected Town Superintendent of Highways or other such authorized official.

TOWN BOARD - The Town Board of the Town of _____.

TOWN ENGINEER - The duly licensed professional engineer or registered architect of the Town of North East or, if there is no such official, a licensed professional engineer or registered architect employed by the Town Board for this purpose.

VIEWSHED – A viewshed is an area that is visible from a public roadway or public trail which encompasses natural landforms such as valleys, ridges, farm lands and open spaces which may have inherent rural qualities and/or aesthetic values as determined by those who view it.

WATERBODY - A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

WATERCOURSE – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

WETLAND – An area of land that is inundated or saturated by surface water or groundwater as defined by the rules, regulations, and policies of the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers, and/or the Town of _____.

ARTICLE III

Application and Approval Procedure

§ 84-8. Compliance required.

Whenever any subdivision or resubdivision of land in the Town of _____ is proposed, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this Article.

§ 84-9 Preapplication procedure.

Prior to filing a formal application for approval of a subdivision plat pursuant to §84-11, the applicant shall participate in the preapplication procedure. The Planning Board, in its discretion, may also require a resource analysis for a minor subdivision.

The preapplication procedure is a two-part process. The first step is to submit a Resource Analysis and participate in the Conceptual Discussion with the Town of _____ Planning Board. The second step is to submit a Sketch Plan. The applicant may choose to submit the Sketch Plan simultaneously with the Resource Analysis, or may elect to submit the Sketch Plan at a subsequent meeting. The Sketch Plan must be on a separate map from the Resource Analysis map.

A. Resource Analysis and Conceptual Discussion Phase.

(1) Prior to the submission of a sketch plan, an applicant must prepare a resource analysis and participate in a discussion with the Planning Board to determine a conceptual plan for the proposed subdivision, as specified in § 84-25 of these regulations.

(a) The applicant should become familiar with the Town's Subdivision Regulations, Comprehensive Plan, Zoning Law, Greenway Connections, and SEQR requirements in order to have a general understanding of the process.

(b) Applications for resource analysis review shall be submitted to the Planning Board in ten (10) copies. A filing fee as specified by town subdivision fee schedule shall accompany the submission. There shall be no statutory time limit for the review of the resource analysis, nor the need to make a determination of whether the subdivision application is complete.

B. Study of resource analysis and conceptual discussion.

The Planning Board shall review the applicant's resource analysis submittal. The applicant should be prepared to discuss possible subdivision concepts, based on the site's resource analysis and the conceptual design discussion. The reviewing board, in conjunction with the applicant, will fill out Form A of the resource analysis question and answer survey. The resource analysis, conceptual design discussion, and survey will form the basis for the design of the subdivision and should be reflected in the sketch plan and preliminary plan.

C. Sketch Plan

- (1) Prior to filing a formal application for approval of a subdivision plat pursuant to § 84-10 or 84-11, the applicant shall:
 - (a) Determine the requirements of the Town of _____ Planning Board, the Zoning Regulations, the Dutchess County Planning Department, the Dutchess County Health Department and the New York State Department of Public Works, whose approval is required by these regulations, the Sanitary Code of Dutchess County and the General Municipal Law of the State of new York.
 - (b) Submit to the Town Planning Board ten (10) copies each of a sketch plan submission form, sketch plan and general information, as specified in §84-26 of these regulations and a subdivision plat pursuant to §84-10 or §84-11. A filing fee as specified by the town subdivision fee schedule shall accompany the submission.
- (2) If the subdivision consists of three (3) lots or less and does not propose the creation of any new streets, it may be processed as a minor subdivision. In order to determine whether the subdivision is to be processed as a minor subdivision, the subdivider shall submit to the Planning Board sufficient information so that a determination may be made as to whether the proposed subdivision meets the requirements of Article IV, General Requirements and Design Standards. If these requirements are met, the subdivider shall then make application for subdivision approval according to §84-10. All subdivisions of more than three (3) lots and/or those which propose one (1) or more new streets shall be processed according to §§84-9, 84-11 and 84-12.

D. Review of sketch plan.

The Planning Board shall review the applicant's sketch plan and within thirty (30) days of the submission date shall inform the applicant, in writing, that the proposed subdivision as submitted, or as modified, will meet the objectives of these regulations. However, in the event the sketch plan is found totally unacceptable, the applicant will be asked to submit a new plan before proceeding with a preliminary plat. Reasons for recommended modifications of the sketch plan or total rejection shall be stated on the records of the Planning Board.

§ 84-10. Minor subdivisions.

A. *Application.* Within six (6) months after classification of a proposal as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a minor subdivision plat. Said application shall contain the requirements listed in §84-28 of these regulations and shall conform to the general requirements and design standards specified in Article IV of these regulations. Fees as specified by the town subdivision fee schedule for each minor subdivision shall accompany the application.

B. *Number of copies.* The original and ten (10) copies of the subdivision plat shall be presented to the Planning Board at least two (2) weeks prior to a scheduled monthly meeting of the Planning Board.

C. *Public hearing.* A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing.

D. *Action on subdivision plat.*

(1) The Planning Board shall, within sixty-two (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. Failure of the Planning Board to act within such time shall constitute approval of the plat.

(2) Upon granting conditional approval, with or without modification to the plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Chairman or Secretary of the Planning Board as conditionally approved, a copy filed in its 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 one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

E. Plat void if revised after approval.

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void; and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

F. Filing of approved plat.

Approval of the plat shall expire within sixty (60) days from the date of such approval unless within such sixty-day period such plat shall have been duly recorded by the owner in the office of the Dutchess County Clerk. If the plat is not filed within this period, the approval shall expire as provided in §276 of the Town Law.

§ 84-11. Preliminary plat – Major Subdivision.

A. Application procedure.

Prior to filing an application for the approval of a plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

- (1) Be made on forms available at the office of the Town Clerk.
- (2) Include all land which the applicant proposes to subdivide.
- (3) Be accompanied by ten (10) copies of the preliminary plat and supplementary material described in Article V, §84-27, of these regulations.
- (4) Comply in all respects with the requirements specified in Article IV of these regulations and with the provisions of §§276 and 277 of the Town Law.
- (5) Be submitted to the Chair of the Planning Board.
- (6) Be accompanied by fees as specified by the town subdivision fee schedule.

B. Study of preliminary plat.

The Planning Board will carefully study the practicability of the preliminary plat, taking into consideration the results of the resource analysis and sketch plan discussions, the requirements of the community, the best use of the land being subdivided and the policy set forth in §84-3. Particular attention will be given to the proposed arrangement, location and width of streets; the relation of proposed streets to the topography of the land; sewage disposal; drainage; proposed lot sizes, shape and layout; future development of adjoining lands

as yet unsubdivided; the requirements of the Town Plan and the Official Map; and matters enumerated in §277 of the Town Law.

C. Applicant to attend Planning Board meeting.

The applicant should be prepared to attend a regular meeting of the Planning Board to discuss the preliminary plat and the Board's tentative conclusions.

D. Approval of the preliminary plat.

- (1) Within sixty-two (62) days after the receipt of such preliminary plat by the Secretary 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 (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat.
- (2) Within sixty-two (62) days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat; and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plant in final form.
- (3) Within five (5) days of the approval of such preliminary plat it shall be certified by the Chair or Secretary of the Planning Board as granted preliminary approval, a copy filed in its office, a certified copy mailed to the owner and a copy forwarded to the Town Board. Failure of the Planning board to act within the time periods prescribed herein shall constitute approval of the preliminary plat.
- (4) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to the preliminary plat; 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 the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the 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 at the public hearing.

- (5) Approval of the preliminary plat may not be revoked by the Planning Board unless a substantial change in the character of the area or the availability of new information about the site and its surroundings indicate the unsuitability of the development, as shown on the preliminary plat. Before revocation the applicant shall be informed, in writing, of the reasons therefore and shall be given an opportunity to be heard before the Planning Board.
- (6) Approval of a preliminary plat shall expire six (6) months from the date of approval. Extensions for periods of six (6) months may be granted by the Planning Board upon application. Such applications for extensions may be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the preliminary plat.

§ 84-12. Final plat.

A. Application procedure.

Within six (6) months after tentative approval of the preliminary plat is granted, the applicant shall file with the Planning Board an application for approval of a plat. The application shall:

- (1) Be made on forms provided by the Planning Board at the time tentative approval of the preliminary plat was granted.
- (2) Include the entire subdivision or a section thereof which derives access from a street improved to town standards or for which street a bond veering such improvement is held by the town.
- (3) Be accompanied by ten (10) copies of the plat, as described in Article V, §84-28, of these regulations.
- (4) Comply in all respects with the preliminary layout as tentatively approved.
- (5) Comply with the improvement requirements of Article VI of these regulations.
- (6) Be presented to the Secretary of the Planning Board at least two (2) weeks prior to a regular meeting of the Board.

B. Public hearing.

Within sixty-two (62) days of the submission of a plat in final form for approval, a hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under §84-11 of this Article, and modified in accordance with the requirements of such approval if

such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

C. Action on proposed subdivision plat.

- (1) The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within sixty-two (62) days of its receipt by the Secretary of the Planning board, if no hearing is held, or in the event a hearing is held, within sixty-two (62) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.
- (2) Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Chairman or Secretary of the Planning Board as conditionally approved, 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 final plat. Upon completion of such requirements, the plat shall be signed by said duly-authorized officer of the Planning board. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature, if in its opinion, such extension is warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

D. Plat void if revised after approval.

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

E. Filing of approved plat.

Approval of the plat shall expire within sixty (60) days from the date of such approval unless within such sixty-day period such plat shall have been duly recorded by the owner in the office of the Dutchess County Clerk. If the plat is not filed within this period, the approval shall expire as provided in §276 of the Town Law.

F. *Division of plat into two (2) or more sections.*

The Planning Board may permit the plat to be divided into two (2) or more sections, subject to such conditions as it deems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the approval of the plat. The approved plat, or any approved section thereof, shall be recorded within sixty (60) days of approval, subject to any conditions imposed, and shall encompass at least ten percent (10%) of the total number of lots shown on the plat. Approval of any other sections not recorded shall expire unless recorded before the expiration of the period to which such plat is entitled under the provisions of §265-a of the Town Law. In the event the applicant does not record all approved sections, the entire plat shall be filed with the Town Clerk within thirty (30) days from the recording of the plat or any approved section thereof, and the applicant shall file with the Planning Board a photostatic copy of the plat certified by the County Clerk to be a true copy of the recorded plat.

G. *Public acceptance of proposed streets and park areas.*

The approval by the Planning Board of a plat shall not be deemed to constitute or imply the acceptance by the town of any street, park, playground or other open space shown on said plat. The Planning Board may require said 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 title, dedication and provision for the cost of grading, development, equipment and maintenance of any park or playground area.

H. *As-built drawings of required improvements.*

Drawings showing the location of all required improvements as built shall be certified by a licensed land surveyor and filed with the Planning Board at least thirty (30) days prior to the acceptance of the improvements by the town.

§ 84-13. Waiver of requirements.

Where compliance with these regulations would cause unusual hardship, extraordinary difficulties or be inappropriate because of exceptional and unique conditions, the minimum requirement of these regulations may be waived or modified to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these regulations, the Official Map, the Zoning Ordinance and the Town Plan.

§ 84-14. Issuance of building permits.

A building permit for erection of a structure in a development laid out subsequent to the adoption of these regulations shall not be issued unless the street giving access to the proposed building appears on a recorded plat approved by the Planning Board and unless such street has been suitably improved or bonded to cover the full cost of improvement.

§ 84-15. Improvements in streets.

No public municipal street utility or improvement shall be constructed by the town in any street or highway until it has become a public street or highway and is duly placed on the Official Map. However, subject to the discretion of the Town Board, a subsurface utility or improvement operated from revenue by the town or by a special district may be constructed by the town in a private street, provided that a public easement satisfactory to the Town Board is obtained for such utility or improvement.

ARTICLE IV General Requirements and Design Standards

§ 84-16. Compliance required.

The Planning Board, in considering an application for the subdivision of land, shall be guided by the policy considerations specified in §84-3 of these regulations and the following standards.

§ 84-17. Preservation of existing features.

Existing features which would add value to residential development, such as scenic views from roadways, scenic views from public trail, ridgelines, water resources, steep slopes, active farmland, rock outcrops, forested areas, stonewalls, hedgerows, wildlife nesting or migration areas and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision.

§ 84-18. Streets.

A. General planning standards.

The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to the proposed uses of the land to be served by such streets.

B. Relation to topography.

Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.

C. *Intersections.*

Intersections of major streets by other streets shall be at least one thousand (1,000) feet apart, if possible. Cross (four-cornered) street intersections shall be avoided, except at important traffic intersections.

D. *Visibility at intersections.*

Within the triangular area formed at corners by the intersecting street lines, for a distance of seventy-five (75) feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping shall be permitted to obstruct such visibility.

E. *Layout of minor streets.*

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

F. *Treatment of arterial streets.*

Where a subdivision abuts or contains an existing or proposed 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 or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

G. *Treatment of railroad or limited access highway rights-of-way.*

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

H. *Minimum curvature.*

When continuing street lines (projected right-of-way tangents) deflect from each other at any one (1) point by more than ten (10°) degrees, they shall be connected by a curve with a radius at the inner street right-of-way line determined from the alignment standards specified in Subsection I below.

I. *Alignment standards in relation to design speeds.*

Alignment standards in relation to design speeds are provided in the following table:

Design Speed (miles per hour)	Minimum Radius Of Horizontal Curves (feet)	Maximum Percent of Grade	Minimum Forward Sight Distance (feet)	Minimum Length of Vertical Curve for Each 1% of Change in Grade (feet)
20	100	10	150	10
25	200	10	175	15
30	250	10	200	20
35	350	10	250	30
40	450	8	275	35
45	600	8	325	55
50	750	8	350	70

J. *Pavement of gutters.*

Where street grades exceed five percent (5%), gutters shall be paved.

K. *Rear Lanes.*

- (1) Rear lanes may be provided in residential, commercial and industrial districts as private accessways.
- (2) Intersections of rear lanes and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.
- (3) Dead-end rear lanes shall be avoided when possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Planning Board.

L. *Design Standards.*

Subdivision streets shall be designed to reflect the rural character of the Town of _____. The following design guides and standards should be referenced in the design of subdivision roads.

RURAL ROAD STANDARDS

	Residential Collector	Residential Access	Private Road	Cul-de-sac
Right- of-way width (feet)	50*	50*	50*	50* (Turn around Radius: 30 ft.)
Pavement width (feet) (minimum-maximum)	18-22	16-18	12-16	12-16
Shoulder width (feet) (minimum-maximum)	3 – 6 on 2 sides	1 – 2 on 2 sides	1 – 2 on 2 sides	1 - 2 on 2 sides
Grade (percent) (minimum-maximum)	1-10	1-10	1-10	1-10
Curb Radii (feet) (minimum-maximum)	5-10	5-10	5-10	5-10
Minimum tangent length between reverse curves (feet)	100	100	50	50
Maximum grades within 150 feet of center-line intersections (percent)	1.5	1.5	1.5	1.5
Minimum distance between center-line offsets at street jogs (feet)	300	125	125	125
Maximum length of Cul-de-sac (feet)				800*
Minimum outside radius of cul-de-sac pavement (feet)				40
Angle at intersections of street center lines (degrees)	90	90	90	90

* 50' right-of-way is required by State Highway Law, but grading and clearing should be reduced to the minimum necessary.

**Except where, in the judgment of the Planning Board, the cul-de-sac does not impose any problem and constitutes a positive design feature.

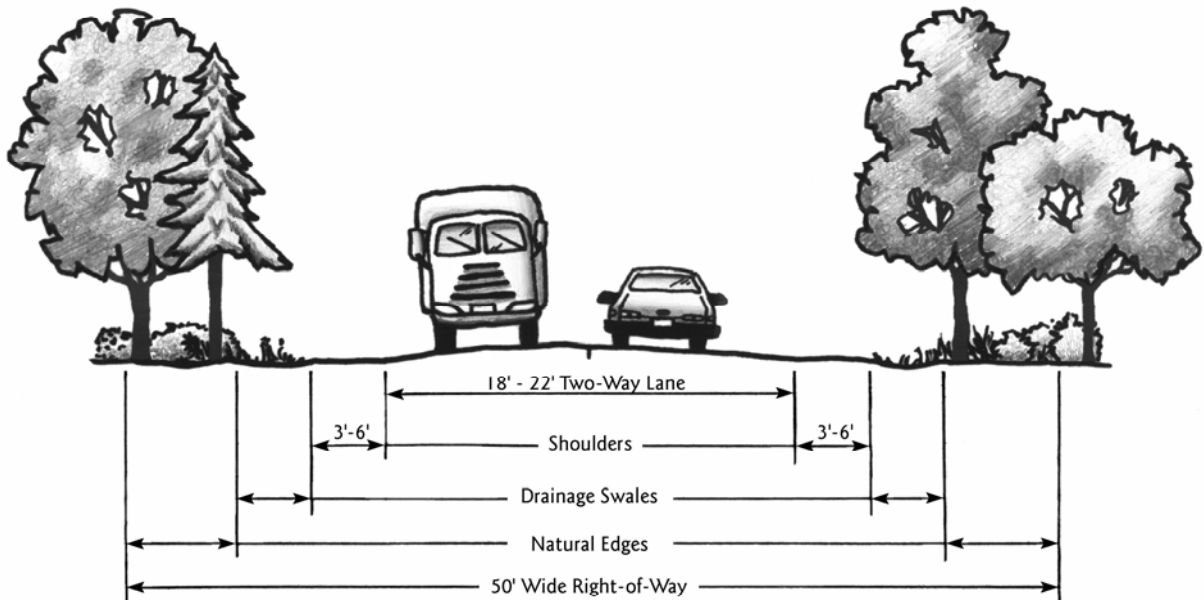
Note: Rear lanes, 12-16 pavement width, are allowed in hamlet areas and where the size and configuration of the subdivision is conducive to rear lanes.

Note: Standards are not given for arterial streets, as they would in all probability be built by the state or county.

Residential Collector Road

A residential collector road collects traffic from residential areas and channels it to larger roads, such as county highways, state highways, arterials, and interstates. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans, and cars.

- Right-of-way: 50'
- Pavement width: 18 – 22', 2 lanes
- Shoulder width: 3 – 6', on 2 sides; gravel/grass
- ADT: 50 – 400 vehicle trips per day
- Speed limit: 40-50 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: 6' wide, separated from road by 6' grassy aisle



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally sensitive land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

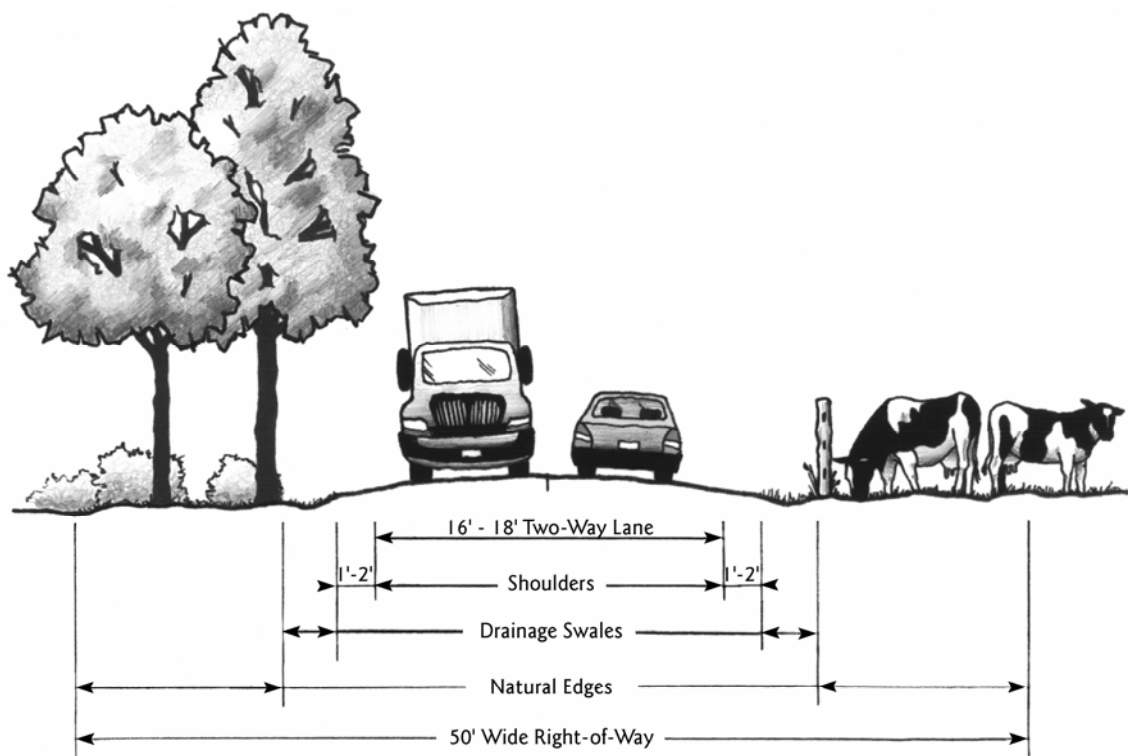
Drainage swales:

- The use of open drainage systems within the right-of-way should be encouraged for rural road systems

Residential Access Road

A residential access road provides access to farms and residential areas and is primarily traveled by cars, small trucks, and farm vehicles. Traffic on this road is fairly light, but it may include occasional large trucks, such as milk trucks and farm equipment.

- Right-of-way: 50'
- Pavement width: 16 – 18', 2 lanes
- Shoulder width: 1 – 2', on 2 sides; gravel/grass
- ADT: 50 – 400 vehicle trips per day
- Speed limit: 35-45 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: Generally not needed
- Pull outs: Provided on one side at appropriate intervals



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally sensitive land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

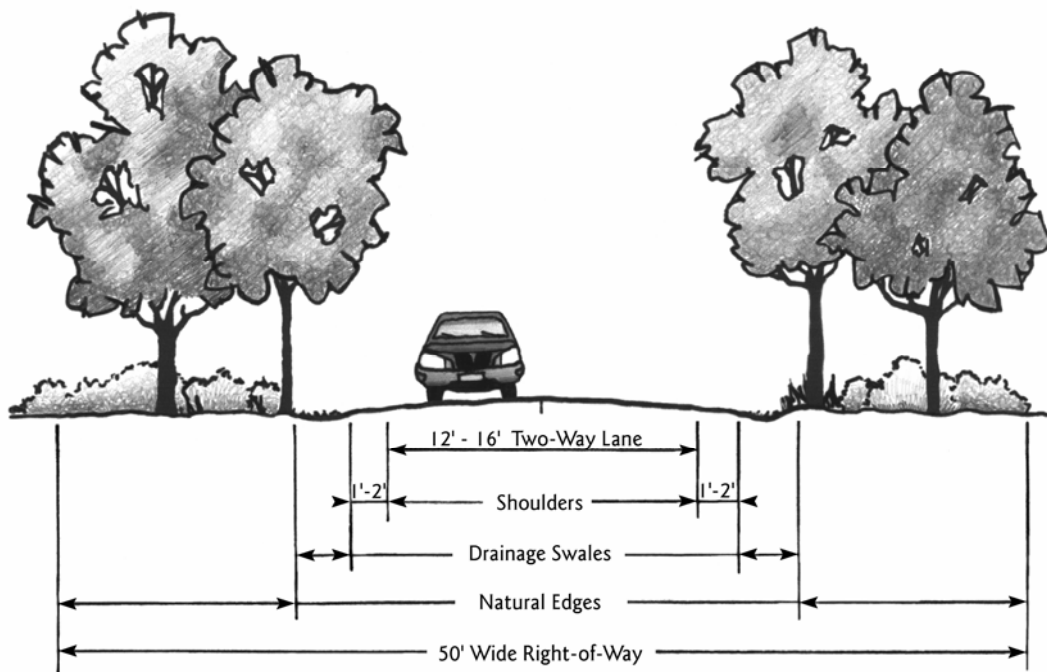
Drainage swales:

- The use of open drainage systems within the right-of-way should be encouraged for rural road systems

Private Road

A private road, which may be unpaved, serves a limited number of single-family residences or a recreational area. Gravel roads can be maintained by local highway departments or by private homeowner's associations.

- Right-of-way: 50'
- Pavement width: 12 – 16', 2 lanes
- Shoulder width: 1 – 2', on 2 sides; gravel/grass
- ADT: Less than 100 vehicle trips per day
- Speed limit: 25-35 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: Generally not needed
- Pull outs: May be provided on one side at appropriate intervals



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally sensitive land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

Drainage swales:

- The use of open drainage systems within the right-of-way should be encouraged for rural road systems

M. *Continuation of streets into adjacent property.*

Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and particularly, where such continuation is in accordance with the Town Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turn-around, a minimum of fifty (50) feet in radius, shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.

N. *Permanent dead-end streets (culs-de-sac).*

Where a street does not extend to the boundary of the subdivision and its not needed for access to adjoining property, it shall be separated from such boundary by a distance of not less than one hundred (100) feet.

O. *Street names.*

All streets shall be named, and such names shall be subject to the approval of the Town Planning Board. Names shall be sufficiently different in sound and in spelling from the other street names in the town so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.

P. *Improvements.*

Improvements shall be as indicated in Article VI.

Q. *Private roads.*

The Planning Board may approve paved or unpaved private roads to provide access to lots in subdivisions, provided that the Planning Board finds that the proposed subdivision will protect the rural, scenic and natural character of the town. The private road requirements are as follows:

- i. The maximum number of lots gaining access through any portion of a private road shall be 10.
- ii. Written approval from the Town Superintendent of Highways and the Town's engineer shall be secured before approval of any private roads.
- iii. A Homeowners Association (HOA) must be created to own and provide for the perpetual care and maintenance of the private road. The Planning Board shall 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.
- iv. Such 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 ensure that the road will always be maintained and kept open to permit emergency vehicle access.
 - v. In the event that HOA does not ensure that the road is properly maintained, the Town of _____ may assume maintenance responsibilities and charge the HOA for all reasonable costs thereof. Such costs, if unpaid for more than 60 days, shall, along with attorneys' fees for their collection, become a lien on the property and enforceable in the same manner as a property tax lien.
 - vi. The private road can only be offered for dedication to the Town of _____ if it conforms to Town Highway specifications for private roads 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 HOA.
 - vii. The subdivision plat shall show the road clearly labeled "private road."
 - viii. Road design shall comply with the standards for private roads in this Code.
 - ix. The Planning Board may waive the requirement of a private road maintained by a HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a common drive maintained pursuant to a recorded maintenance agreement, executed by the applicant as a condition of subdivision approval, will provide the same protections to lot owners and the Town as would a private road owned by a HOA.

§ 84-19. Blocks.

A. General planning standards.

- (1) The length, width and shape of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) Need for convenient access, circulation and control safety of street traffic.
 - (d) Limitations and opportunities of topography.

- (2) Irregular-shaped blocks or oversize blocks indented by culs-de-sac, parking courts or loop streets and containing interior block parks or playgrounds will be acceptable when properly designed, as determined by the Planning Board. Such blocks shall include adequate off-street parking, facilities for pedestrian access from streets to all lots, proper easements for utility lines and satisfactory provision for maintenance of park and open space, where included.
- (3) Non-residential blocks intended for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and servicing.

B. Design standards.

- (1) Block lengths shall not exceed one thousand two hundred (1,200) feet or be less than four hundred (400) feet; except, however, that blocks abutting on designated arterial streets shall be not less than one thousand (1,000) feet and may exceed one thousand two hundred (1,200) feet.
- (2) Blocks over eight hundred (800) feet in length may be required to have a crosswalk, if necessary, to facilitate pedestrian circulation to a school, park, recreation area, shopping center or other similar neighborhood facility.

§ 84-20.Driveways.

- A. The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be ten percent (10%), except where it can be demonstrated to the satisfaction of the approving authority that, because of unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required, and further provided that in no case shall such driveway grade be permitted to exceed fifteen percent (15%).
- B. Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the automobile in the driveway.

§ 84-21. Lots.

A. Number of Lots.

The maximum density allowed for residential units is calculated by a formula based upon the acreage of “unconstrained land” on the property.

- (1) To determine unconstrained acreage, subtract from the total (gross) acreage of the proposed development parcel the acreage of “constrained land.” Constrained land includes all wetlands one-fourth (1/4) acre and over, waterbodies, 100-year floodplains, slopes over 25% which are 2,000 square feet or more of contiguous sloped area, and lands currently under conservation easement.
- (2) To determine the “base” number of allowable residential units on the site, divide the unconstrained acreage by the allowable number of units per acre within the zoning district. Round down fractional units of 0.5 or less. The resulting number is the maximum allowable residential units allowed on the site.
- (3) The density permitted by this section shall not be reduced as a result of the resource analysis required in §84-25 below or as a result of the reservation of parkland during the subdivision process.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.
- (5) Double-frontage and reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. An easement of suitable width, across which there shall be no right of access, may be required along the line of lots abutting such traffic artery or other disadvantageous use. As an alternate, where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street.
- (6) The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plan approval. Private streets may be permitted only by resolution of the _____ Board.
- (7) Corner lots and lots adjacent to pedestrian crosswalks shall have extra width of at least ten (10) feet or as required by the Zoning Ordinance, to permit appropriate building setback from the orientation to side streets or crosswalks.
- (8) Radius corners shall be provided on the property line substantially concentric with the curb radius corners.

B. Flag (rear) lots.

It is the policy of the Town of _____ to encourage flexibility for development which is screened from public view. Accordingly, it is sometimes desirable to locate development on rear lots without requiring compliance with otherwise applicable road frontage requirements in the Dimensional Table. Building permits may be issued for structures on lots that have no public or private road frontage and gain access by right-of-way easement over other lands, under the conditions contained in this section. Rear lots with or without access strips running to public or private roads may be created where there is no other option for providing access to a parcel and they will not endanger public health and safety and will help preserve natural, historic, and scenic resources.

C. Design Standards

- (1) There shall be no minimum lot size in a major subdivision, provided that the Dutchess County Department of Health shall assure that where on-site wells and on-site sewage treatment and disposal systems are planned, adequate minimum lot sizes are provided to assure the health and safety of the residents of the subdivision and the subdivision meets the policies outlined in §84-3 above.
- (2) The minimum individual lot frontage shall be 50 feet and the minimum average road frontage per lot for the subdivision shall be 70 feet.
- (3) Lots gaining access from an existing state or county highway shall comply with minimum road frontage requirements for the district.
- (4) There shall be no required area, bulk, or dimensional standards for house siting on lots in a subdivision that meets the policies outlined above in §84-3 above, except where such subdivision abuts an existing residential lot, a public trail, and/or an agricultural use as per the Buffering Provisions of §98-41 (this is a separate section of zoning code).
- (5) Arrangement of lots. Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Town. Compact development is encouraged if it advances the protection of significant resources.
- (6) Shared driveways are encouraged where appropriate to maintain rural character and provide an economical and attractive method of serving up to three homes.
- (7) If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner's association, private landowner(s), utility company, a non-profit organization, or the Town or other governmental entity, as long as it is protected from development by a conservation easement or, in some cases, a deed restriction and noted

on the final plat. Open space set aside in a subdivision shall be permanently preserved as required by this Section.

a. *Permanent Preservation by Conservation Easement.*

A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Dutchess County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. In the alternative, a restrictive covenant in the deed, and a map not on the final plat, enforceable by the Town, may be substituted for a conservation easement held in common by a HOA. The Town shall maintain a current map which displays all lands under easement or deed restricted.

The conservation easement or restrictive covenant shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.

b. *Ownership of Open Space Land*

Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a homeowner's association (HOA), offered for dedication to Town, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

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

- (8) If the arrangement of lots results in large expanses of preserved farm use, as defined by Agricultural and Markets Law §305-a, subd.1, the land shall be contained in a separate agricultural use lot. Such agricultural use will be encouraged by conservation easement or deed restriction and noted on the final plat.

§ 84-22. Reservations and dedications.

A. Public sites, parks, playgrounds and recreational areas.

The Planning Board may require adequate, convenient and suitable areas for parks and playgrounds, or other recreational purposes, to be reserved on the plat, but in no case more than ten percent (10%) of the gross area of any subdivision. The area shall be shown and marked on the plat "reserved for park, playground or recreational purposes."

B. Dedications.

- (1) Where a dedication is required, it shall be accomplished as follows. The subdivider shall provide not less than ten percent (10) of the gross area of the subdivision as shown on the preliminary layout. Where such dedication would amount to less than two (2) acres, the subdivider shall, in lieu thereof, pay a fee to the town for each lot in his subdivision, to be computed as follows: average value of one (1) acre of undeveloped land adjacent to a public road within one-fourth (1/4) mile of any point within that subdivision, divided by fifty (50) dwelling units, equals the fees per lot.
- (2) Moneys received by the municipality from such payments shall be placed in a parkland acquisition and development fund, such moneys to be expended for acquiring parklands.

C. Unusable areas or areas bordering watercourses.

Unusable areas or areas bordering streams, lakes or other watercourses may be given special consideration by the Planning Board in excess of the minimum established by Subsection B above. The town may accept these areas as a gift or may purchase them should they be desirable for public open spaces.

D. Reservation of areas in excess of minimum dedications.

Where such sites and open spaces are not shown on the Town Plan, and where deemed essential by the Planning Board upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Planning Board may require the dedication or reservation of areas in excess of the minimum dedication.

E. Realignment or widening of existing streets.

Where the subdivision borders an existing street and the Official Map or Town Plan indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "reserved for street alignment (or widening) purposes."

F. Utility and drainage easements.

- (1) Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.
- (2) All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within

the drainage area after development and shall comply with the requirements of the Town Engineer.

- (3) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially with the lines of such watercourse, and of such width as to encompass the twenty-five-year flood area of such watercourse.
- (4) Right-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated runoff that will occur when property at a high elevation in the drainage basin is developed.

G. Easements for pedestrian access.

The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width.

H. Responsibility for ownership of reservations.

Ownership shall be clearly indicated on all reservations.

§ 84-23. Compliance required.

Any subdivider who proposes to develop a subdivision in the Town of _____ shall submit plats and documents as provided in this Article.

§ 84-24. General requirements.

The following general requirements are applicable to both the preliminary layout and the subdivision plat submittal.

- A. Layouts and plats shall be clearly and legibly drawn on transparent linen tracing cloth with black waterproof ink at a convenient scale of not more than one hundred (100) feet to the inch.
- B. Drawings shall be submitted on uniform size sheets not larger than thirty-six by forty-eight (36 x 48) inches. When more than one (1) sheet is required to show the plat, an index map of the same size shall be submitted.
- C. All submissions shall indicate the proposed subdivision name or identifying title; the words "Town of _____, Dutchess County, New York"; the name and address and seal of the licensed engineer or land surveyor responsible for the plat; and the date, approximate true North point and graphic scale.

ARTICLE V

§ 84-25. Resource analysis and conceptual discussion phase.

All parties concerned with a proposed subdivision of land will benefit from a pre-application discussion at which the applicant must present the following information:

A. Submission of Resource Analysis and Conceptual Discussion Phase.

Prior to, or in conjunction with, a submission of a sketch plan, an applicant must submit a resource analysis and participate in a discussion with the Planning Board to determine a conceptual plan for the proposed subdivision. The submission shall include an identification of the site's assets and liabilities. This will provide an opportunity for the owner and public review bodies to discuss the appropriate range of and intensity of development; the general locations intended for development; areas planned to remain undeveloped; and general access alignment. Prior to submission the applicant should become familiar with the Town's Comprehensive Plan, Subdivision Regulations, Zoning Law, *Greenway Connections*, the Dutchess Land Conservancy's, *Planning and Siting Your House: A Guidebook*, and SEQR requirements in order to have a general understanding of the process. The applicant should have also performed an on-site assessment of the parcel(s).

Pre-applications for subdivision review shall be submitted to the Planning Board in ten (10) copies. A filing fee as specified by town subdivision fee schedule shall accompany the application. There shall be no statutory time limit for the review of the resource analysis, nor the need to make a determination of whether the application is complete.

At this stage, the applicant should present an analysis of the site, its limitations and its opportunities. The applicant should therefore be prepared to discuss possible subdivision concepts, based on what is learned from the sites resource analysis. No statement, comment or other communication made during this informal review shall be binding upon any party.

The pre-application process is required solely to assure that town development goals are recognized as they may apply to the site in question. This should help expedite the process by getting the review off to a cooperative start, before the applicant has made a substantial investment in the application process.

The resource analysis should contain the following information:

1. The proposed subdivision name or identifying title, and the words "Town of _____, Dutchess County, New York"
2. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
3. Aerial map at a scale of one inch equals four hundred feet (1" = 400'), showing the location of the proposed subdivision parcel with respect to all streets and property within one thousand (1,000) feet of the applicant's parcel

- and superimposed with 10' contours, DEC wetlands, NWI wetlands, floodplains, streams, water bodies, and public trails.*
4. List of natural features known to exist on the parcel including but not limited to, historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats and viewsheds. This list is a preliminary step in identifying natural features and is subject to modification and interpretation of the reviewing bodies.
 5. Provide an 8½ x 11 soils map indicating if Prime and/or Statewide important soils, as defined by the Soil Survey of Dutchess County New York, exist on the property.
 6. General subdivision information necessary to explain and/or supplement the Aerial Map.

*This information is available at the Town Hall, however the applicant may also acquire this information through various sources, including the Dutchess County Department of Planning and Development, at a nominal cost.

- B. Study of Resource Analysis and Conceptual Plan. The Planning Board shall discuss the proposed subdivision with the applicant. Together they will determine how the subdivision can meet the objectives of town regulations. The Planning Board shall consider the proposed building envelopes on the site and their relation to: one another, the natural constraints of the land and to the provision of buffer areas and other open spaces on the site, and the effects on the viewshed. To verify that all necessary information is discussed and reviewed in this process, the applicant and the Planning Board shall fill out Form A: Resource Analysis Assessment and provide a copy to the applicant upon completion. In its review, the Planning Board members may schedule a field visit to the site, and this site walk may be necessary before the assessment can be completed.

The Planning Board will make recommendations for modification or redesign to be incorporated by the applicant in the next submission to the Planning Board and indicate to the applicant the priority resources to be preserved. Any requirements of these Regulations which the applicant requests to be waived should be discussed at this time.

The Resource Analysis and Conceptual Plan discussion does not allow filing of a plat with the County Clerk or authorize the sale or lease of, or any offer to sell or lease, any lots in such subdivision or any part thereof. Resource Analysis and Conceptual Discussion allows the applicant to proceed with Sketch Plan application.

- C. SEQR Classification. New York State Environmental Quality Review (SEQR) classification should be determined by the Planning Board and discussed with the applicant at completion of the Resource Analysis and Conceptual Plan Review and Sketch Plan pre-application discussion.
- D. SEQR. The Planning Board shall initiate the New York State Environmental Quality Review Act (SEQR) process, as defined in Article 8 of the Environmental Conservation Law and Part 617 of the New York Code of Rules and Regulations, upon completion of the Resource Analysis and Conceptual Discussion stage and

Sketch Plan phase of the application process, and when a Preliminary Plat application is determined to be complete. The Planning Board shall review the short or full Environmental Assessment Form, and if applicable, the Draft Environmental Impact Statement submitted by the applicant with the Preliminary Plat application materials. The applicant shall be informed by the Board as to whether the application will be subject to additional environmental review as specified in the SEQR regulations. All requirements of SEQR shall be completed prior to any approval of the Preliminary Plat by the Planning Board.

Form A: Resource Analysis Assessment

Name of subdivision: _____

Address: _____

	Yes	No	Not Sure
Are there streams, wetlands, waterbodies or watercourses that require protective buffer areas?	_____	_____	_____
Is there active farmland on the parcel(s)?	_____	_____	_____
Will the active farmland be preserved?	_____	_____	_____
Is there active farmland contiguous to the subject parcel(s)?	_____	_____	_____
Is this an Agricultural Exempt parcel(s)?	_____	_____	_____
Are there ridgelines that the Town desires to be kept clear of development?	_____	_____	_____
Could development alter the visual character from off site dramatically?	_____	_____	_____
Could development alter viewshed vantage points within the property?	_____	_____	_____
Have visual mitigation measures been discussed?	_____	_____	_____
Are there high-quality trees and significant groups of trees that should be preserved?	_____	_____	_____
Is there the potential for significant wildlife habitats or wildlife migration areas?	_____	_____	_____
Do any of these significant natural areas extend into abutting properties?	_____	_____	_____
Have mitigation measures been discussed?	_____	_____	_____
Are there stone walls and rock outcrops on the site?	_____	_____	_____
Is the parcel adjacent to a public recreational area?	_____	_____	_____
Are there possibilities for walkway, bikeway and/or trail connections?	_____	_____	_____
Are there special cultural and historic features that should be preserved?	_____	_____	_____
Is the parcel adjacent or within an officially designated historic site or district?	_____	_____	_____
Can the development be connected to a public water supply?	_____	_____	_____

Priority resources that must be preserved on the site:

Recommendations:

Date of Planning Board site visit: _____

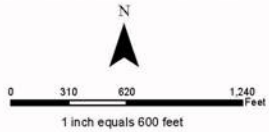
Anytown
Property Owner / Applicant :

Tax Parcel Number :

Legend

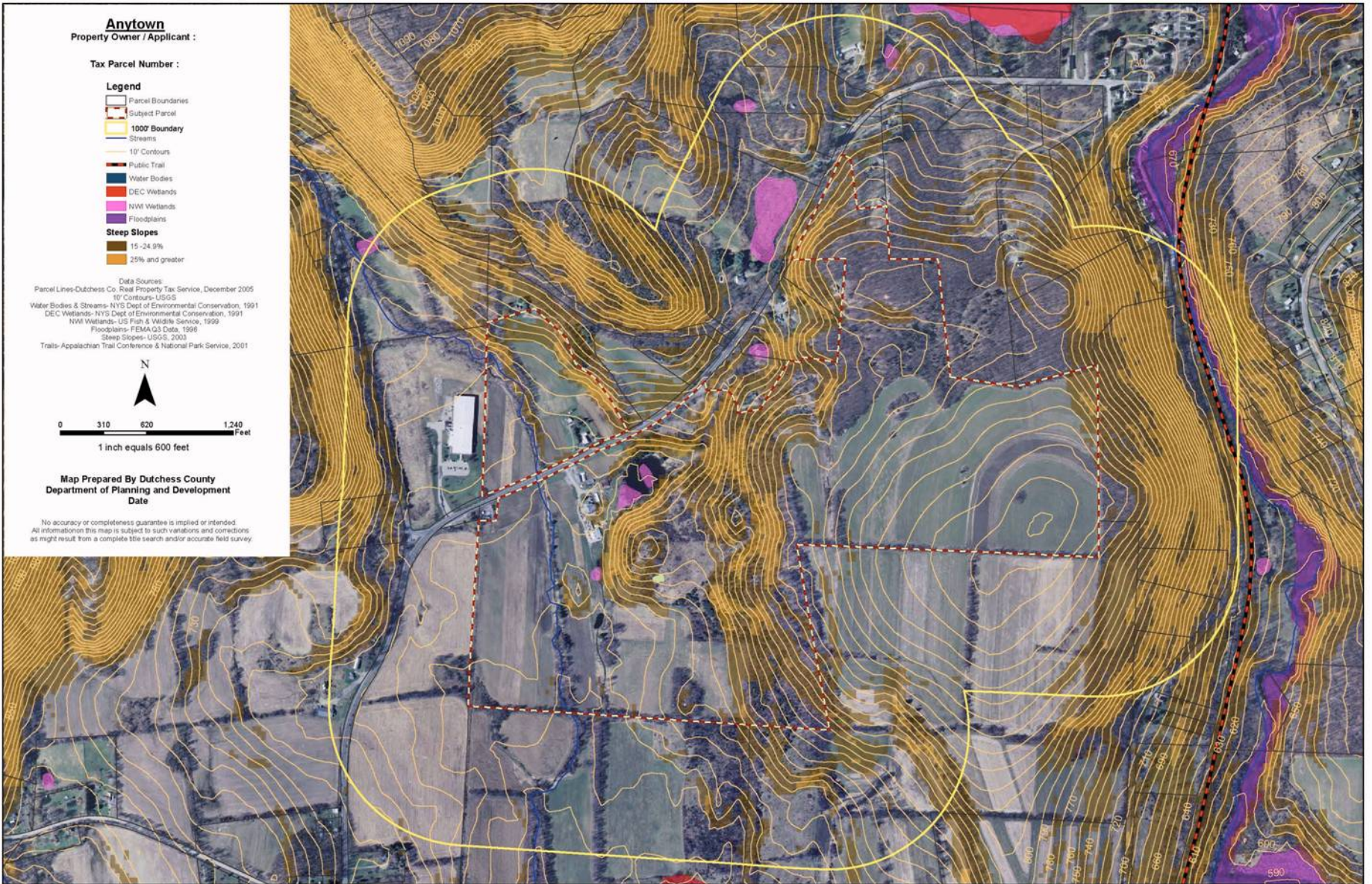
- Parcel Boundaries
- Subject Parcel
- 1000' Boundary
- Streams
- 10' Contours
- Public Trail
- Water Bodies
- DEC Wetlands
- NWI Wetlands
- Floodplains
- Steep Slopes**
- 15 -24.9%
- 25% and greater

Data Sources:
Parcel Lines-Dutchess Co. Real Property Tax Service, December 2005
10' Contours-USGS
Water Bodies & Streams-NYS Dept of Environmental Conservation, 1991
DEC Wetlands-NYS Dept of Environmental Conservation, 1991
NWI Wetlands-US Fish & Wildlife Service, 1999
Floodplains-FEMA Q3 Data, 1998
Steep Slopes-USGS, 2003
Trails-Appalachian Trail Conference & National Park Service, 2001



Map Prepared By Dutchess County
Department of Planning and Development
Date

No accuracy or completeness guarantee is implied or intended.
All information on this map is subject to such variations and corrections
as might result from a complete title search and/or accurate field survey.



Anytown

Property Owner / Applicant :

Tax Parcel Number :

Legend

-  Subject Parcel
-  Prime Soils
-  Statewide Significant Soils
-  100' Boundary
-  Parcel Boundaries

Data Sources:

Parcel Lines: Dutchess Co. Real Property Tax Service, December 2005

Digital Ortho Photography: Acquired March 2004

Prime & Statewide Significant Soils: US Dept of Agriculture, 1998

N

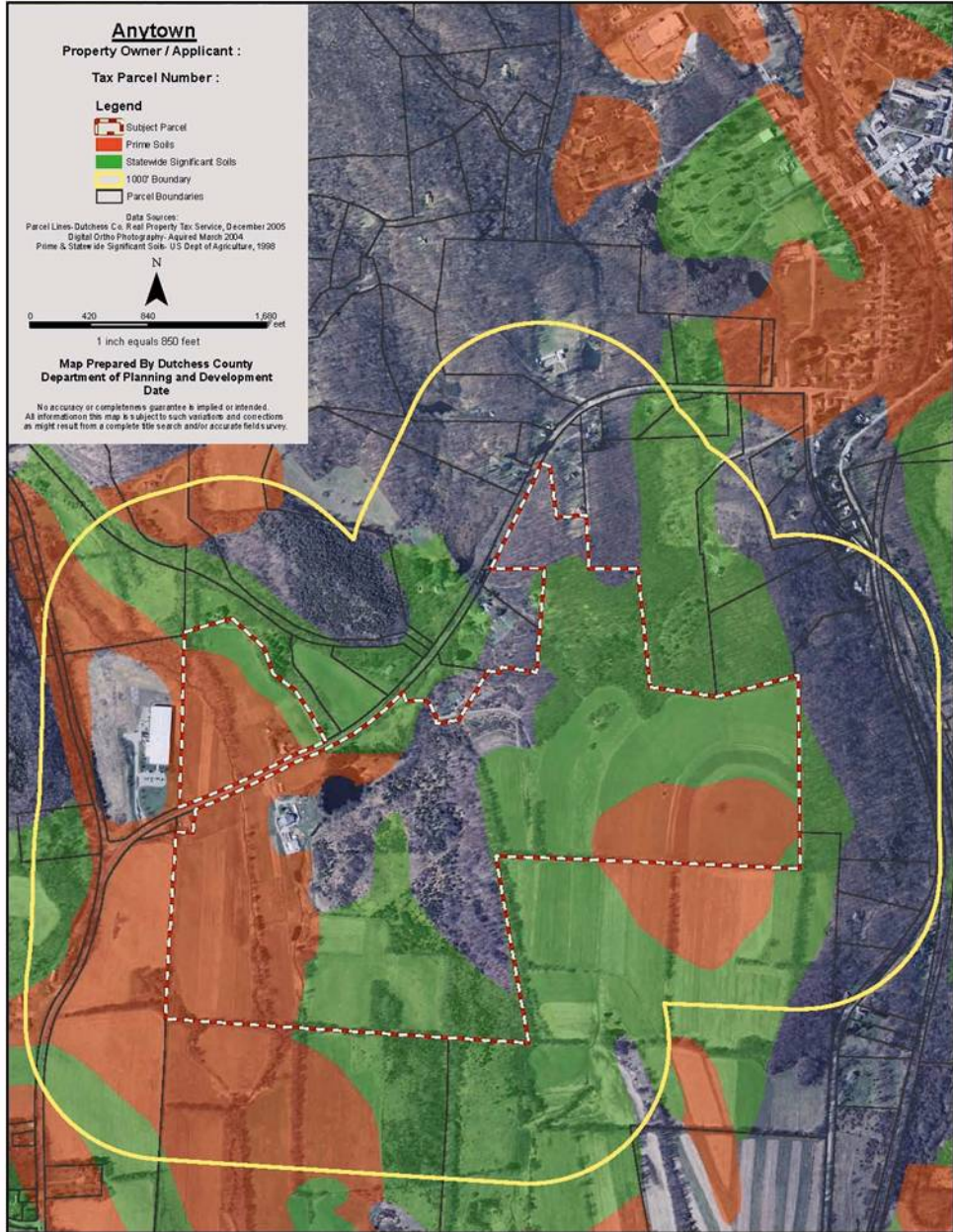


0 420 840 1,680 feet

1 inch equals 850 feet

**Map Prepared By Dutchess County
Department of Planning and Development
Date**

No accuracy or completeness guarantee is implied or intended.
All information on this map is subject to such variations and corrections
as might result from a complete title search and/or accurate field survey.



§ 84-26. Sketch Plan

All parties concerned with a proposed subdivision of land will benefit from a pre-application discussion at which the applicant should present, in simple sketch, the proposed layout of streets, lots and other features. The sketch plan can be presented following the resource analysis and conceptual discussion. The sketch plan should reflect what was learned from the site resource analysis. The applicant should present the following for the sketch plan discussion:

- A. A vicinity map sketched at a scale of two thousand (2,000) feet to the inch, indicating the relationship of the proposed subdivision to existing community facilities which serve it, such as roads, shopping, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.
- B. A density calculation as outlined in §84-21. Lots.
- C. Sketch plan on a topographic survey of the proposed area to be subdivided showing, in simple sketch form, the proposed layout of streets, lots and other features.
- D. General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.

§ 84-27. Preliminary plat.

The preliminary plat submitted to the Planning Board shall show or be accompanied by the following information, except where requirements have been waived:

- A. Data required by §84-24.
- B. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
- C. Tax number of all parcels to be subdivided.
- D. Location, bearings and distances of trace boundary.
- E. A vicinity map sketched at a scale of one inch equals two thousand feet (1"=2,000'), indicating the relationship of the proposed subdivision to existing community facilities which serve it, such as roads, schools, shopping, and public trails. Such a map may be superimposed upon a United States Geological Survey Map of the area.
- F. Topography at a contour interval of not more than five (5) feet, unless waived by the Planning Board and referred to a datum satisfactory to the Board.

- G. The name of the owner of all adjoining property owners and others within two hundred (200) feet, including property owners across the road from the proposed development. If the proposed development would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district, the applicant shall complete an agricultural Data statement, in accordance with NYS Agriculture District Law, which shall contain the name and address of the applicant, a description of the proposed project and its location and the name and address of all property owners within five hundred (500) feet of the boundary of the property upon which the project is proposed.
- H. Location, name and dimensions of existing streets, easements, deed restrictions, zoning district boundaries, property lines, buildings, parks and public properties.
- I. Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow.
- J. Location of pertinent natural features such as watercourses, wetlands, floodplains, rock outcrops, stone walls, agricultural district lands, contiguous forest, and single trees eight (8) or more inches in diameter (dbh).
- K. Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.
- L. Proposed provision of water supply, fire protection, sanitary waste disposal, stormwater drainage, street trees, streetlight fixtures, street signs and sidewalks.
- M. Approximate shape, dimensions and area of all proposed or existing lots, and suggested locations of buildings.
- N. Conceptual future plans for the parcel, if any.
- O. Approximate location and dimensions of all property proposed to be reserved for park or public uses.
- P. Information on all County and State permits required for subdivision plat approval.
- Q. Other approvals or permits required (Town, County, NYS, and Federal).
- R. A written statement of any requests for specific waivers of requirements by the Planning Board.
- S. Other data which must be available for consideration of the subdivision at this stage.

§ 84-28. Final plat.

The plat submitted to the Board shall show or be accompanied by the following information:

- A. Data required by §§ 84-24 and 84-27B through S.
- B. Location, width and name of each proposed street and typical cross sections showing street pavement and, where required, curbs, gutters and sidewalks.
- C. Lengths and deflection angles of all straight lines and radii: length, central angles, chords and tangent distances of all curves for each street proposed.
- D. Profiles showing existing and proposed elevations along the center line of all proposed streets and the elevations of existing streets for a distance of one hundred (100) feet either side of their intersection with a proposed street.
- E. Present elevations of all proposed streets shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, said elevation points being indicated at the center line of the street, each property line and points thirty (30) feet inside each property line (only when required by the Board because of the existence of steep slopes).
- F. Setback lines.
- G. Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants.
- H. Location of street trees, street lighting standards and street signs.
- I. Areas of all lots in hundredths of an acre; lots numbers as directed by the Town Assessor. Location, material and size of all permanent monuments.
- J. Accurate location of all property to be offered for dedication for public use, with the purpose indicated thereon, and of all property to be reserved by deed covenant for the common use of the property owners of the subdivision.
- K. Sufficient data, acceptable to the Superintendent, to readily determine the location, bearing and length of all street, lot and boundary lines and to reproduce such lines upon the ground.
- L. Necessary agreements in connection with required easements or releases.
- M. Formal offers of cession to the town of all streets and public parks.
- N. Key map showing the location of the subdivision.

ARTICLE VI

Required Improvements and Agreements

§ 84-29. Completion of improvements or filing of bond required.

Prior to an action by the Planning Board approving a plat, the applicant shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate town departments, all the street and other improvements specified in the action approving said plat or, as an alternative, to file with the Town Board a bond in an amount estimated by the Planning Board to secure to the town the satisfactory construction and installation of the incomplete portion of the required improvements. All required improvements shall be made by the applicant at his expense without reimbursement by the town or any district therein.

§ 84-30. Performance bonds.

Performance bonds shall comply with the requirements of §277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency and manner of execution. A period of one (1) year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed shall be specified by the Planning Board and expressed in the bond. The bond shall also provide that an amount determined adequate by the Planning Board shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition.

§ 84-31. Required improvements.

A. Monuments.

Monuments shall be placed at all block corners, angle points, points of curvature in streets and points of tangency or horizontal curves, and at intermediate points as required by the Town Engineer. However, in no case shall there be less than four (4) permanent monuments per block. At least one (1) monument in each subdivision shall be related to the United States Geological Survey system and shall bear the true elevation above sea level. In addition, markers shall be placed at all points when street lines intersect the plat boundary and at all lot corners. The monuments and markers shall be of such material, size and length as may be approved by the Town Engineer.

B. Water and sewerage facilities.

Facilities for water and sewerage shall be provided in each new subdivision in accordance with the requirements of the appropriate agency having jurisdiction over the planning and installation of these in the area of the subdivision; however, the following minimum requirements of the town shall be met:

- (1) Central water supply systems shall be designed with adequate pressures, mains and fire hydrants to meet Association of Fire Underwriters' specifications for a Class C protected area.

- (2) All water mains shall be at least six (6) inches in diameter.
- (3) Sanitary sewers shall not be used for stormwater drainage.
- (4) Central sewerage system shall provide a four-inch (4") minimum size connection to each lot.

C. *Storm drainage facilities.*

- (1) Regulation. The New York State Department of Environmental Conservation (NYSDEC) regulates stormwater management practice installation under SPDES General Permit GP-02-01. The technical standards for stormwater practice design are in the New York Stormwater Management Design Manual.
- (2) Drainage. The NYSDEC's, Reducing the Impacts of Stormwater Runoff from New Development, should be consulted. A primary goal is to ensure that the peak rate of surface water flowing off site shall not increase above predevelopment conditions, and shall not adversely affect drainage on adjacent properties or public roads.
- (3) General design.
 - (a) Preferred runoff pattern. Preferred design of streets and grading in relation to storm drainage shall be such that runoff from roofs, driveways and other impervious surfaces will be collected in the ditches and/or gutters along the street in short runs [three hundred (300) or four hundred (400) feet] and will then be diverted from the surface into storm sewers or natural watercourses unless storm sewers are to be installed.
 - (b) Downstream disposal. Subdivision and development of an area increases and concentrates the runoff of stormwater from the area. Applicants are warned that such increase may cause flood or erosion damage to undeveloped properties lying downstream. Storm drainage channels opening on unimproved land shall empty into natural watercourses unless suitable agreement is reached with the owner of the downstream property for another method of handling. In any instance, the disposal of storm drainage downstream shall be satisfactory to the Planning Board as advised by the Town Engineer.
- (4) Open Water courses. The use of open watercourses for drainage may involve problems relating to safety, erosion control, stagnant water, protection of capacity and appearance, all of which shall be given adequate attention by the developer as follows:
 - (a) Safety. Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks, except in those areas where natural conditions are such that erosion of banks will not occur. Ditches shall, wherever

feasible, be in the shape of a wide-top "V" with rounded or squared invert.

- (b) Erosion control. Adequate measure shall be taken to prevent erosion. The Planning Board shall require seeding, sodding, planting, riprap or such other measures as may be necessary to prevent scouring.
 - (c) Drainage. The developer shall avoid the creation or continuation of swampy areas or stagnant pools. The Planning Board shall require fill and/or channel improvements in order to forestall such problems.
 - (d) Protection of capacity. The developer shall provide adequate measures for the protection of open drainage channels by establishing drainage easements sufficiently wide [generally twenty (20) feet] to enable the working of the channel by motorized equipment, or, alternately, where authorized by the Planning Board, a center block park of a minimum width of fifty (50) feet. All easements shall prohibit the erection of structures, the dumping of fill or the alteration or obstruction of the watercourses without the written permission of the Town Board. Property lines shall be so drawn as to allow drainage easements along side and rear lot lines, except that drainage easements may be allowed to cross lots larger than one (1) acre.
 - (e) Appearance. As natural watercourses can be an attractive asset to the subdivision as well as to the community, the developer shall, where possible, improve and beautify the watercourses to this end.
- (4) Design of storm sewers.
- (a) Size and grade. Storm sewers shall have a minimum diameter of twelve (12) inches and a minimum grade of five-tenths percent (0.5%).
 - (b) Manholes. Manholes shall not be more than three hundred (300) feet apart where pipe sizes of twenty-four (24) inches or less are used, and not more than five hundred forty (540) feet apart where larger sizes are installed.
 - (c) Change in direction. Special sections with radii of ten (10) to fifteen (15) feet shall be installed where abrupt changes are made in alignment.

(5) Design of ditches and gutters.

- (a) Length of flow. Subdivisions shall be so designed that the length of flow of water in a gutter or roadside ditch does not exceed three hundred (300) feet, except as permitted by the Planning Board. Runs exceeding the maximum shall be put in storm sewers or diverted to natural drainageways.
- (b) Minimum grade. All enclosed drainage courses shall be designed with sufficient grade to create a water flow velocity of three (3) feet per second. A lesser grade may be permitted by the Planning Board where such a grade cannot be achieved.
- (c) Street crossing. Water in gutters and ditches shall not be allowed to flow over intersecting streets but shall be placed in adequate culverts.
- (d) Depth and shape of ditches. Where roadside ditches are permitted for runs of more than three hundred (300) feet, or where subgrade drainage is necessary, the bottom of such ditch should be below the subgrade and/at a minimum, should be approximately eighteen (18) inches below the crown of the road. Ditches shall be V-shaped or parabolic with sides sloping at approximately one (1) inch to three (3) inches horizontal, except where another cross-section plan is authorized.

(6) Erosion control.

Suitable headwalls, endwalls, ditch seeding or sodding and other procedures or devices to prevent erosion shall be used. Town soil and erosion control regulations should be referenced.

D. *Street and other improvements.*

- (1) Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and general welfare.
- (2) Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines, and the subdivider shall install underground service connections to the property line of each lot before the street is paved.
- (3) Grading and improvements shall conform to the town minimum road specifications and shall be approved as to design and specifications by the Town Superintendent.

§ 84-32. Inspection.

The town may employ an inspector to act as agent of the Planning Board for the purposes of assuring the satisfactory completion of improvements required by the Planning Board, and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the town costs of inspection before the subdivision plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved drawings, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

§ 84-33. Public utilities.

The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved plat.

APPENDIX A: DESIGN GUIDELINES

The following guidelines, the Town of _____ Comprehensive Plan, Greenway Connections Greenway Guides, the Dutchess Land Conservancy's *Planning and Siting Your House*, and the Rural Development Guidelines shall be consulted for the design and siting of all uses in all districts.

Design principles:

Identify important natural features and locate the building envelope that will minimize the clearing of vegetation and preserve important natural features.

The building envelope should not include the tops of ridge lines, wetlands, floodplains, or areas with slopes in excess of 25%.

Look at the property from off site. Try not to alter the area's visual character from off site dramatically.

Site the house to effect the least amount of change to the landscape will protect the property's most valuable assets.

Limit the areas of disturbance to prevent fragmentation of wildlife habitats.

Retain stone walls, hedgerows and other rural landscape elements.

Place homes and access roads in treelines, on mildly sloping ground, or along the edges of fields: avoid construction in open fields to preserve the field's future agricultural potential, views, and to shelter the housesite.

Locate structures and septic systems more than 100 feet from streams or ponds to protect water quality.

Re-use farm roads or country lanes whenever possible, rather than constructing new wide roads.

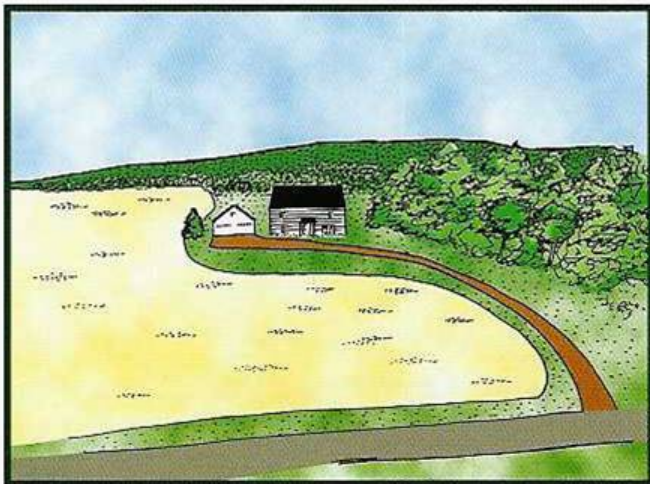
Limit access drives to at most one per parcel unless a traffic analysis or unique conditions fully justify another curb cut. Share access with neighbors whenever possible.

Driveways should follow the natural contour of the land.

Do not over-clear a site. Start small and clear only what you must.

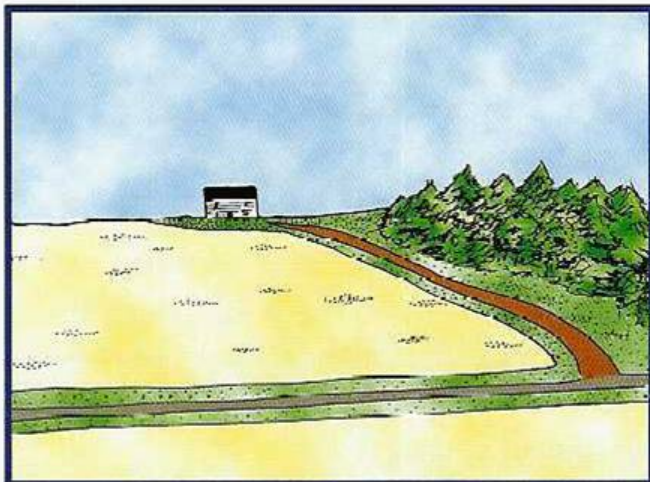
APPENDIX B: HOUSE SITING GUIDELINES

**Source: Planning and Siting Your House, A Guidebook
Dutchess Land Conservancy**



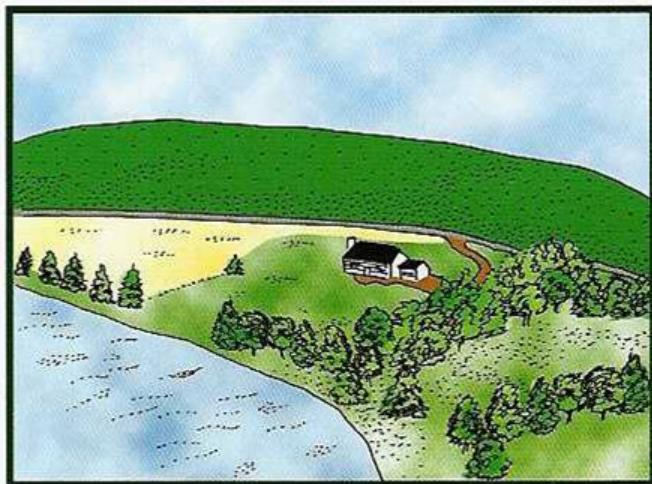
Preferred – Hillside Siting

Consider reducing the prominence of a crestline siting by building lower on the landscape. Locating your house in the middle of the slope will still afford superior views while providing good natural drainage and easier access. A southeast facing slope will provide good solar orientation, enhancing winter warmth and protection from winter winds. If you take into consideration the natural contours of the hill, you will minimize grading and soil erosion and lessen the danger to the stability of the site. Choose a house site that is located on one side of a property rather than in the middle. Lower the building profile by choosing traditional rooflines.



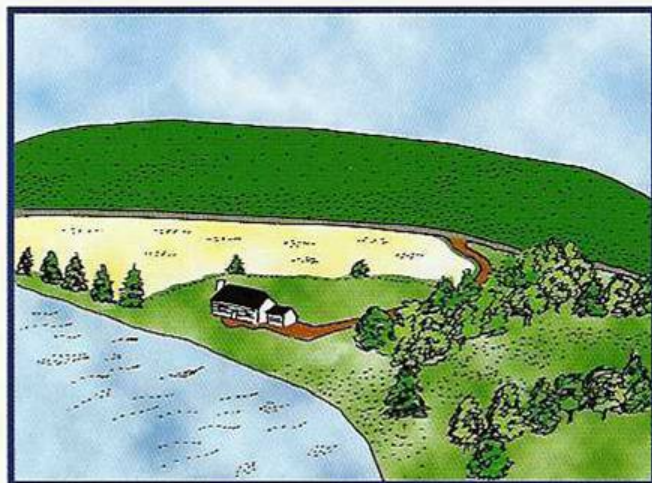
Avoid – Crestline Siting

Locating your house on the crest of a hill increases its exposure to winter winds, the strong summer sun, and disrupts the crestline and the neighbors' views. Soils are typically more shallow on ridgelines and construction of a basement may be costly, if not impossible. If you cannot locate a well at the crest, water will have to be pumped from a site lower than the house. A hill-top siting will increase the driveway length often requiring more extensive grading and utility work, thereby adding expense to the construction. During the winter, slippery conditions may force you to park your car at the end of the driveway. If you must locate your house on a hillcrest retain as many existing trees as possible. Paint or stain your house in a natural color and choose a design that fits into rather than on top of the landscape.



Preferred – Siting away from a Lake or Waterbody

By building your house at a distance from the water you will leave room for intervening planting to absorb pollutants and provide privacy from passersby on the lake. Locating the driveway, parking area and septic system on the house side opposite the lake keeps runoff and other pollutants from entering the water. During severe storms, the vegetation can also absorb significant amounts of water, reducing the danger of flooding. Finally, the planting softens the appearance of the house and shields it from those who use the lake.



Avoid – Siting at the Edge of a Lake or Waterbody

Locating your house, driveway, parking area, and septic system at the very edge of a lake allows no room for intervening vegetation to filter pollutants from septic systems, car oil and gas residue, and salt and sand used on driveways that might contaminate the lake. Eventually, pollutants could cause eutrophication, rendering the lake useless for habitat and recreation because of overgrowth of aquatic plants. In addition, you will damage shoreline habitat that is essential for a number of species.

ARTICLE IV – CONSERVATION SUBDIVISION REGULATIONS

(added 5/20/03)

240-4.1 PURPOSE AND APPLICABILITY

The purpose of these regulations is to achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection in the countryside by requiring conservation subdivisions instead of conventional subdivisions. These regulations apply to all properties within the RR-1 and SR-1 Districts, which encompass most of the area described in the Saratoga Springs Comprehensive Plan as the “Country Overlay Area.” The use of conservation subdivisions is intended to preserve tracts of environmentally and scenically significant undeveloped land in the “Country” part of Saratoga Springs, including road corridors and buffer areas, in order to maintain the historic settlement pattern and implement the Comprehensive Plan’s vision of a “City in the Country.” Conservation subdivisions result in the preservation of contiguous open space and important scenic and environmental resources, while allowing compact development, more walkable neighborhoods, and more design flexibility than conventional subdivisions. Conservation subdivisions must satisfy the standards in Sections 240-4.2, 240-4.3, and 240-4.4. The procedure for approving conservation subdivisions is described in Section 240-4.5. Graphics in these regulations are included for illustrative purposes.

240-4.2 STANDARDS FOR CONSERVATION SUBDIVISIONS

- A. DENSITY CALCULATION: The maximum density allowed for residential units is calculated by a formula based upon the acreage of “unconstrained land” on the property.
- (1) To determine unconstrained acreage, subtract from the total (gross) acreage of the proposed development parcel the acreage of “constrained land.” Constrained land includes wetlands, watercourses, 100-year floodplains, and slopes over 25% which are 2,000 square feet or more of contiguous sloped area.
 - (2) To determine the “base” number of allowable residential units on the site, divide the unconstrained acreage by the allowable number of acres per unit required within the zoning district. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5. The resulting number is the “base density” allowed on the site.

(Figure 4.1.a through Figure 4.1.c illustrates density calculation on a hypothetical site in a Conservation Subdivision RR-1 District)

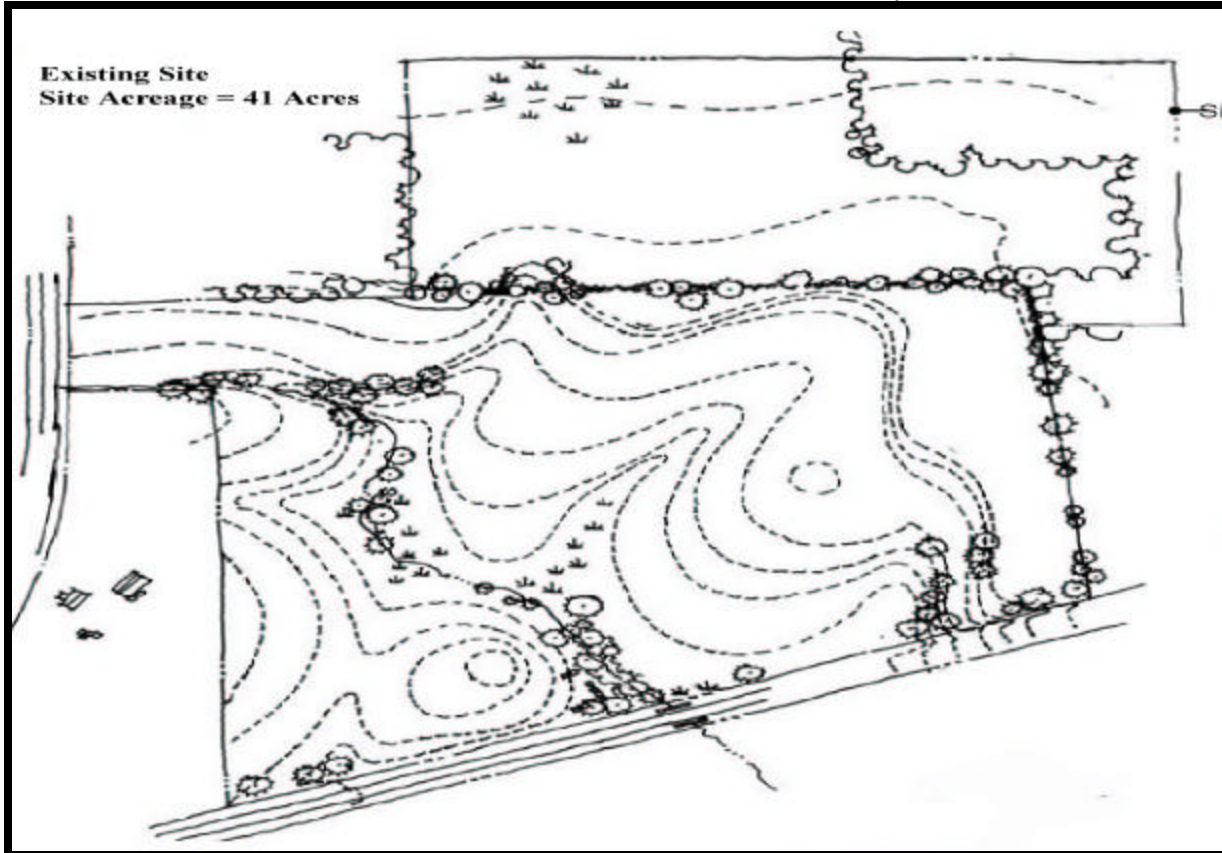


Figure 4.1.a. Existing Conditions Site Boundary

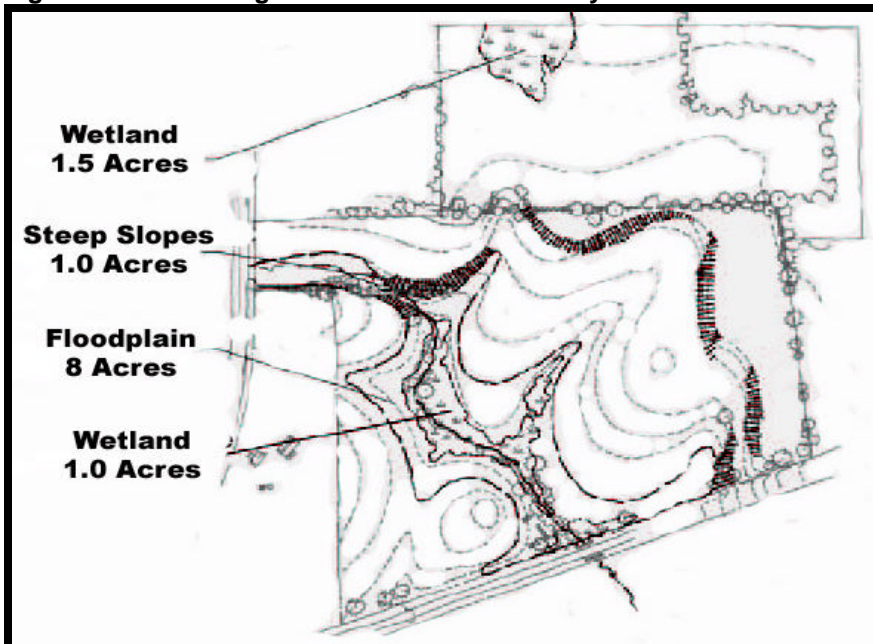


Figure 4.1.b. Constrained Land

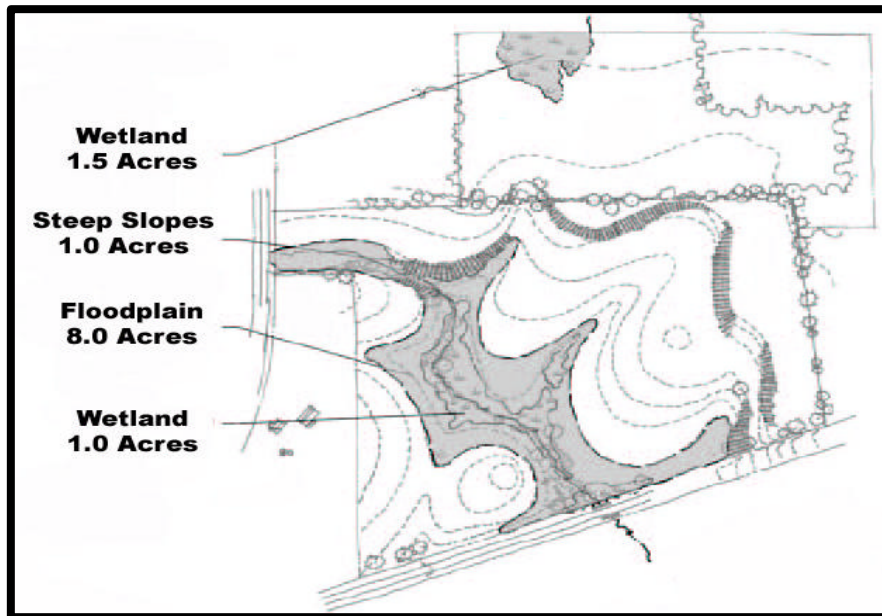


Figure 4.1.c. Density Calculation for RR-2 District

Total Site Acreage: 41.0 Acres

Constrained Acreage

Floodplain: 8.0 Acres
Wetlands: 2.5 Acres
(1.0 acre overlaps with Floodplain)
Steep Slopes: 1.0Acre
10.5 Acres

Unconstrained Acreage
30.5 Acres

- (3) The base density in (2) may be increased by up to 20% at the sole discretion of the Planning Board if permanent public access will be granted to the protected open space land and any associated improvements as delineated in section 240-4.3.
- (4) The density permitted by this section shall not be reduced as a result of the conservation analysis required in subsection 240-4.2B or as a result of the reservation of parkland during the subdivision process.

B. Conservation Analysis

- (1) As part of its Preliminary Plat submission (see Section 240-4.5), an applicant shall prepare a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features. (See Conservation Analysis Checklist available from the Planning Department.) The conservation analysis shall show lands with conservation value, including but not limited to the following:
 - “Constrained land” as defined in Section 240-4.2A(1)
 - “Open space and recreational resources” described in the City’s Open Space Plan
 - Buffer areas necessary for screening new development from adjoining parcels
 - Land exhibiting present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value.

- (2) The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site. In the course of its initial Preliminary Plat review, the Planning Board shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve.

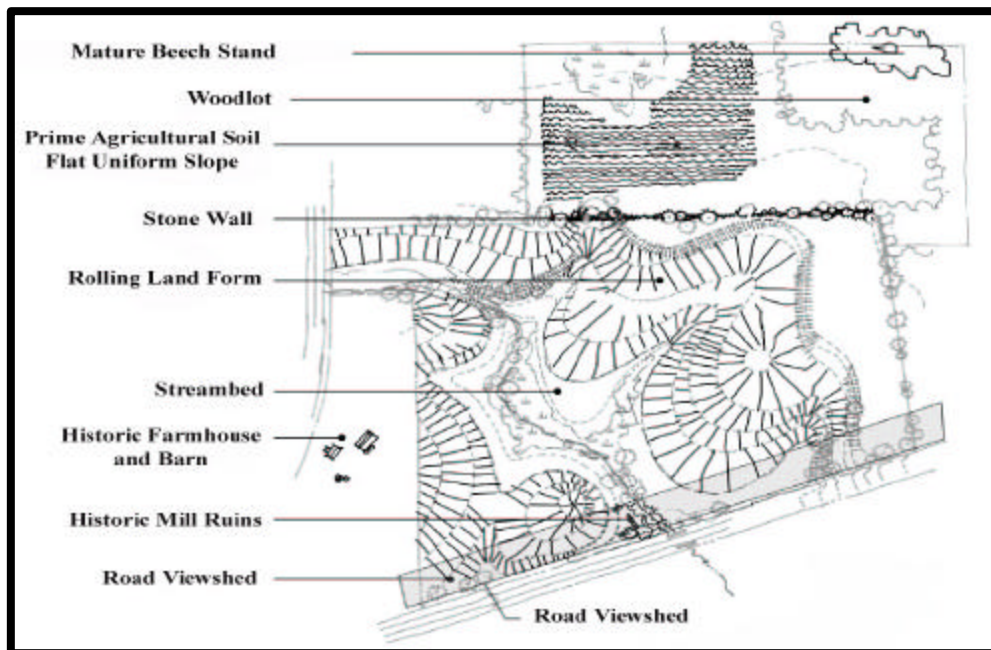


Figure 4.2.a
Conservation
Analysis:
Inventory
Map (see
also Figure
4.1b for
constrained
land)

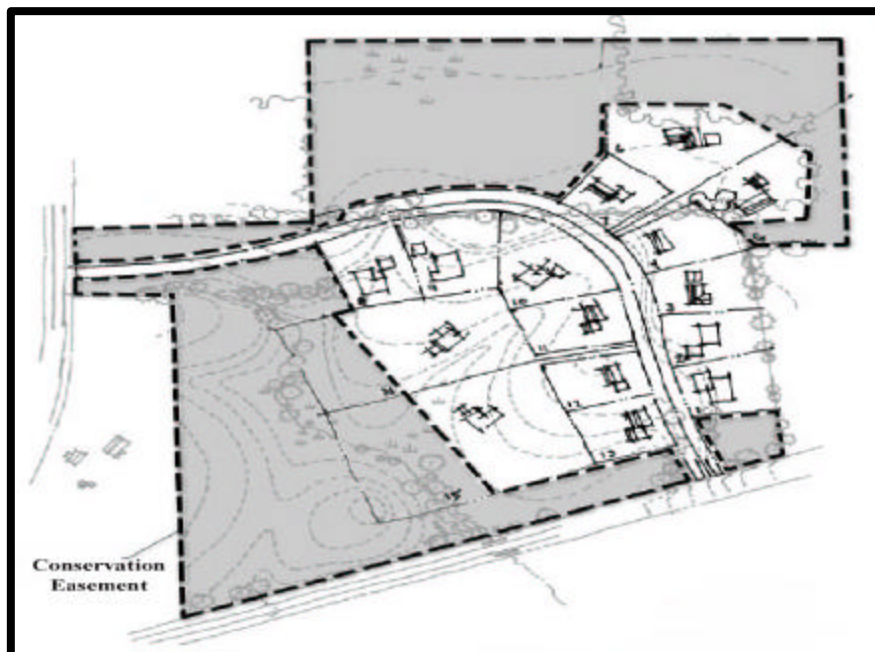


Figure 4.2.b.
Conservation
Analysis
Sample
Preliminary Plan

- (3) The outcome of the conservation analysis and the Planning Board's determination shall be incorporated into the approved Preliminary Plat (see Section 240-4.5) showing land to be permanently preserved by a conservation easement. The Preliminary Plat shall also show preferred locations for intensive development as well as acceptable locations for less dense development.
- (4) The final determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board. Whenever the Planning Board approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land (the "conservation findings"). The Planning Board shall deny an application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings.
- (5) The Preliminary Plan shall show the following as land to be preserved by conservation easement:
 - (a) An amount of land no smaller than the total amount of constrained land identified in the analysis in 240-4.2A(1).
 - (b) In the Rural Residential-1 District, at least 50% of the land not preserved in 240-4.2B(5)(a). In the Suburban Residential-1 District at least 35% of the land not preserved in 240-2B(5)(a).
- (6) If, based upon the conservation analysis, the Planning Board determines in its conservation findings that there is no reasonable basis for requiring a conservation subdivision; the Board may approve a conventional development of the site. In order for the Planning Board to make such a determination, the applicant must demonstrate at least one of the following:
 - (a) The land contains no substantial resources with conservation value;
 - (b) The acreage is too small to preserve a substantial amount of land with conservation value (this criterion shall not be evaded by piecemeal subdivision of larger tracts); or
 - (c) The lot configuration is unique and precludes preservation of a substantial amount of land with conservation value.
 - (d) That there are extraordinary circumstances unique to the parcel that demonstrates that conventional subdivision is in the best interest of the adjacent neighborhoods.

In order to make the required showing under (6)(b) or (6)(c) above, the applicant must also demonstrate that the parcel does not adjoin other land that, when combined with open space on the parcel, would result in the preservation of a substantial amount of land with conservation value

(including any portion of a designated trail corridor), regardless of whether or not the adjoining parcels have been protected as open space.

- (7) An approval of a conventional subdivision shall refer to the conservation findings and may be conditioned upon the protection by conservation easement of portions of the site identified in the conservation analysis and findings as having conservation value.

C. TYPES OF DEVELOPMENT IN A CONSERVATION SUBDIVISION

The allowable residential units may be developed as single-family or two-family residences. Within a conservation subdivision, a maximum of 25% of the units may be placed in structures containing two units.

D. LOT SIZES IN CONSERVATION SUBDIVISIONS

There shall be no minimum lot size in a conservation subdivision. The Planning Board shall determine appropriate lot sizes in the course of its review of a conservation subdivision based upon the purposes and design criteria established in this Article IV. In order to permit a clustered lot configuration, wells and septic systems may be located in areas of protected open space, provided that necessary easements are provided for maintenance of these facilities.

E. OTHER AREA AND DIMENSIONAL REQUIREMENTS

- (1) There shall be no required area, bulk, or dimensional standards in a conservation subdivision, except that where such subdivision abuts an existing residence in a residentially zoned area, a suitable buffer area shall be required by the Planning Board. This buffer shall be at least the same distance as the minimum rear or side yard setback in the district in which the abutting land is located.
- (2) The applicant shall specify dimensional requirements for a proposed conservation subdivision by identifying setbacks and other lot dimensions to be incorporated into the Final Plat.

F. CONSERVATION SUBDIVISION OF A PORTION OF LARGER TRACT

The Planning Board may entertain an application to develop a portion of a parcel if a conservation analysis is provided for the entire parcel and the approval to develop a portion of the parcel is not a basis for the applicant or successor in interest to subsequently request an exception under Section 240-4.2(B)(6) for the remainder of the parcel.

G. CONSERVATION SUBDIVISION DESIGN GUIDELINES

Lots shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. The lot layout shall to the extent feasible comply with the design guidelines in Section 240-4.4. Permitted building locations or areas ("building envelopes") shall be shown on the Final Plat.

240-4.3 PERMANENT OPEN SPACE

Open space set aside in a conservation subdivision shall be permanently preserved as required by this Section. Any development permitted on land located in a conservation subdivision that is not protected as open space shall not compromise the conservation value of such open space land.

A. CONSERVATION VALUE OF OPEN SPACE

The open space protected pursuant to this Section must have “conservation value,” which shall be determined in the course of the conservation analysis in Section 240-4.2B.

B. Permanent Preservation by Conservation Easement

- (1) A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the City, with the approval of the City Council, and/or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The Planning Board shall require that the conservation easement be enforceable by the City if the City is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk’s Office prior to or simultaneously with the filing of the Final Plat in the County Clerk’s Office.
- (2) The conservation easement shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation), and shall not be amendable to permit such use. Access roads, driveways, wells, underground sewage disposal facilities, local utility distribution lines, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures shall be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.
- (3) A land management plan, approved by the Planning Board, shall be included in the conservation easement. The conservation easement shall provide that if the City Council finds that the management plan has been violated in a manner that renders the condition of the land a public nuisance, the City may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and that the cost of such maintenance by the City shall be assessed against the landowner or, in

the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.

- (4) Preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. The conservation easement may allow dwellings to be constructed on portions of lots that include preserved open space land, provided that the total number of dwellings permitted by the conservation easement in the entire subdivision is consistent with applicable density limitations of this Article IV.

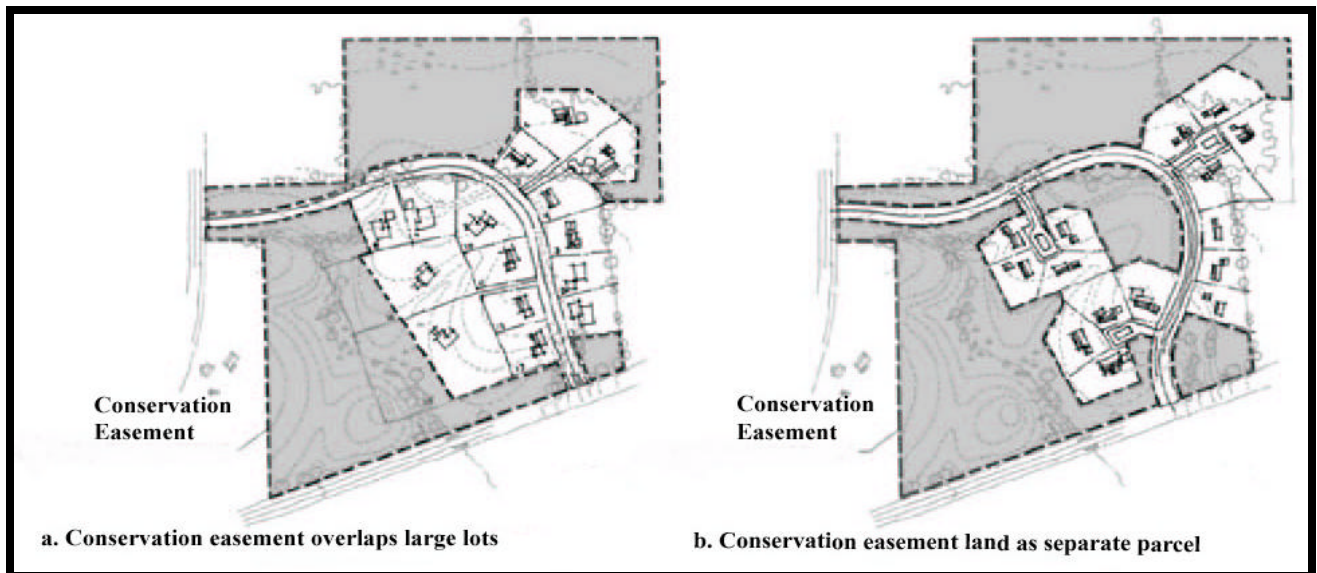


Figure 4.3 Conservation Easement Alternative Configurations

C. NOTATIONS ON FINAL PLAT

Preserved open space land shall be clearly delineated and labeled on the subdivision Final Plat as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of lots in the subdivision and the public to the open space land. The Final Plat shall clearly show that the open space land is permanently preserved for conservation purposes by a conservation easement required by this Section, and shall include deed recording information in the County Clerk's office for the conservation easement.

D. OWNERSHIP OF OPEN SPACE LAND

- (1) Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a homeowner's association (HOA), offered for dedication to City, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

- (2) If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:
- (a) The HOA must be established before the approved subdivision Final Plat is signed, and must comply with all applicable provisions of the General Business Law.
 - (b) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
 - (c) The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
 - (d) Property owners must pay their pro rate share of the costs in Subsection 240-4.3(B)(1)(c) above, and the assessment levied by the HOA must be able to become a lien on the property.
 - (e) The HOA must be able to adjust the assessment to meet changed needs.
 - (f) The applicant shall make a conditional offer of dedication to the City, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the City, at the discretion of the City Council, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
 - (g) Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
 - (h) The City Attorney's Office shall find that the HOA documents presented satisfy the conditions in Subsections (a) through (g) above, and such other conditions as the Planning Board shall deem necessary.

240-4.4 RURAL DESIGN AND SITING STANDARDS

The following guidelines should be considered in the process of designing and siting uses in the Rural Residential-1 and Suburban Residential-1 Districts. When locating new uses on the land there are many options in the siting, configuration, size and arrangement of elements in the landscape. These choices define the character of the

developed landscape environment. These guidelines are examples of the preferred way to design and site uses but they should not be considered the only acceptable solution.

Four basic elements establish the character of a development. These basic elements are:

LANDFORM

- Gradient
- Slopes Form
- Aspect/Orientation

VEGETATION

- Species
- Massing

STRUCTURES

- Setback/Location
- Height/Mass
- Roof Form

CIRCULATION SYSTEMS (VEHICULAR AND PEDESTRIAN)

- Alignment (vertical and horizontal)
- Width
- Edge Treatment

A. LANDFORM: Landform is the signature element that is essential for achieving an environment that has its own identity or “sense of place”.

- (1) In the Rural Residential -1 and Suburban Residential -1 Districts, locally distinct natural landform features should generally be left in a natural state.
- (2) Natural rural landforms are typically soft and roll due to the rounding effect of wind and water over time. Geometric landforms may also be present in areas of shallow bedrock or seasonal flooding. The character and diversity of the natural landform should be reflected in grading to accommodate development.

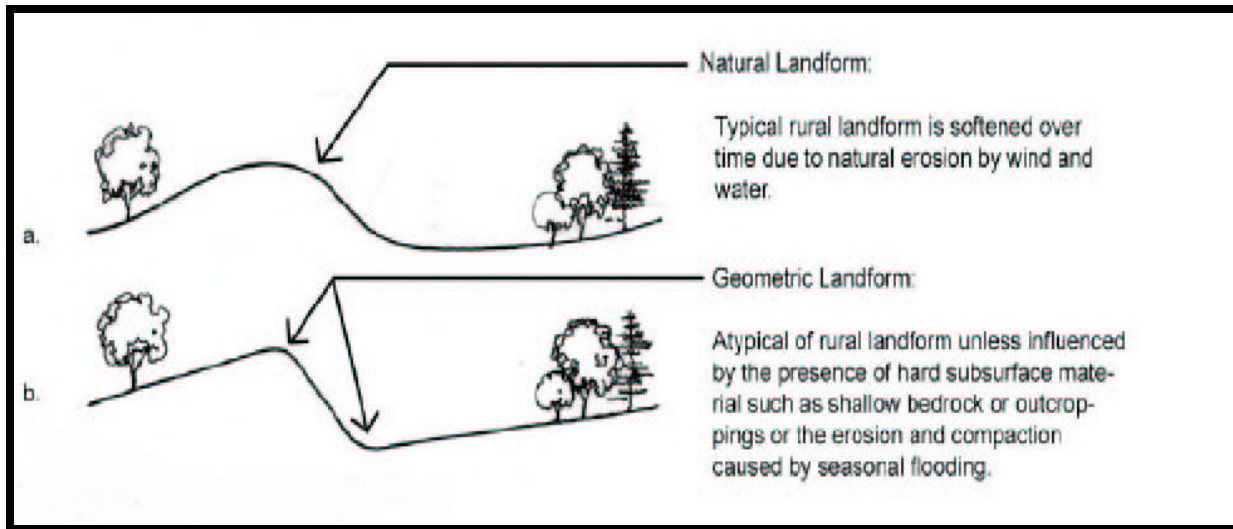


Figure 4.4 Landform Character

- (3) Minimize cuts and fills. When grading is necessary, slopes should be graded to mimic existing slopes and blend smoothly into the surrounding landform. Graded slopes should be a maximum of 1:5 and gradually blend into surrounding slopes.

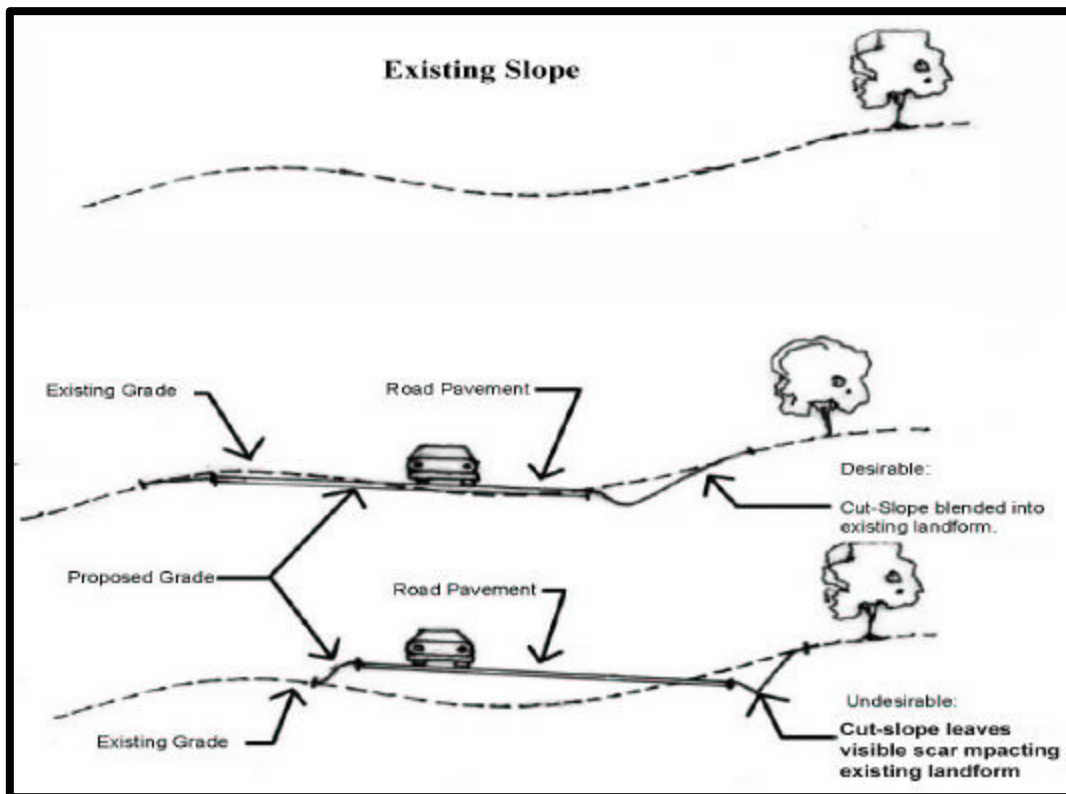


Figure 4.5 Blending Grading Into Existing Landform

- (4) New development should not erase landforms that are indigenous to the area. Instead solutions should reflect and reinforce the area's own topographic features.

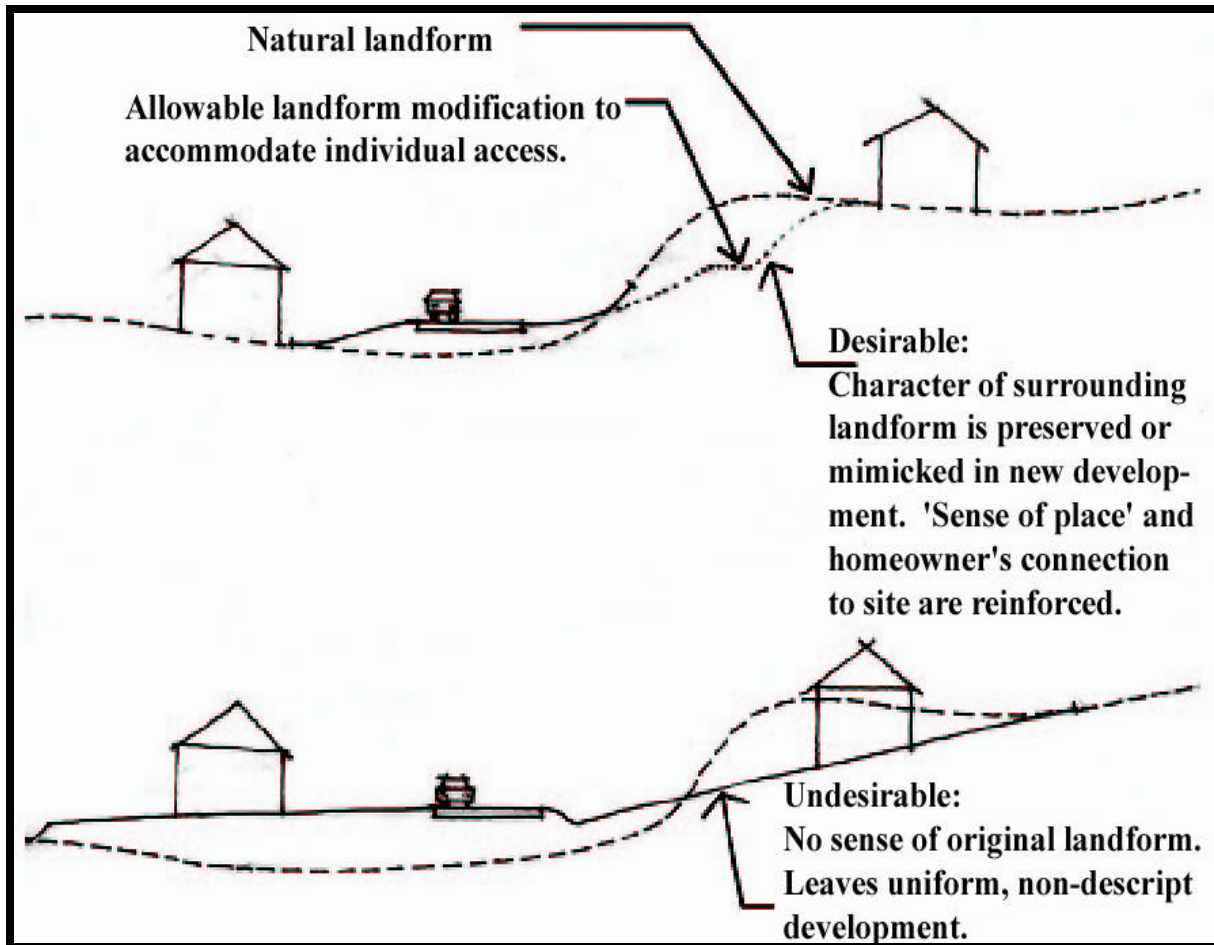


Figure 4.6 Landform Preservation

B. VEGETATION

In addition to the benefits plants offer the ecological system (soil stabilization, clean air, wildlife habitat) their presence or absence, how they are configured or arranged, and their species has a significant influence on development character. Every effort should be made to:

- (1) Preserve existing vegetation patterns and species mix and density.
- (2) Select and place new vegetation in ways that enhance the rural indigenous vegetation characteristics.
- (3) Vegetation in undeveloped rural areas is typically clustered. Rural vegetation should not be in geometric patterns that are associated with the urban environment.

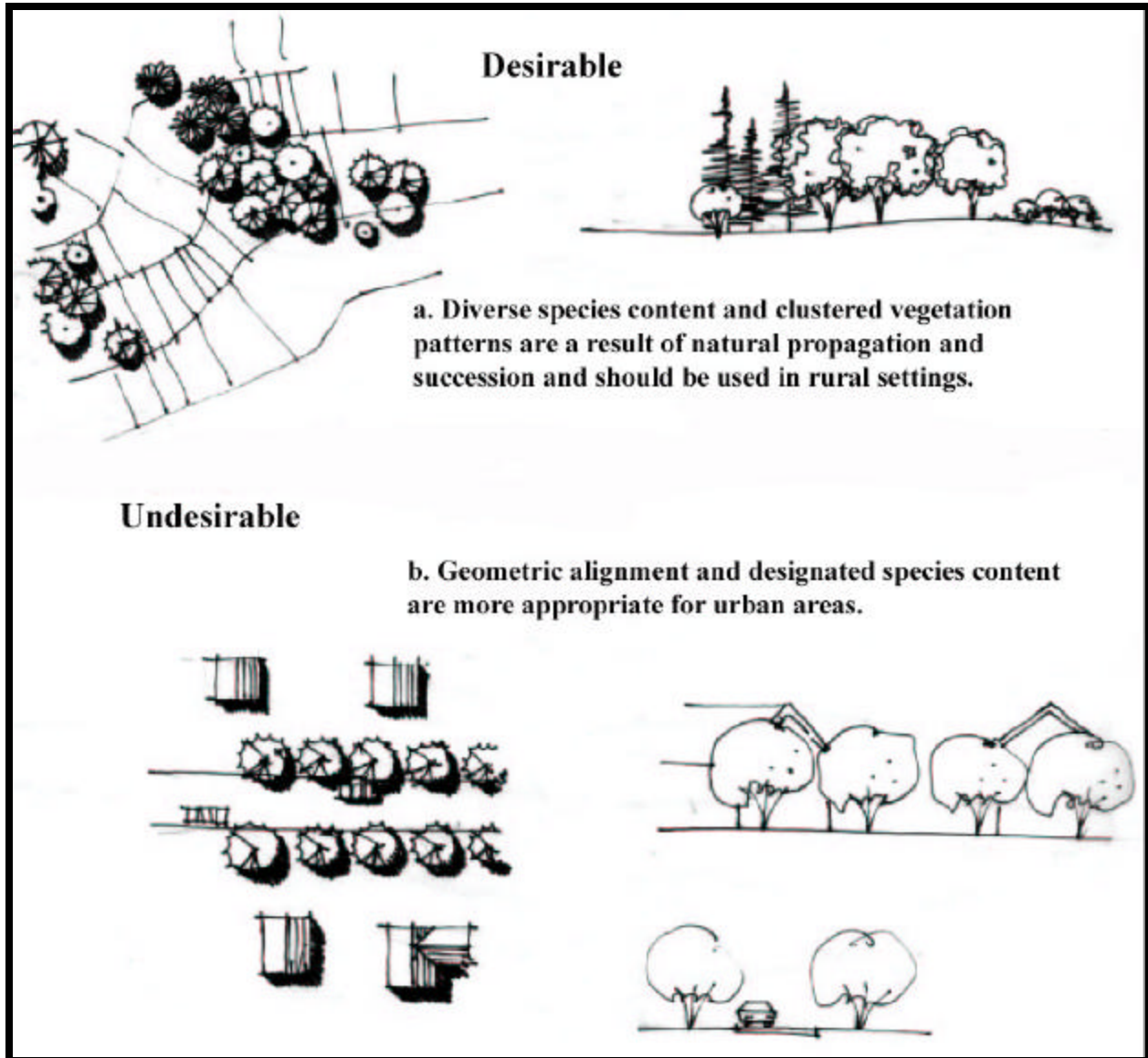


Figure 4.7 Vegetation Types and Patterns

- (4) In the rural environment vegetation, not structures, is the primary determinant of how far we can see and where we look.
- (5) Use existing vegetation and topography to buffer and screen new buildings if possible.

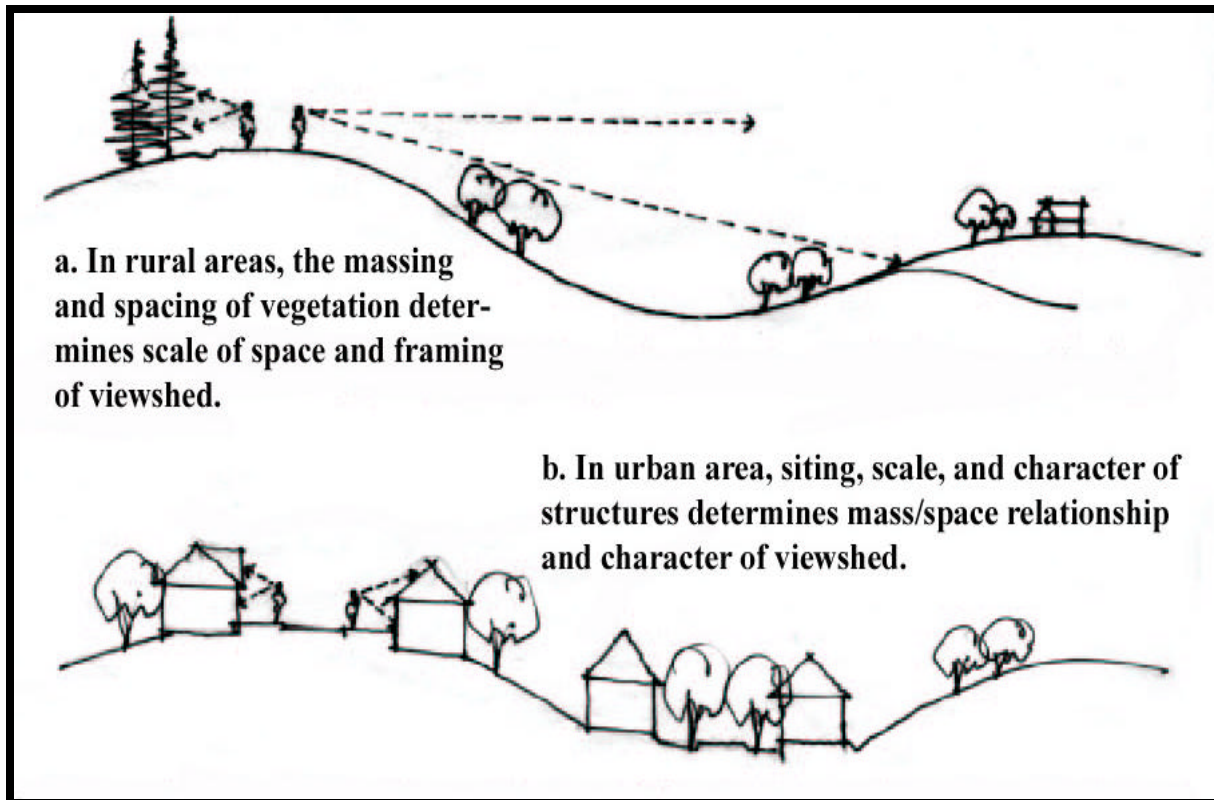


Figure 4.8 Framing Views

C. STRUCTURES

The height, placement, forms and patterns of building envelopes can establish an urban or rural character to any development. The intent of this section is to identify building envelopes, forms and patterns that are complementary to and reflective of rural characteristics.

- (1) Building envelopes in rural areas should be designed to maximize the preservation of the site's natural features (e.g. landform, vegetation). Whereas, in more urban environments, sites are more often modified to accommodate the building.

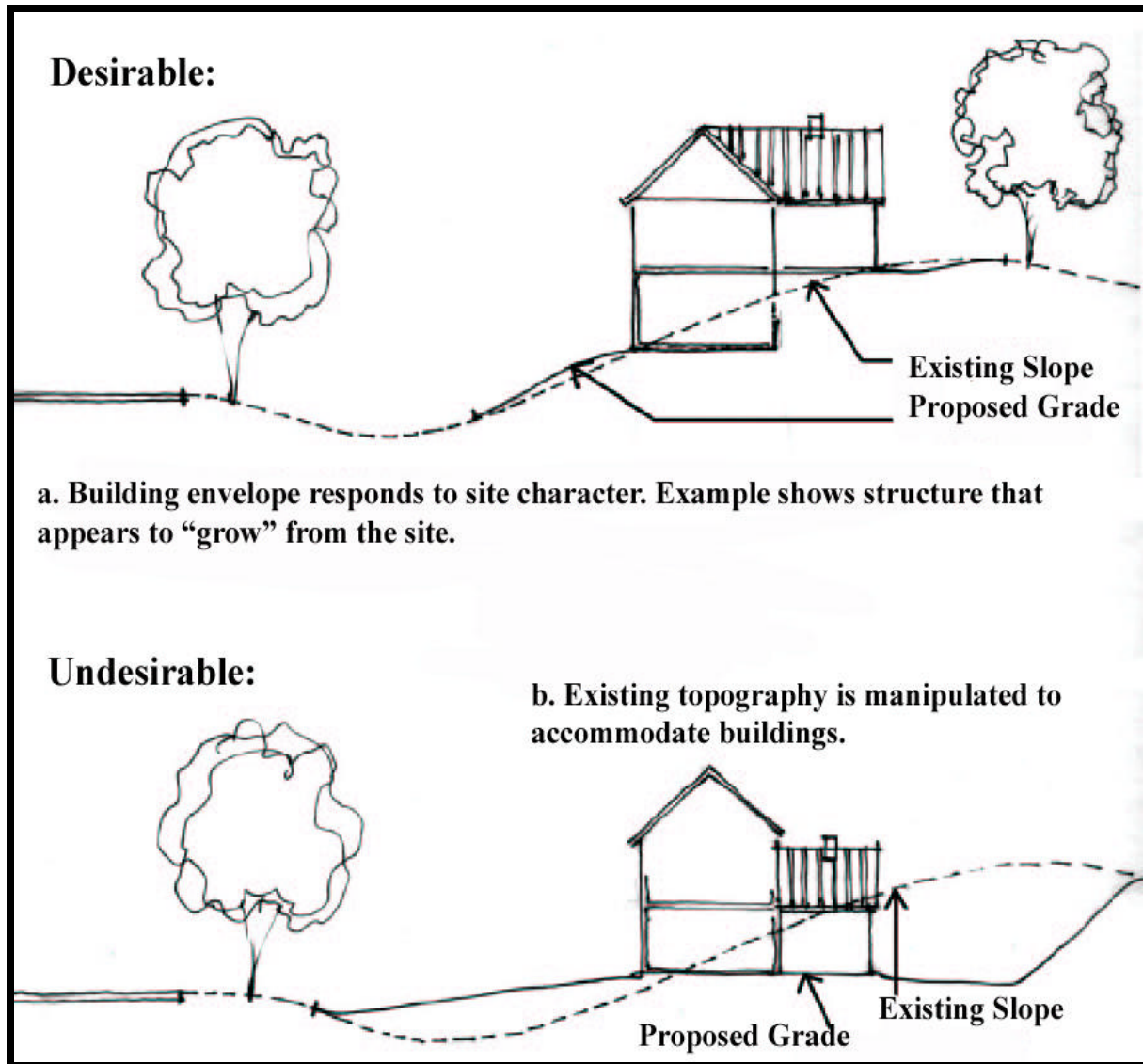


Figure 4.9 Siting of Structures

- (2) The placement of building envelopes in relationship to streets and highways critically affects the character of a community. Varied setbacks provide a different experience than a street where buildings are placed uniformly along a street. Rural placement is historically deeper and more varied than in urban environments and therefore recommended.

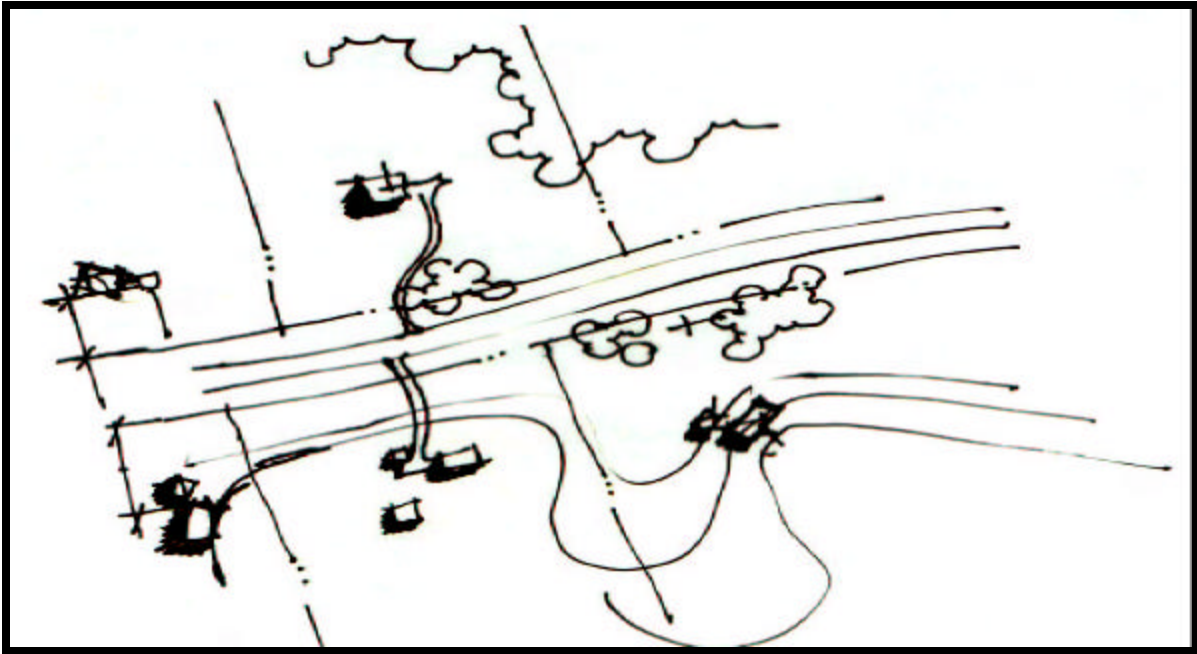


Figure 4.10 Rural Road with Varied Setbacks

- (3) When building envelopes must be placed in open fields they should be oriented to and reflect the alignment and orientation of the site's natural features.

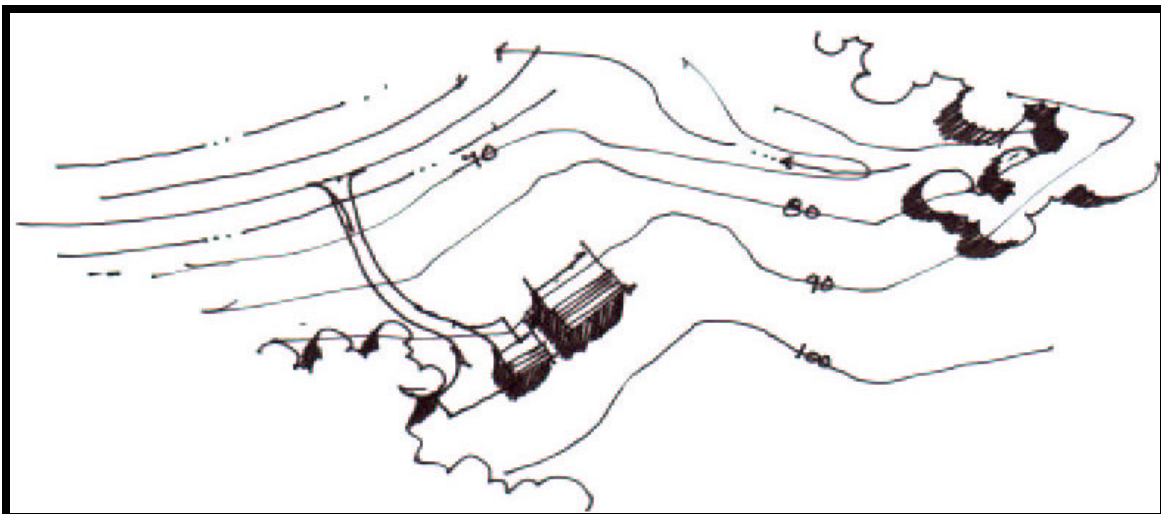


Figure 4.11 Orient Structures to Align with Topographic Character of Land

- (4) Site building envelopes so that future buildings will be screened by treetops and crest lines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
- (5) Group building envelopes in clusters or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a “sprawl” pattern.

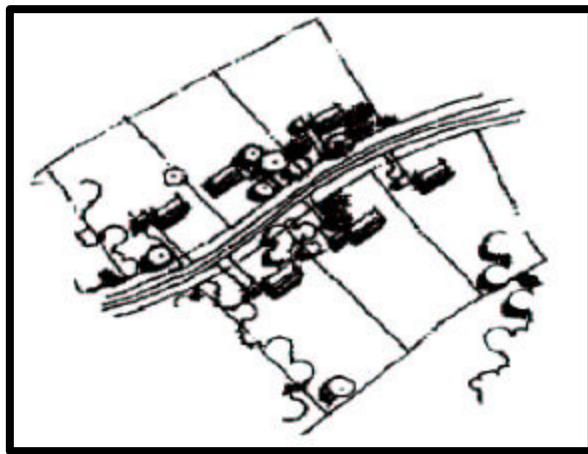


Figure 4.12.a Neighborhood Cluster

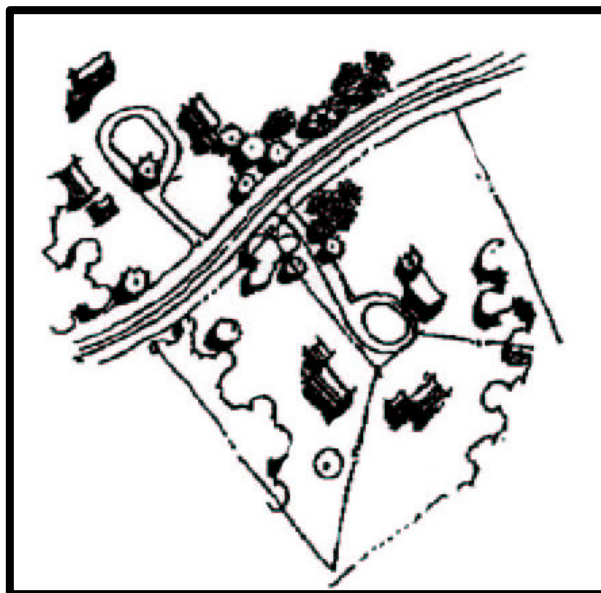


Figure 4.12.b Hamlet Cluster

- (6) The dominant visual context from the rural roads should be of natural and agricultural features, with structures visually subservient. Typically development should be interior lot development with 70 percent of the immediate highway view shed preserved.
- (7) The following structural guidelines apply only to structures in conservation subdivisions, which are also located in architectural review districts. The intent in these areas is to have the mass and roof forms of structures contribute to the rural character of the development. These guidelines are examples of the preferred way to design and site uses but they should not be considered the only acceptable solution.
 - (a) Massing of structures or structural elements influences rural character. Historically, rural buildings were often an assemblage of additions. These additions over time created a complexity of roof forms that have become icons associated with our rural agrarian environments.
 - (b) Rural roof form options include, but are not limited to, symmetrically pitched or hip roofs with or without gables and horse barn type roof ends.



Figure 4.13 Roof Forms

D. CIRCULATION SYSTEMS

Circulation systems are comprised of both vehicular and pedestrian systems. In general rural vehicular and pedestrian systems are curvilinear in alignment, a pattern that evolved out of historic systems following the lines of least resistance (e.g. stream corridors) following natural landforms. It is only in more urbanized conditions that roads and streets should take on geometric forms reflecting the built environments they move through.

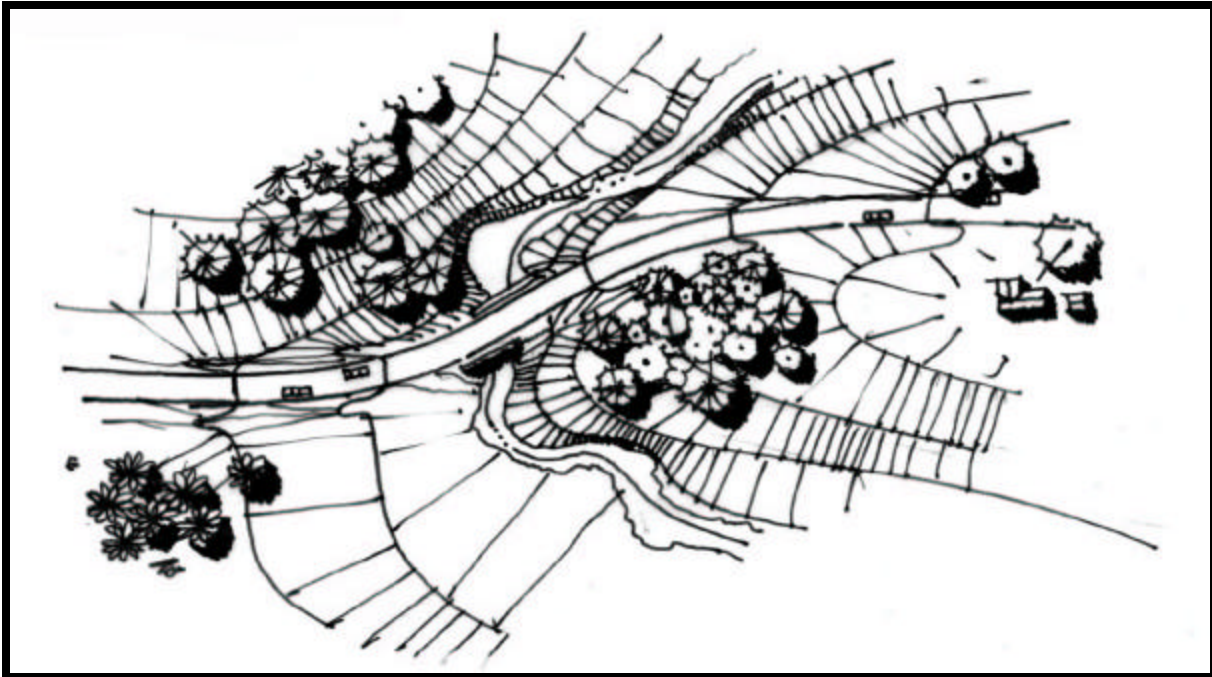


Figure 4.14 Curvilinear road alignments are created by following the line of least topographic resistance

- (1) Whenever possible roads (and the resultant lot layout) should be planned and designed so the site's cultural and environmental features are preserved and enhanced.
- (2) Vehicular and pedestrian circulation systems should retain and reuse historic farm roads and lanes. This guideline allows a development to build upon the site's historic context while minimizing clearing and disruption of the landscape. Care should be taken to apply this guideline only where its implementation would not destroy the historic lanes, hedgerows and stone walls it was meant to preserve.
- (3) Otherwise, vehicular and pedestrian circulation systems should be arranged to reflect the patterns of the site landform, vegetation, water bodies and vegetation massing.

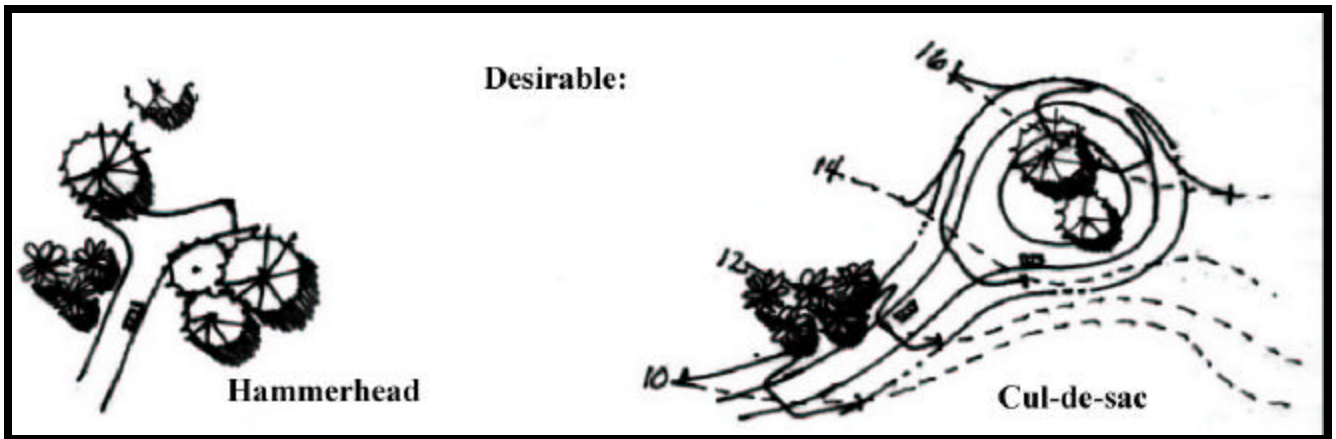


Figure 4.15.a Subdivision Roads: Form responds to and enhances natural rural character. Features such as streams, vegetation and landform are incorporated into the design.

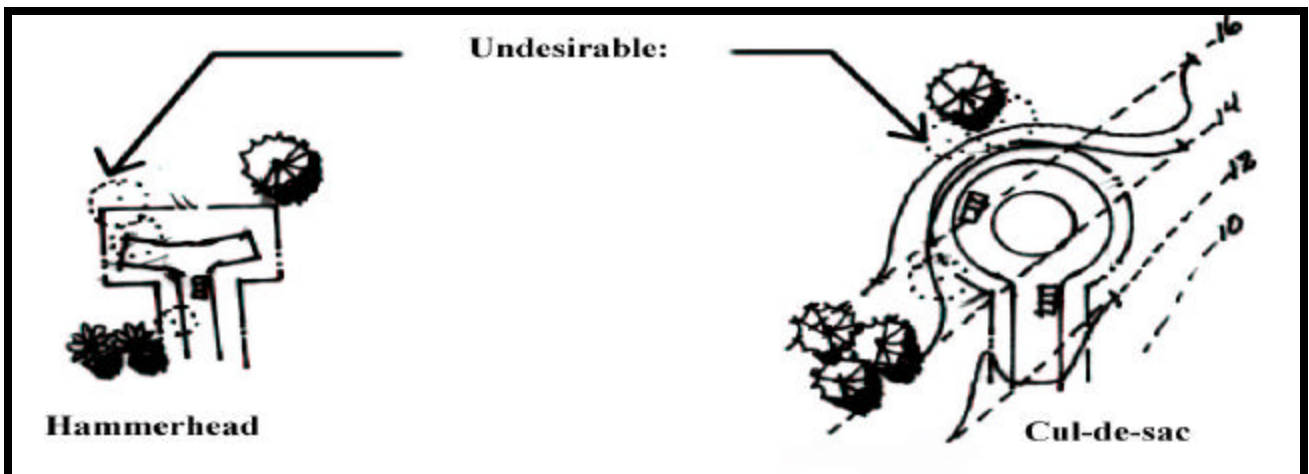


Figure 4.15.b Subdivision Roads: Design using arbitrary geometric forms that require the removal of existing vegetation and dramatic alteration of site character and/or topography.

- (4) Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
- (5) Rural road edges are historically unprotected (e.g. no curbs or gutters, with only a shoulder for user safety.)
- (6) Trail systems connecting destination areas should be comprised of flexible materials (e.g. asphalt, stone dust, and bark) and connect areas of concentrated development.
- (7) Trails should be informal in nature and occur in rear yards.

- (8) Sidewalks should only be used to connect facilities within areas of concentrated development.

240-4.5 CONSERVATION SUBDIVISION PROCEDURES

A. Review Process

The conservation subdivision process involves the following two steps:

- Preliminary Plat Review
- Final Plat Review

An applicant may request a sketch plan discussion with the Planning Board prior to the applicant making any formal subdivision submission.

- (1) The submission of a sketch plan is an option available to the applicant. It is pre-application procedure. The applicant may exercise this option for a pre-application discussion for the purpose of seeking advice and direction.
- (2) The sketch plan submitted need not be based upon surveyed data, but it should contain the following information:
 - (a) A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within 300 feet of the property.
 - (b) The tax map sheet, block and lot numbers, as available from the City Assessor's Office.
 - (c) Information regarding all known restrictions on the use of land including easements, covenants or zoning district classification.
 - (d) A sketch showing the approximate area of the project that might constitute constrained lands (wetlands, floodplains, steep slopes, etc) and the area that might be classified as developable lands.
 - (e) A concept plan to indicate what utilities would be available to service this subdivision.
 - (f) An estimate of the number of lots and/or units that might be accommodated within the projects.
- (3) During the sketch plan discussion the applicant and the Planning Board may discuss the possible requirements of the project in relation to standards for street improvements, grading, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.

B. PRELIMINARY PLAT REVIEW

Review of a Preliminary Plat is mandatory for conservation subdivisions containing four or more lots.

- (1) The Preliminary Plat application shall contain the following:
 - (a) A density calculation, as described in Section 240-4.2A.

- (b) A conservation analysis as described in Section 240-4.2B including a proposed conservation analysis map.
 - (c) A schematic (“bubble”) diagram showing which areas on the parcel would be developed and where land would be protected as permanent open space by a conservation easement. Such a diagram may, but need not, locate specific house sites, lot lines, or road alignments.
 - (d) Additional submission requirements available from the Planning Department.
- (2) The Preliminary Plat shall be reviewed by the Planning Board, which shall hold a public hearing and make its conservation findings as required by Section 240-4.3A. The notice and hearing procedures shall be the same as those for a subdivision contained in Article II Section 1C(6) of the Subdivision Regulations. In order to approve a Preliminary Plat, the Planning Board must find that it complies with all relevant provisions of the Zoning Ordinance.
- (3) SEQR compliance for the Preliminary Plat shall be the same as required by the General City Law, Section 32, for a Preliminary Plat application.
- (4) Preliminary Plat approval shall expire after one year if Final Plat approval has not been granted. Upon an application, the Board may grant one six-month extension of this time requirement. The Planning Board may grant a time extension once and may grant it only upon the determination of what the Board, in its sole discretion, finds to be extraordinary conditions.

C. FINAL PLAT REVIEW

The procedure for Final Plat Review, including notice and hearing procedures, shall be the same as those for a subdivision plan contained in Article II Section 1C(6) of the Subdivision Regulations. In order to approve a Final Plat, the Planning Board must find that it is consistent with the Preliminary Plat and complies with all relevant provisions of the Zoning Ordinance.

- (1) The Final Plat Review application shall contain the following:
 - (a) All the materials required for approval as provided in Article II, Section 1C of the Subdivision Regulations, unless waived by the Planning Board.
 - (b) Proposed conservation easement(s) for the protection of permanent open space land.
 - (c) A final land management plan for the permanent open space areas, to be incorporated into the conservation easement and made enforceable by the City.

- (d) Evidence of compliance with all Planning Board requirements for any of the rural design and siting guidelines in Subsection 240-4.4 above.
 - (e) Other submission requirements as specified by the Planning Board.
- (2) SEQR compliance for the Final Plat shall be the same as required by the General City Law, Section 32, for Final Plat approval.
- (3) Final Plat approval shall expire after one year if the applicant has not complied with all conditions of the approval. Upon an application, the Board may grant one six-month extension of this time requirement. The Planning Board may grant a time extension once and may grant it only upon the determination of what the Board, in its sole discretion, finds to be extraordinary conditions.

240-4.6 RESERVED FOR FUTURE USE

CLUSTER DEVELOPMENT FOR THE UR-1 AND SR-2 ZONING DISTRICTS

(Sections 4.7 through 4.12 apply only to the UR-1 and SR-2 Zoning Districts)

240-4.7 INTENT

- A. The intent of this Article is to permit variation in conjunction with a proposed subdivision plat in lot size and housing type in suitable areas in order to encourage flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open space, in accordance with Section 37 of the General City Law. This purpose is achieved by permitting a reduction in lot sizes required for the zoning district within which such development occurs while maintaining the imposed density limitations through the provision of open space.
- B. It is the intent of this Article to promote energy conservation, harmonious architectural design, better use of existing topography and natural features, conservation of open spaces, recreational development, solar access and design, and to provide for economies inherent with cluster type development.

240-4.8 DELEGATION TO PLANNING BOARD

The power to approve, approve with modifications or disapprove cluster zoning in accordance with the intent established in Article 4.7 above, is granted to the Planning Board in accordance with Article 3, Section 37 of the General City Law.

240-4.9 PURPOSES

- A. RESIDENTIAL AMENITY
 - (1) High quality site design resulting from flexible site and lot standards.
 - (2) Creation of open space usable for recreation, either active or passive.
- B. CONSERVATION
 - (1) Preservation of significant natural and manmade characteristics of the site.
 - (2) Preservation of flood plains, slopes subject to erosion, and other environmentally sensitive areas.
- C. EFFICIENT AND ECONOMIC USE OF LAND RESOURCES
- D. COMPREHENSIVE LAND USE PLANNING
 - (1) Coordination with City of Saratoga Springs Comprehensive Plan and other applicable County, State, Federal and Regional plans and programs.
 - (2) Maintenance of the residential character of Saratoga Springs, while increasing the variety of housing opportunities available.
 - (3) Development or redevelopment of land in a manner appropriate to the special characteristics of each site and present and future needs of the City.

240-4.10 GENERAL CONDITIONS (amended 8/3/99)

- A. Clustering shall apply only to single family detached residential developments within the UR-1 or SR-1 residential zoning district where single family detached units are permitted. In no case will other housing types be permitted.
- B. In determining the allowed density of a clustered subdivision, the Planning Board shall require the submission of a conventional subdivision plan showing the maximum number of lots that could reasonably be approved in conformance with the zoning and subdivision regulations for the district the project is proposed, and taking into account natural resource constraints such as slopes and wetlands. The number of lots that can be developed in accordance with such a plan shall be known as and constitute the base density for the subdivision.
- C. Density of residential units shall not exceed the base density as calculated in Section 240-4.10B above, except that the Planning Board may allow up to 20%

greater density where it finds that:

- (1) The project provides exceptional open space or public recreation benefits. Examples of such benefits include the provision of a new recreational opportunity available to the public in an area where there has not been such an opportunity; the provision of public access to an important natural or park area; and the permanent protection of an important environmental resource.
- (2) The project provides a desirable mix of affordable housing. Examples of such a mix include the provision of at least 20% of the housing mix below the median housing price. Such houses or lots shall be set aside for purchase by low and moderate income households, as those terms are currently defined by the City's Community Development Office. The Planning Board may establish such other conditions with respect to the purchase and occupancy of affordable housing as it deems appropriate.

The decision to allow such bonus shall be at the sole discretion of the Planning Board.

D. Clustering may be applied to subdivisions of any size.

240-4.11 Application Procedures (amended 8/3/99)

A subdivider may request the use of this section at any time during the subdivision review process. The process and procedures shall be identical to those found in the current edition of the Subdivision Regulations of the City of Saratoga Springs. The Planning Board shall review modifications in dimensional requirements of the City zoning requirements according to the provisions of Section 37 of the General City Law.

240-4.12 STANDARDS GOVERNING CLUSTERING (amended 8/3/99)

Any average density development considered shall conform to the following standards which are to be regarded as minimum requirements:

- A. The Planning Board shall determine that a cluster development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity, and that the proposed development is in conformity with the objectives of the City's Comprehensive Plan, and that the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements.
- B. When such development is proposed adjacent to any existing residence or residential area, a suitable buffer area, as the Planning Board determines, but at least the same distance as the minimum rear or side yard setback in the district in which the project is located, shall be left between the closest lot line of any lot in an existing residential development area or a conventionally platted residential map that has been filed with the Saratoga County Clerk, and the closest structure

in the residential cluster development contained on a clustered lot.

- C. There shall be no other setback requirements except as specified in 240-4.12B. above. Zero lot lines are allowed.
- D. The development shall have dedicated, as a minimum, for open space purposes the same percentage of the entire tract as that by which the lots have on the average been reduced. The area dedicated for open space purposes, including playgrounds and parks, shall be in a location and shape approved by the Planning Board during subdivision review and in addition, the Planning Board, as a condition of approval, may establish such conditions on the ownership, use and maintenance of such open space lands as it deems necessary to assure the preservation of such lands for their intended purpose.
- E. Lots in a cluster development may be of any size.
- F. All the land not contained in the lots or the road right-of-way, if provided, shall be contiguous and of such size and shape as to be usable for recreation, either passive or active.
 - (1) Such land may:
 - (a) Be dedicated to the City, provided the City is willing to accept such dedication;
 - (b) Be transferred to a not-for-profit corporation approved by the Attorney General's Office, pursuant to Section 352(e) of the General Business Law, comprised of owners of lots within the development;
 - (c) Be transferred to a bona fide charitable not-for-profit corporation whose purposes include the acceptance of land for open space, conservation, protection of environmentally sensitive areas, or the like.

The applicant shall notify the Planning Board of its intention prior to the grant of final subdivision approval, and shall supply the Planning Board with such reasonable documentation that it may request evidencing its intentions and indicating the ability and/or willingness on the part of the proposed recipient to receive such lands for such purpose. In addition, as appropriate, the applicant may be required by the Planning Board to incorporate into the deeds of all property within the development a clause giving to the owners an easement or other interest in such open land which shall be used for recreation or other like purposes and, further, provide the City of Saratoga Springs with an easement providing for the same, which may be enforced by the City to insure the continued use of the property as common area. No structure save those incidental to the recreational functions shall be permitted thereon.

- (2) Common open space shall, unless otherwise waived by the Planning

Board, be directly accessible to each residential unit.

- (3) The open space lands shall be subject to taxation, unless deeded to the City or to a qualified charitable corporation.
- G. In the event that the organization established to own and maintain common property, or any successor organization, shall fail to maintain the common property in reasonable order and condition in accordance with the plan, the City of Saratoga Springs may assume responsibility for such maintenance and assess the cost equally against the properties within the development.
- H. The developer shall be responsible for maintaining open space until such time as it is legally accepted by the City, Homeowner's Association or other designated entity.