

**(Please Use this Form for Filing your Local Law with the Secretary of State)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of Pittstown.....  
Town  
~~Village~~

Local Law No. ....<sup>3</sup>..... of the year 19 .94.....

A local law ..adopting subdivision regulations and procedures.....  
(Insert title)

Be it enacted by the ..... Town Board ..... of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of ..... Pittstown ..... as follows:  
Town  
~~Village~~

**1 ARTICLE 1 - TITLE**

- 1.1 This local law shall be known and cited as "The Town of Pittstown Subdivision Law."

**2 ARTICLE 2 - LEGISLATIVE INTENT, CONFLICT WITH STATE LAWS, LAWS REPEALED, AND SEPARABILITY**

- 2.1 Legislative Intent. The legislative intent and purpose of this local law is to revise and modernize the types of land subdivisions and the subdivision procedures consistent with the rural character of the Town of Pittstown, the State Environmental Quality Review Act, the increased work load on the Planning Board. The Town Board, in enacting this local law, intends to maintain the integrity of the subdivision process, while enabling the owner of farms and other rural lands to subdivide their property when necessary for economic or family purposes without undue expense or delay.
- 2.2 Conflict with State Laws. To the extent that any provisions of this local law are inconsistent with or conflict with the general laws of the State of New York, including Article 16 of the Town Law, and definitions, standards, and procedures contained therein, the Town Board hereby declares its intent to supersede such inconsistent provisions pursuant to its home rule powers under the Constitution of the State of New York, the Statute of Local Governments, and Municipal Home Rule Law, Article 2, §10, et. seq.
- 2.3 Laws Repealed and Superseded. Part 2, Subdivision of Land, of the Town of Pittstown Land Use and Development Code, as enacted by Local Law No. 1 for the Year 1974, as amended, is repealed. Any other provision of the Town of Pittstown Land Use and Development Code which is inconsistent with the provisions of this local law, shall be superseded by this local law to the extent required for the proper interpretation and administration thereof.
- 2.4 Separability. Should any section or provision of this local law be decided by the courts to be invalid, such decision shall not affect the validity of this local law as a whole, or any other part of this local law.
- 2.5 Effective Date and Savings Clause. This local law shall become effective October 1, 1994, and shall apply to all subdivision applications filed on or after that date. All subdivision applications pending on the effective date shall be governed by the law existing as of August 31, 1994; provided, however, the applicant may withdraw any existing subdivision application without prejudice after the effective date of this local law, and submit an application for subdivision under the provisions hereof.

**3 ARTICLE 3 - DEFINITIONS**

- 3.1 Except where specifically defined herein, all words used in this local law shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular.
- A Agriculture - The raising of crops, fish, animals, or animal products; limited forestry, the selling of products grown on premises, and any other commonly accepted agricultural or conservation operations. Incidental mechanical processing and sale of products grown the

- premises are included in the definition.
- B Building Lot - A parcel of land less than ten (10) acres in size which meets the appropriate district regulations for construction of a single family dwelling.
  - C Clerk of the Planning Board means that person who shall be designated to perform the duties of the clerk of the Planning Board for all purposes of the Subdivision Law.
  - D Code - The Town of Rittstown Land Use and Development Code.
  - E Commercial Use - Refers to retail sales and consumer service establishments, and offices.
  - F Conservation - The protection or management of open land in a natural state. The definition includes management practices such as supplementary clearing and replanting, stream channel maintenance, erosion control, etc.
  - G Development - Any activity other than agriculture or conservation which materially affects the existing condition of land or improvements, including, but not limited to:
    - (i) Removal of trees or other natural cover;
    - (ii) Excavation or deposit of earth or other fill, including alteration in the banks of any stream or body of water;
    - (iii) Construction, reconstruction, alteration or demolition of any improvement;
    - (iv) Dumping or storing any objects or materials, whether mobile, liquid, or solid;
    - (v) Commencement of any use of the land or improvements and every change in its type or intensity;
    - (vi) Commencement of any noise, light, smoke or other emission, and every change in its type or intensity.
  - H Directional Signs - These are off-site signs used for the sole purpose of indicating directions.
  - I Easement - authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property. An easement does not include a revocable license.
  - K Engineer - A person licensed as a professional engineer by the State of New York.
  - K Family - One or more persons occupying a dwelling unit and living as a single housekeeping unit, but not including a group occupying a boarding house, lodging house, club, fraternity or hotel.
  - L Final Plat - A drawing showing a proposed Major Subdivision in final form containing detail required by Article 9 of this Subdivision Law.

- M Health Department - The Rensselaer County Health Department, or the agency of the State of New York having authority to approve individual or community water supply, septic or sewer systems, and drainage plans for subdivisions or other development.
- N Highway Division - Land under common ownership which is divided by a public road.
- O Industrial Use - Refers to wholesale business establishments, warehouses, light manufacturing and processing operations.
- P Land annexation - The transfer of title of land from its owner to an abutting owner. Land annexation is permitted so long as it does not result in the failure of the parcel from which the transfer was made to meet appropriate zoning district regulations.
- Q Lot - A parcel or plot of land of sufficient size to meet minimum land use regulations, fronting on a public or private road.
- R Lot Frontage - The portion of the lot bordering a public or private road.
- S Lot of Record - A lot which is part of a subdivision approved and recorded in the office of the County Clerk.
- T Non-Conforming Use - A building, structure, or use of land lawfully existing at the time of enactment or amendment of this Subdivision Law which does not conform to the regulations of the district in which it is situated.
- U Non-Realty Subdivision - Any subdivision of land which does not constitute a Realty Subdivision.
- V Official Map - A map established by the Town Board pursuant to § 270 of the Town Law.
- W Off-Premise Advertising Signs - A sign or device promoting, advertising, or identifying products and/or services not available on the premises where the sign is located.
- X On-Premise Advertising Sign: A sign or device promoting, advertising, or identifying products and/or services available on the premises where the sign is located.
- Y Planning Board - The Town of Pittstown Planning Board.
- Z Preliminary Plat - A drawing showing the layout of a proposed Major Subdivision which includes those matters enumerated in §17.1 of the Subdivision Law.
- AA Public Hearing - A formal session of the Planning Board at which the public may give oral and/or written comments concerning the subject of the hearing. A Public Hearing shall be advertised in the official newspaper of the Town at least five (5) days before such hearing. A Public Hearing shall be completed in one (1) session unless the board conducting the Public Hearing and the applicant shall agree to an extension.

- AB Realty Subdivision - A subdivision of land as defined by Public Health Law §1115.
- AC Residence - A building designed or used as the permanent living quarters for one or more families.
- AD Resident Occupation - An accessory use of a commercial or professional character customarily conducted within a dwelling by the residents thereof. It must be clearly secondary to the primary residential use and must not change the character thereof or display any exterior evidence of such secondary use other than the permitted sign. Typical resident occupations are professional offices, home-made craft products, minor franchise sales, etc.
- AE Road - A street, highway, avenue, lane, or other traffic ways, between right-of-way lines. Roads are classified as follows:
- (i) Major Road - A road 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.
  - (ii) Collector Road - A road which serves, or is designed to serve, as a traffic way for a neighborhood or as a feeder to a major road.
  - (iii) Minor Road - A road intended to serve primarily as an access to abutting properties.
  - (iv) Dead-End Road or Cul-De-Sac - A road with only one vehicular traffic outlet.
- AF Road Pavement - The wearing or exposed surface of the roadway used by vehicular traffic.
- AG Road Width - The width of right-of-way, measured at right angles to the center line of the road.
- AH Rural Lot - A parcel of land containing ten (10) or more acres of land which meets the appropriate district regulation for the construction of a single family dwelling.
- AI SEQR - The environmental review process required by The New York State Environmental Quality Review Act (SEQRA) contained in Article 8 of the Conservation Law and Part 617 of Title 6 of the New York Official Compilation of Rules and Regulations.
- AJ Set-back - The distance from lot lines to surface of any structure, well, or septic system.
- AK Sketch Plan - A sketch of a proposed subdivision showing the general layout of the proposed subdivision, as described in §13.9 of the Subdivision Law.

- AL Structure - Any man made building or thing intended to remain on or under land permanently, or for extended periods of time. Structures include dwellings, swimming pools, mobile homes, barns, silos, coops, sheds, outbuildings, fuel storage tanks and pumps, windmills, observation towers, satellite dishes, radio transmission towers, antennas, dog houses, and swimming pools. Structures do not include driveways, utility poles, wells, septic systems, mailboxes, newspaper boxes, bird feeders, or bird houses. Structures are classified as follows:
- (i) Principle Structure - A building in which is conducted the main or principal use of the lot on which said structure is situated.
  - (ii) Secondary Structure - A building whose use is incidental and subordinate to the principal structure located on the same lot.
- AM Subdivider - A person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.
- AN Subdivision - The division of any parcel of land into two or more lots, blocks, or sites, other than a Highway Division. Subdivisions are classified as follows:
- (i) Rural Subdivision - A subdivision of land into two (2) Rural Lots, which was not part of a previous subdivision within the five (5) year period preceding the date of the Rural Subdivision application.
  - (ii) Simple Subdivision - A subdivision of land into two (2) lots, at least one (1) of which is a Building Lot, not involving any new road, or the extension of municipal water or sewer, which was not part of a previous subdivision within the five (5) year period preceding the date of the Simple Subdivision application.
  - (iii) Minor Subdivision - Any subdivision (other than a Rural Subdivision or Simple Subdivision) into not more than six (6) lots fronting on an existing public road, not involving any new road or the extension of municipal water or sewer.
  - (iv) Major Subdivision - Any subdivision other than a Rural Subdivision, Simple Subdivision or Minor Subdivision.
  - (v) For the purpose of determining subdivision classification, all subdivisions affecting the land which is the subject of a subdivision application which have occurred during the five (5) years preceding the date of the subdivision application shall be aggregated.
- AO Subdivision Law - The Town of Pittstown Subdivision Law.
- AP Surveyor - A person licensed as a land surveyor by the State of New York.

AQ Town Comprehensive Plan - A plan adopted by the Town pursuant to Town Law §272-a.

AR Waiver - A relaxation of terms of the Subdivision Law where such waiver will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Subdivision Law would result in unnecessary and undue hardship.

#### 4 ARTICLE 4 - DECLARATION OF POLICY

4.1 It is the duty of the Planning Board to implement the land use and development policy of the Town of Pittstown as that policy is embodied in this law. The Planning Board shall have all of the powers and duties of a planning board, and its procedures shall be governed by the laws of the State of New York, except as modified by the provisions of this law.

4.2 It is declared to be the policy of the Town of Pittstown to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the town. This means that:

A The plan for land subdivision for development provides for adequate drainage, water supply, sewerage, and road access. The source, quality, and adequacy of water supply, and engineering matters relating to community or individual septic systems are hereby determined to be matters solely within the jurisdiction of the Health Department. The Planning Board shall defer to the Health Department in such matters, and it shall be a condition of all Realty Subdivision approvals that such Health Department approval be obtained and endorsed on the Final Plat;

B that proposed roads shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and

C that adequate provision shall be made for open spaces for parks and playgrounds in subdivisions of twenty five (25) or more lots.

4.3 It is also the policy of the Town of Pittstown to facilitate and simplify the subdivision process where the result of subdivision is likely to have a minimal effect on the community.

#### 5 ARTICLE 5 - GENERAL PROCEDURES FOR SUBDIVISION APPLICATIONS

5.1 Official Submission of Subdivision Applications. The time of submission of subdivision applications shall be determined by the date of the regular monthly meeting of the Planning Board. Ten (10) copies of the application for subdivision approval shall be presented to the Clerk of the Planning Board at least ten (10) days prior to a scheduled monthly meeting of the Planning Board in order to be officially received and considered at that meeting, unless the Planning Board shall permit a shorter period. The Planning Board may require the applicant to furnish additional copies of applications for distribution to other agencies in connection with a SEQR

review. The subdivision application must be filed complete with the required fee and all data required in the Subdivision Law. The Planning Board shall promptly notify the Subdivider of any deficiencies in the application.

- 5.2 The Planning Board shall forward a copy of subdivision applications to the Rensselaer County Bureau of Planning when so required pursuant to §239-n of the General Municipal Law.
- 5.3 Subdivider to Attend Planning Board Meeting. The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision application.
- 5.4 When notice of subdivision application is required to be given to other agencies or persons in accordance with required SEQR review or other provision of law, such notice shall be given by the Clerk of the Planning Board.
- 5.5 Agricultural data statement. Every application for subdivision approval that occurs 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, shall include the agricultural statement described in, and be subject to the procedures set forth in Town Law § 283-a.
- 5.6 No changes, erasures, modifications, or revisions shall be made on any subdivision plat after approval has been given by the Planning Board, unless the plat is first resubmitted to the Planning Board for approval of modifications. In the event that a subdivision plat is recorded without complying with this requirement, it shall be null and void, and the Planning Board shall institute proceedings to have the altered plat stricken from the records of the County Clerk.
- 5.7 It is the policy of the town that applications for subdivision approval be processed expeditiously. Time limits for action by the Planning Board commence upon the filing of a complete application. Failure of the Planning Board to act within such time limits shall constitute approval of the application before it. Time limits for determination set forth in this Subdivision Law may be extended by mutual consent of the Subdivider and the Planning Board.
- 5.8 When a public road, public easement or public open space, park, playground, or other recreation area are shown on a plat, the approval of the plat shall not constitute an acceptance by the Town of such public road, easement, or other area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. Town approval of the foregoing may be made a condition of approval by the Planning Board.
- 5.9 Optional Pre application Conference. Any person proposing to subdivide land may confer with the Planning Board to discuss the subdivision procedure, the intent of these regulations, and Planning Board procedures before submitting a formal application for subdivision. The purpose of this preapplication conference is to encourage a high degree of coordination between the Subdivider and the Planning Board, to familiarize each with the intent of the other, and to examine jointly the effect of the Town Comprehensive Plan, if such exists, on the land proposed for subdivision. The Pre application Conference may be combined with the Sketch Plan Review.



5.10 Sketch Plan Review.

- A A Sketch Plan Review is required prior to the submission of a formal subdivision application.
- B The sketch plan shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall show the following information:
- (i) The entire tract which is affected by the proposed subdivision.
  - (ii) The approximate location of all existing structures and other significant physical and topographic features presently located on the property, and the location of any registered historic sites and designated wetlands.
  - (iii) The name and address of the owner and those of all adjoining property owners as disclosed by the most recent tax map.
  - (iv) The tax map sheet, block and lot numbers.
  - (v) All the utilities available, and all roads which are either existing or proposed.
  - (vi) The proposed pattern of lots (including approximate lot width and depth), road layout, recreation areas, and common areas, if any. Additional proposed features, such as systems of drainage, sewerage, and water supply within the subdivided area may be shown at the Subdivider's election.
  - (vii) A statement of all existing restrictions on the use of land including easements, restrictions, or covenants.
  - (viii) A copy of the most recent town tax bill.
  - (ix) A copy of the current deed to the land.
- C The Planning Board shall review the Sketch Plan and advise the Subdivider of apparent conflicts with the Subdivision Law or other law, special concerns and recommendations its members may have for guidance in preparing a subdivision application and plat. Comments and recommendations made by Planning Board members are for consideration and guidance only.
- D Based upon the Sketch Plan information submitted, the Planning Board shall:
- (i) make a preliminary determination as to the classification of the proposed subdivision;
  - (ii) determine the type of environmental assessment form (EAF) to be submitted by the Subdivider. A long form EAF shall be required for submission of a Minor and Major Subdivision application.

**6 ARTICLE 6 - PROCEDURE FOR LAND ANNEXATION AND RURAL SUBDIVISION**

- 6.1 Land annexation. If the Planning Board determines, upon the Sketch Plan review, that a proposed subdivision is a Land Annexation, the Chairman of the Planning Board shall so note on the Sketch Plan that no action of the Planning Board is necessary. However, in the event that there is a reasonable question as to whether the grantor's land remaining following the Land Annexation will meet the minimum size for the construction of a single family home within the zoning district in which it is situate, the Planning Board shall require that a survey map showing the grantor's land, following the Land Annexation, will meet such zoning district requirement without a variance.
- 6.2 Rural Subdivision Classification. If the Planning Board determines, upon the Sketch Plan review, that a proposed subdivision is a Rural Subdivision, the Chairman of the Planning Board shall so note on the Sketch Plan that no action by the board is necessary.

**7 ARTICLE 7 - PROCEDURE FOR SIMPLE SUBDIVISION**

- 7.1 Application for Simple Subdivision Plat Approval. The Simple Subdivision Plat application shall include the following:
- A A copy of easements, covenants, or deed restrictions which currently exist, or are intended to cover all or part of the tract.
  - B An actual field survey of the boundary lines of all Building Lots which result from the subdivision, giving complete descriptive data by bearings and distances, made and certified by a Surveyor. The corners of such Building Lots, shall be marked by permanent markers and shall be referenced and shown on the Plat. If any structures, wells, septic systems or other improvements exist within one hundred (100) feet of a Building Lot line, they shall be noted on the survey. The date of the field survey, north arrow, map scale, locator map, and the name and address of the property owner shall be shown.
  - C A copy of the survey shall depict the location of percolation test holes and exclusion zones for a well. The survey copy shall bear a certification by an engineer certifying that (i) the Building Lot is suitable for the construction of a single family home and (ii) based upon percolation or other soil tests made by or under the direction of the engineer, the Building Lot meets the minimum standards required for Health Department approval for the construction of a septic system and well for at least a three (3) bedroom home.
  - D Agricultural data statement, if applicable.
  - E The Building Lot survey plat to be filed in the Office of the County Clerk shall comply with the requirements of Real Property Law §334.
- 7.2 Procedure for Approval.
- A If submission of the application to the Rensselaer County Bureau of Planning is required pursuant to General Municipal Law §239-n, the Planning Board shall act on the application at the next regular

meeting thereof not less than forty (40) days following the meeting when the application was officially submitted.

- B If such submission is not required, the Planning Board shall act on the application at the meeting when the complete application is accepted. There shall be no public hearing required, but the Planning Board shall afford persons in attendance at the meeting the reasonable opportunity to give comments and make inquiries of the Subdivider or the Subdivider's representative. In the absence of an issue which reasonably requires verification by the Planning Board, subdivision approval shall be given forthwith. Otherwise, the Planning Board must act on the application no later than the next regular meeting, unless a further extension is agreed to by the Subdivider. Failure of the Planning Board to act as herein provided shall be deemed to be approval of the Simple Subdivision, and the Chairman of the Planning Board shall note such approval on the Building Lot survey plat.

## 8 ARTICLE 8 - PROCEDURE FOR MINOR SUBDIVISION

8.1 Application for Minor Subdivision Plat Approval. The Minor Subdivision Plat application shall include the following information:

- A A long form Environmental Assessment Form completed by the Subdivider.
- B A copy of easements, covenants, or deed restrictions which currently exist, or are intended to cover all or part of the tract.
- C An actual field survey of the boundary lines of that portion of the tract being subdivided, made by a Surveyor, prepared at a scale of not less than one hundred (100) feet to the inch, showing:
- (i) The date, north arrow, map scale, name and address of the record owner and Subdivider.
  - (ii) The names and addresses of the Subdivider's Engineer and Surveyor, including license numbers and seals.
  - (iii) The name of the proposed subdivision;
  - (iv) Existing and proposed electric, telephone, and cable television lines, and gas mains.
  - (v) Location of existing and proposed sewers, water mains (detailed to show valves and hydrants), culverts, and drains on the property, with pipe sizes, grades, and direction, and the location of manholes and basins.
  - (vi) Proposed curb cuts in roads for driveways, and proposed intersections of proposed roads with existing roads.
  - (vii) The width and location of any roads or public ways or places shown on the Official Map, and/or the Town Comprehensive Plan within the area to be subdivided.

- (viii) The corners of the tract, marked by permanent markers.
  - (ix) The zoning district in which the tract is located with appropriate set back lines;
  - (x) An agricultural data statement, if applicable.
  - (xi) All parcels of land proposed to be dedicated to public use, and the conditions of such dedication.
  - (xii) The names and addresses of the owners of record of all adjacent property, as shown on the current tax map.
  - (xiii) Location of existing property lines, easements, buildings, designated wetlands, water courses, and other significant existing features for the proposed subdivision. An enlarged U.S.G.S. topographic map or similar information, shown at plat scale, in relation to other plat features shall be required.
  - (xiv) The boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width, and which shall provide satisfactory access to a public road or public open space shown on the subdivision plat.
- D Minor Realty Subdivision. Health Department approval of septic systems and water supply for each Building Lot of five (5) acres or less in size is a requirement for final approval. For each Building Lot in excess of five (5) acres in size, the survey plat or accompanying engineering plans shall depict the location of percolation test holes and exclusion zones for a well. The survey copy shall bear a certification by an engineer certifying that (i) each Building Lot is suitable for the construction of a single family home and (ii) based upon percolation or other soil tests made by or under the direction of the engineer, each Building Lot meets the minimum standards required for Health Department approval for construction of a septic system and well for at least a three (3) bedroom home.
- E Minor Non-Realty Subdivision: The subdivision plat or accompanying engineering plans shall depict the location of percolation test holes and exclusion zones for a well for each Building Lot. The survey plat or engineering plans shall bear a certification by an engineer certifying that (i) each Building Lot is suitable for the construction of a single family home and (ii) based upon percolation or other soil tests made by or under the direction of the engineer, each Building Lot meets the minimum standards required for Health Department approval for construction of a septic system and well for at least a three (3) bedroom home.
- F The name of the proposed subdivision shall be endorsed on the Minor Subdivision Plat. The Planning Board may require the name to be changed if, in its opinion, it conflicts with the name of an existing subdivision or the proposed name does not clearly identify the subdivision.

- G The Minor Subdivision Plat to be filed in the Office of the County Clerk shall comply with the requirements of Real Property Law §334.
- H Public Hearing. A public hearing shall be held by the Planning Board within sixty - two (62) days from the time of submission of the minor subdivision plat with completed application. For the purpose of the Public Hearing and affording due process for the applicant, it shall be presumed that all proposed Building Lots will meet the requirements for Health Department approval.
- I Action on Minor Subdivision Plat. The Planning Board shall, within sixty - two (62) days from the date of the public hearing,
- (i) conditionally approve, or
  - (ii) conditionally approve with modification, or
  - (iii) grant final approval and authorize the signing of the Minor Subdivision Plat, or
  - (iv) disapprove the Minor Subdivision Plat. In the event of disapproval, the Planning Board shall state its reasons for disapproval, and enter them into the minutes of the meeting.
- J Conditional Approval of Minor Subdivision Plat.
- (i) Upon granting conditional approval, with or without modification to the Minor Subdivision Plat, the Planning Board shall direct its chairman to sign the Minor Subdivision Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.
  - (ii) Within five (5) business days following the adoption of a resolution granting conditional approval, the Minor Subdivision plat shall be certified by the clerk of the Planning Board as conditionally approved, and a copy filed in his office. A certified copy of the conditionally approved Minor Subdivision Plat, having attached to it a copy of the resolution of conditional approval, shall be furnished to the Subdivider.
  - (iii) Upon compliance with such conditions, the Minor Subdivision Plat shall be signed by the Chairman of the Planning Board, and such signing shall be reported to the Planning Board and noted in the minutes.
  - (iv) Unless extended by the Planning Board for good reason, conditional approval of a Minor Subdivision Plat shall expire one year after the date of the resolution granting such approval unless the requirements have been certified as completed within that time, unless the Planning Board shall extend such time for good cause.

9 **ARTICLE 9 - PROCEDURE FOR MAJOR SUBDIVISION**

9.1 Application for Major Subdivision Plat Approval. The Major Subdivision Plat application shall include the following information:

- A A long form Environmental Assessment Form completed by the Subdivider.
- B A copy of easements, covenants, or deed restrictions which currently exist, or are intended to cover all or part of the tract.
- C A statement of any requested waivers from the requirements of the Subdivision Law.
- D The Preliminary Plat and/or accompanying engineering plans shall include an actual field survey of the entire tract, made by a Surveyor, prepared at a scale of not less than one hundred (100) feet to the inch, showing:
  - (i) The date, north point, map scale, name and address of the record owner and Subdivider.
  - (ii) The names and addresses of the Subdivider's Engineer and Surveyor, including license numbers and seals.
  - (iii) The name of the proposed subdivision;
  - (iv) The proposed road and lot layout, and approximate dimensions;
  - (v) The topography of the proposed subdivision, with contours at no greater than five (5) foot contour intervals;
  - (vi) Preliminary engineering drawings for water supply and septic systems.
  - (vii) Existing and proposed electric, telephone, and cable television lines, and gas mains.
  - (viii) Location of existing and proposed sewers, water mains (detailed to show valves and hydrants), culverts, and drains on the property, with pipe sizes, grades, and direction, and the location of manholes and basins.
  - (ix) Proposed curb cuts in roads for driveways, and proposed intersections of proposed roads with existing roads.
  - (x) The width and location of any roads or public ways or places shown on the Official Map, and/or the Town Comprehensive Plan within the area to be subdivided.
  - (xi) The width, location, grades, and road profiles of all roads or public ways proposed by the Subdivider.
  - (xii) The corners of the tract, marked by permanent markers;

- (xiii) The zoning district in which the tract is located with appropriate set back lines;
- (xiv) An agricultural data statement, if applicable.
- (xv) All parcels of land proposed to be dedicated to public use, and the conditions of such dedication.
- (xvi) The names and addresses of the owners of record of all adjacent property, as shown on the current tax map.
- (xvii) Location of existing property lines, easements, buildings, designated wetlands, water courses, and other significant existing features for the proposed subdivision.
- (xviii) Plans showing the proposed location and type of sidewalks, curbs, lighting, and road trees.
- (xix) The boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width, and which shall provide satisfactory access to a public road or public open space shown on the subdivision plat.
- (xx) Storm drainage improvements and grading plan.

E Major Realty Subdivision: Health Department approval of septic systems and water supply for each Building Lot of five (5) acres or less in size is a requirement for final approval. For each Building Lot in excess of five (5) acres in size, the survey plat or accompanying engineering plans shall depict the location of percolation test holes and exclusion zones for a well. The survey copy shall bear a certification by an engineer certifying that (i) each Building Lot is suitable for the construction of a single family home and (ii) based upon percolation or other soil tests made by or under the direction of the engineer, each Building Lot meets the minimum requirements for Health Department approval for construction of a septic system and well for at least a three (3) bedroom home.

F Major Non-Realty Subdivision: The subdivision plat or accompanying engineering plans shall depict the location of percolation test holes and exclusion zones for a well for each Building Lot. The survey plat or engineering plans shall bear a certification by an engineer certifying that (i) each Building Lot is suitable for the construction of a single family home and (ii) based upon percolation or other soil tests made by or under the direction of the engineer, each Building Lot meets the minimum standards required for Health Department approval for construction of a septic system and well for at least a three (3) bedroom home.

## 9.2 Study of Preliminary Plat.

A The Planning Board shall study the practicability of the Preliminary Plat in conjunction with its SEQR review. Within sixty - two (62) days

after the receipt of the complete Major Subdivision application, the Planning Board shall hold a public hearing on the Preliminary Plat. 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 grounds for any required modification, or the grounds for disapproval, shall be set forth in a resolution of the Planning Board. A resolution granting approval of the Preliminary Plat, with or without modification, shall also set forth the action of the Planning Board with respect to any requested waivers, and the reason for such action. The time in which the Planning Board must take action on such Preliminary Plat may be extended by mutual consent of the Subdivider and the Planning Board. Within five (5) days following the action on such Preliminary Plat, the Clerk of the Planning Board shall file a copy of the Preliminary Plat, together with a copy of the resolution of approval, conditional approval, or disapproval, in the office of the Clerk, and shall mail a certified copy to the Subdivider and to the Town Board. Failure of the Planning Board to act within such sixty - two (62) day period shall constitute approval of the Preliminary Plat.

- B Approval of a Preliminary Plat shall not constitute approval of the Final 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 Final 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 Final 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.
- C Prior to the submission of the Final Plat, the Subdivider may request modifications to the approved Preliminary Plat. If the Planning Board deems the requested modifications to be substantive, it may conduct a Public Hearing prior to approving the requested modifications.

9.3 Final plat for Major Subdivision.

- A Application. Within one (1) year after the approval of the Preliminary Plat, the Subdivider may file with the Planning Board an application for approval of the Final Plat. The Major Subdivision may be developed in sections, in which case, the final plat for the first section shall be filed within one year. The Planning Board may approve a schedule for the filing of the remaining sections.
- B If Final Plat is not submitted within one year after the approval of the Preliminary Plat, the Planning Board may require re-submission of the Preliminary Plat.
- C The Final Plat to be filed in the Office of the County Clerk shall comply with the requirements of Real Property Law §334.
- D Form of Final Plat. The Final Plat shall show all matters required to be set forth in the Preliminary Plat. In addition, the Final Plat shall have the following:



- (i) Where required, proposed water and sewer facility designs shown on the Final Plat shall be properly endorsed and approved by the Health Department before approval of the Final Plat.
  - (ii) Approval shall be secured for intersection design and construction within State rights-of-way from the New York State Department of Transportation pursuant to § 52 of the Highway Law, and from the Rensselaer County Engineer for intersections within the Rensselaer County right of way.
  - (iii) Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of roads, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes catch basins and other facilities.
- E Public Hearing. Within sixty two (62) days of the submission of a Final Plat, a Public Hearing shall be held by the Planning Board; provided however, if the Planning Board determines that the Final Plat substantially conforms to the Preliminary Plat that has been approved with modification, the Planning Board may waive the requirement for the Public Hearing.
- F Action on Proposed Final Plat.
- (i) The Planning Board shall by resolution (a) conditionally approve with or without modification, (b) disapprove, or (c) grant final approval and authorize the signing of such plat, within sixty two (62) days following its receipt of a complete application for Final Plat approval if a Public Hearing is not conducted. In the event that a Public Hearing is held, such Planning Board action shall be made within sixty-two (62) days following the Public Hearing. This time limit 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 Final Plat.
  - (ii) A resolution of conditional approval of such Final Plat shall direct the Chairman of the Planning Board to sign the Final Plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the Final Plat shall be certified by the Clerk of the Planning Board as conditionally approved, and a copy filed in his office and a certified copy mailed to the Subdivider. The copy mailed to the Subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the 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 year 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 by the circumstances, for not to exceed two additional periods of ninety (90) days each.

## 10 ARTICLE 10 - REQUIRED IMPROVEMENTS

- 10.1 Improvements and Performance Bond. Before the Planning Board grants final approval of the Final Plat, the Subdivider shall follow the procedure set forth in either sub-paragraph A or sub-paragraph B below:
- A In an amount set by the Planning Board, the Subdivider shall file with the Town Clerk a performance bond or other security authorized by Town Law §277 (9) to cover the full cost of the required improvements; or
  - B The Subdivider shall complete all required improvements to the satisfaction of the Planning Board. For any required improvements not so completed the Subdivider shall file with the Town Clerk a performance bond or other security as provided in the previous subparagraph.
  - C The required improvements shall not be considered to be completed until the installation of the Improvements has been approved and a map satisfactory to the Planning Board has been submitted depicting the actual location of all installed underground utilities. If the Subdivider completes all required improvements according to subparagraph (B), then said map shall be submitted prior to signing of the Final Plat by the Chairman of the Planning Board. However, if the Subdivider elects to provide a bond or other security for all required improvements as specified in subparagraph (A), such performance bond or other security shall not be released until such a map is submitted.
- 10.2 Modification of Design of Improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Planning Board that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Planning Board may authorize modifications within the spirit and intent of the Planning Board's approval.
- 10.3 Inspection of Improvements. At least five (5) days prior to commencing construction of required improvements, the Subdivider shall pay to the Town Clerk the inspection fee as required by the Town Board, and shall notify the Building Inspector in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause an inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- 10.4 Proper Installation of Improvements. If the Town Board shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not

been constructed in accordance with plans and specifications filed by the Subdivider, the Town Board then shall notify the Subdivider, and, if necessary, take steps to preserve the Town's rights under the bond.

10.5 Filing of approved Final Plat. Upon compliance with the requirements of the conditional approval and notation to that effect upon the Final Plat, the Chairman of the Planning Board shall sign the Final Plat and deliver duplicate copies thereof to the Subdivider for filing in the Office of the County Clerk and the Health Department. Any subdivision plat not so filed or recorded within sixty (60) days of the date upon which such signed Final Plat is delivered to the Subdivider, or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the Planning Board shall extend the time for filing.

## 11 ARTICLE 11 - GENERAL DEVELOPMENT STANDARDS AND SUBDIVISION REQUIREMENTS

11.1 In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter and all other standards of this Subdivision Law. The said standards shall be considered to be minimum requirements and shall be varied by the Planning Board only under circumstances set forth herein or when reviewing planned developments.

### 11.2 GENERAL.

A Character of Land. Land to be subdivided shall be of such character that it can be used safely for development purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.

B Conformity with Town Comprehensive Plan. Subdivisions shall reflect the intent of the Town Comprehensive Plan, if such exists.

C Specifications for Required Improvements. All required improvements shall be constructed or installed to conform to any specifications adopted by the Town.

### 11.3 DESIGN STANDARDS

A Roads: Pending adoption of the Development Standards For New Roads Law for the Town of Pittstown, the following design standards will apply in the interim.

(i) General Requirements. Roads shall be of sufficient width, suitably located and adequately constructed to conform with the Town Comprehensive Plan if such exists, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

(ii) Minor Roads. Minor roads shall be so laid out that their use by through traffic will be discouraged.

- (iii) Arrangement. The arrangement of roads in the subdivision shall provide for the continuation of principal roads of any adjoining subdivision, and for proper projection of principal roads 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 impractical the above conditions may be modified. Major Subdivisions containing twenty (20) lots or more shall have at least two road connections with existing collector roads on an approved Final Plat for which a bond has been filed.
- (iv) Frontage Roads. A frontage road parallel to State or County roads may be required to limit direct access from Building Lots if necessary for public safety. In general, where development is to occur a single lot deep along a State or County road, a frontage road as above may be required. Where development is not initially extensive enough to warrant construction of such a road, the right-of-way may be reserved for that use in the future.
- (v) Cul-de-sac and Loop Roads. The creation of cul-de-sac or loop residential roads will be permitted wherever the Planning Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of such roads, where needed or desirable, the Board may require the reservation of a twenty (20) foot or wider easement to provide for continuation of pedestrian traffic and utilities to the next road.

The following standards shall apply to cul-de-sac roads:

- a A cul-de-sac should be located, if possible, so that it drains toward its entrance.
- b Unless there is the expectation of extending the road through to the adjoining property, a cul-de-sac road should never be brought to the property boundary line, but should be placed so that lots can back on the property line of the subdivision.
- c No cul-de-sac shall service more than 12 residences.
- d All cul-de-sacs shall have a turnaround at the end of the road which shall have a right-of-way radius of sixty (60) feet and pavement radius of fifty (50) feet.

- (vi) Relation to Topography. The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property.
- (vii) Road Jogs. Two parallel roads intersecting a third road with center line to center line distance of less than one hundred twenty five (125) feet shall be avoided.
- (viii) Multiple Intersections. Multiple intersections involving a junction of more than two (2) roads shall be prohibited.
- (ix) Right Angle Intersection. In general, all roads shall join each other so that for a distance of at least one hundred (100) feet, the road is approximately at right angles to the road it joins.
- (x) Reserve Strips. Reserve strips of land, to be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself, shall be prohibited.
- (xi) Road Names. No road shall have a name which will duplicate or so nearly duplicate so as to be confused with the names of existing roads. It is recommended that the continuation of an existing road shall bear the same name.
- (xii) Intersections. Roads shall in general not have intersections more frequently than four hundred (400) feet nor less frequently than one thousand, two hundred (1,200) feet. In general, width between parallel roads shall be twice the normal lot depth, except where it might be feasible to include open recreation lands within the interior. Where a road extends more than eight hundred (800) feet without an intersection, the Planning Board may require the reservation of a ten foot or wider easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify at its discretion that a paved foot path be included.
- (xiii) Road Design.
  - a Widths of Rights-of-Way and Road Surfaces. Roads and travel surfaces shall have the following widths. The classification of roads shall be determined by the Planning Board as per Town Board standards.
  - b Minor Roads shall have a minimum right of way of fifty (50) feet, and a minimum carriageway surface of sixteen (16) feet.

- c Collector Roads shall have a minimum right of way of fifty (50) feet and a minimum carriageway surface of eighteen (18) feet.
- d Radius. The minimum radius of horizontal curve, minimum length of vertical curves, and minimum length of tangents between reverse curves shall be in accordance with specifications established by the Town Board.
- e Grades. The grades of roads shall be in accordance with specifications established by the Town Board.

**B Lots.**

- (i) Area Requirements. All lots shall have sufficient area and width to meet minimum requirements of the applicable zoning district and Health Department regulations.
- (ii) Side Lines. Side lines of lots shall be approximately at right angles to straight road lines and radial to curved road lines, unless a waiver from this rule will give a better road or lot plan.
- (iii) Corner Lots. In general, corner lots should be larger than interior lots to provide a desirable building site with proper building setback from each road.
- (iv) Modification. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, require modification of such lots.

**C Flood Plain.**

- (i) Mapping. If any portion of the land within the subdivision is subject to inundation or flood hazard by storm water, this shall be clearly indicated on the plat, and a prominent note on each sheet of such map whereon any such portion shall be shown.
- (ii) Use - Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. The Subdivider shall comply with the provisions of Local Law No. 2 for the year 1987 relating to flood damage prevention.

**D Preservation of Natural Features.**

- (i) Top Soil. Top soil moved during the course of construction shall be redistributed so as to cover all

areas of the subdivision and shall be stabilized by seeding or planting. At no time shall top soil be removed from the site without written permission from the Planning Board. There shall be a minimum of six (6) inches of top soil redistributed over all leach beds or fields, unless otherwise directed by the Health Department.

- (ii) Existing Trees and Shrubbery. To the fullest extent possible, all existing trees and shrubbery shall be conserved by the Subdivider. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees and shrubbery during the process of grading the lots and roads. Where there is a question as to the desirability of removing a group of trees which may serve to add interest and variety to the proposed subdivision, in order to allow for the use of the land for a lot or lots, the Planning Board may, after proper investigation require modification of such lots. Where any land other than that included in public rights-of-way is to be dedicated to public use, the developer shall not remove any trees from the site without written permission from the Planning Board.
- (iii) Natural Watercourses. Where a subdivision is traversed by a natural lake, pond or stream, the boundaries or alignment of said watercourse shall be preserved unless, in the opinion of the Planning Board, a change or realignment will enhance the development and beauty of the subdivision. All proposed changes in watercourse alignment shall be in accordance with the New York State Environmental Conservation Law.
- (iv) Unique Features. Unique Physical features such as historic landmarks and sites, rock out-croppings, hilltop lookouts, desirable natural contours, and similar features shall be preserved if feasible.
- (v) Depressions and Hills. The Subdivider shall not be permitted to leave any surface depressions which will collect undesirable pools of water, or to leave any undesirable hills or mounds of dirt around the tract. All surfaces must be restored within six (6) months of the time of the completion of the section of the subdivision.
- (vi) Landscape and Ground Cover.
  - a All lot areas which are not covered by structures or paving shall be properly seeded by the developer.
  - b The developer shall provide a liberal and functional landscaping scheme for the entire subdivision. Each lot should be provided with a minimum of two (2) trees which shall be in

addition to the road shade trees. This requirement may be waived by the Planning Board in wooded areas where the Subdivider intends to maintain existing trees, or in commercial and industrial subdivisions.

- c Individual homeowners may, by written agreement with the Subdivider and builder, seed and landscape their own yards independently.

(vii) Parks and Open Space.

- a For a Major Subdivision of twenty five (25) or more lots, land may be reserved for park, playground, open space or other recreational purposes in locations designated on the Town Comprehensive Plan, if such exists, or elsewhere the Planning Board deems that such reservations would be appropriate for the subdivision. Such reservation shall be of an area not exceed ten (10) percent of the total land within the Major Subdivision without the agreement of the Subdivider, but in no case shall a reservation be less than three (3) acres. The area to be preserved shall possess the suitable topography, general character and adequate road access necessary for its recreational purposes.
- b Where the Planning Board requires land to be set aside for parks, playgrounds, or other recreational purposes, the Board may require that the site be graded, loamed and seeded and may require it to be fenced.
- c When area for park, playground, recreational purposes or open space have been required on the Final Plat, the approval of said Final Plat shall not constitute an acceptance by the Town of such an area.
- d In cases where the Planning Board finds that, due to the size, topography or location of the subdivision, land for parks, playground or other recreation purpose cannot be properly located therein, or, in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board may then require as a condition to approval of the plat, a payment to the town to be fixed and used as set forth in Town Law §277 (4).

**12 ARTICLE 12 - IMPROVEMENTS (MAJOR SUBDIVISION)**

- 12.1 The Subdivider, before the approval of the Final Plat, shall complete all improvements to the satisfaction of the Planning Board, or post a performance bond or other permitted security sufficient to insure the satisfactory completion of the following required improvements, except



where waivers may be requested and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the general welfare.

12.2 Roads. Required road improvements shall meet standards established and published by the Town Board. These include provisions for: grading, sub-base, wearing surface, construction methods, cold weather regulations and other standards.

12.3 Drainage Improvements.

- A Adequate storm drainage systems shall be required in Major subdivisions. The drainage system shall be designed by the Subdivider's Engineer. Storm drains, culverts, catch basins and other drainage structures shall be installed in accordance with the standards and specifications set forth by the Town Board. All piping shall comply with the current specifications of the N.Y.S. Department of Transportation governing construction of these facilities. The location, length, depth, size, grade and type of pipe shall be designated in the plans. If unusual conditions are discovered at the time of construction, which are not provided for on the plans, the Town Planning Board shall determine the type and extent of construction required to overcome such conditions. Where there is no natural stream or water course for the drainage of surface water from the proposed road or road, the developer shall secure rights-of-way and install storm water drains to a natural waterway or as the Planning Board directs.
- B Any spring or surface water that may exist either previous to, or as a result of, the subdivision, shall be carried away by pipe or open ditch. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- C A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the subdivision. The Planning Board shall approve the design and size of facility based on anticipated run-off from a "twenty year" storm under conditions of total potential development permitted by the Subdivision Law in the watershed.
- D Responsibility for Drainage Downstream. The Subdivider's engineer shall also study and report on the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; and this report shall be reviewed by the Town Planning Board. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a "twenty 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.
- E Drainage Plan. Any proposed drainage structures or grading pertaining to an individual lot, shall be in conformance with the survey plat or accompanying engineering plans as approved, prior to the issuance of any certificate of occupancy by the building inspector.

F Watercourses. Where a watercourse separates a proposed road from abutting property, a provision shall be made for access to all lots by means of culverts or other structures of design approved by the Planning Board. 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 Planning Board, and in no case shall be less than twenty (20) feet in width.

G Utilities in Proposed Roads.

(i) The Planning Board shall require that underground utilities be placed in the road right-of-way between the road pavement and road right-of-way line wherever possible, to simplify location and repair of lines when they require attention. The Subdivider shall install underground service connections in the road to the property line of each lot within the subdivision for such required utilities before the road is paved. 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.

(ii) Electric and telephone service shall be underground, except that major electrical transmission lines may be placed on utility right-of-way at least 150 feet from any road except where such road is crossed at no less than a 75° angle.

H Utility Easements and Alignments.

(i) Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be provided with satisfactory access to the road. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements may be cleared or graded and shall be part of the subdivision open space plan, if any.

(ii) Alignments for major overhead utility lines shall be reviewed and provided for in such a manner as to minimize detrimental impact on development and the surrounding area.

I Curbing. Curbing where required shall be of granite or of similar stone, 5" wide and 16" deep, with 6" reveal to finished asphalt surface and be set on a continuous concrete backing.

J Sidewalks and Lighting. All collector roads and minor roads which will carry school, commercial or bus oriented pedestrians shall, where required by the planning board, have at least a four (4) foot concrete sidewalk on at least one side of the road. Roads upon which sidewalks are required shall be provided with adequate lighting.

- K Driveway Access. Driveway aprons may be required between the curbing and the sidewalk and shall be of six inch concrete meeting the same specifications established for curbing and not to exceed a 7% grade.
- L Road Signs. Road signs shall be of wood or metal and shall be installed at the intersection of all roads in accordance with the " NYS Department of Transportation Traffic Sign Handbook.
- M Grass Strips along Roads. Grass strips of at least six (6) feet in width shall be provided where required within the portion of the road right-of-way beyond the curb line and up to sidewalk where such exists and shall be properly graded and seeded.
- N Road Trees. Road trees shall be planted in every subdivision at intervals from forty to sixty feet along both sides of the road. Existing trees may be taken into consideration when determining the above. Trees shall be at least three feet from any sidewalk and located on the building side of the walk rather than the road side. Where dwelling structures are oriented with their rear on the road, road trees shall be at least six feet from the curb line. Trees should also be at least ten feet from any reference line which is directly under utility wires. The average trunk diameter shall be at least two inches and an average height of six feet above finished grade level is required. Such trees shall be of a species and at locations approved by the Planning Board. No tree shall be planted within twenty-five feet from an existing or proposed road light or road intersection.
- O Shade Trees. Shade trees, other than within the right-of-way, may be required when, taking into consideration the existing trees on the lots, the Planning Board shall deem it necessary. Such trees shall be in conformance with the standards of size, kind and locational limitations prescribed for trees along the road line.
- P Public Water Supply. Where a public water main is within five hundred (500) feet, the Subdivider shall connect with such water main and provide a water connection for each lot in accordance with Town standards, procedures and supervision. Fire hydrants shall be required and shall be installed in the locations approved by the Town Planning Board and in accord with the New York State Board of Fire Underwriters. Fire hydrants may be omitted where adequate water mains which are a part of the public utility water system are not either existing or proposed to be available to the subdivision.
- Q Private Water Supply. Individual on-site water supply systems shall be provided where a Public Water Supply is not available. All private water supplies shall be approved by the Health Department.
- R Public Sewers. When a public sanitary sewer is reasonably accessible, the Subdivider shall connect or provide for connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to access each lot in the subdivision. Sewer systems shall be approved by the Health Department and be in accordance with other requirements of the law. The construction is subject to the supervision of the Town Planning Board.
- S Private Septic Systems. Individual sewage disposal systems approved by the Health Department may be provided in lieu of

facilities connected to a public sanitary sewage disposal system where a public sewer is not reasonably available.

T Monuments and Markers. Permanent monuments or markers shall be set at block corners, angle points, points of curves in roads and other points as the Planning Board may require, and their location shall be shown on the Final Plat.

### 13 ARTICLE 13 - WAIVERS

- 13.1 Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, or when the Planning Board is reviewing a proposed Planned Development, it may vary the regulations so that substantial justice may be done and the public interest secured; provided, that such variations will comply fully with the intent and purpose of the Official Map, the Town Comprehensive Plan, and the Subdivision Law.
- 13.2 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.
- 13.3 In granting waivers 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.