

TOWN OF WESTERLO  
Westerlo, New York 12193

LAND SUBDIVISION REGULATIONS

Adopted by the Planning Board  
June 3, 1977

Approved by the Town Board  
July 5, 1977

LAND SUBDIVISION REGULATIONS

Table of Contents

	Page
ARTICLE I - AUTHORITY, POLICY AND APPROVAL.....	1
SECTION 1. - <i>DECLARATION OF POLICY</i> .....	1
SECTION 2. - <i>APPROVAL</i> .....	1
SECTION 3. - <i>APPLICATIONS IN PROGRESS</i> .....	1
ARTICLE II - DEFINITIONS.....	2
ARTICLE III - PROCEDURES FOR FILING & APPROVING SUBDIVISION APPLICATIONS.....	5
SECTION 1. - <i>REQUIREMENTS</i> .....	5
SECTION 2. - <i>SKETCH PLAN</i> .....	5
SECTION 3. - <i>MINOR SUBVISION - APPROVAL OF FINAL PLAT</i> .....	6
SECTION 4. - <i>MAJOR SUBDIVISION - APPROVAL OF PRELIMINARY PLAT</i> .....	7
SECTION 5. - <i>MAJOR SUBDIVISION - APPROVAL OF FINAL PLAT</i> .....	8
SECTION 6. - <i>REQUIRED IMPROVEMENTS</i> .....	10
ARTICLE IV - FILING OF APPROVED FINAL PLAT.....	12
SECTION 1. - <i>FINAL APPROVAL AND FILING</i> .....	12
SECTION 2. - <i>FINAL PLAT VOID IF REVISED AFTER APPROVAL</i> .....	12
SECTION 3. - <i>PUBLIC STREETS, PARKS AND RECREATION AREAS</i> .....	12
ARTICLE V – GENERAL REQUIREMENTS AND DESIGN STANDARDS.....	13
SECTION 1. - <i>GENERAL</i> .....	13
SECTION 2. - <i>STREET LAYOUT</i> .....	13
SECTION 3. - <i>STREET DESIGN</i> .....	15
SECTION 4. - <i>STREET NAMES</i> .....	17
SECTION 5. - <i>LOTS</i> .....	18
SECTION 6. - <i>WATER MANAGEMENT</i> .....	18
SECTION 7. - <i>EROSION AND SEDIMENT CONTROL</i> .....	19
SECTION 8. - <i>PARKS, RECREATION AREAS, OPEN SPACES &amp; NATURAL AREAS</i> .....	20
ARTICLE VI - DOCUMENTS AND DATA TO BE SUBMITTED.....	23
SECTION 1. - <i>SKETCH PLAN</i> .....	23
SECTION 2. - <i>MINOR SUBDIVISION FINAL PLAT</i> .....	24
SECTION 3. - <i>MAJOR SUBDIVISION PRELIMINARY PLAT</i> .....	25
SECTION 4. - <i>MAJOR SUBDIVISION FINAL PLAT</i> .....	26
ARTICLE VII - WAIVERS.....	28
ARTICLE VIII - SEPARABILITY.....	28
ARTICLE IX - FEE SCHEDULE.....	29
ARTICLE X - EFFECTIVE DATE.....	29

TOWN OF WESTERLO

Planning Board

LAND SUBDIVISION REGULATIONS

ARTICLE 1

AUTHORITY, POLICY AND APPROVAL

*SECTION 1. AUTHORITY AND DECLARATION OF POLICY*

By the authority of the resolution of the Town Board of the Town of Westerlo, adopted on February 3<sup>rd</sup>, 1976, pursuant to the provisions of ARTICLE 16 of the Town Law of the State of New York, the Planning Board of the Town of Westerlo 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 the County and to conditionally approve preliminary plats, within that part of the Town of Westerlo outside the limits of any incorporated city or village. It is declared to be the policy of the Planning Board to consider land subdivision Final Plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that 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; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and that proper provision shall be made for parks, recreation areas and open spaces and for preservation of natural areas.

*SECTION 2. APPROVAL*

In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Town of Westerlo Land Subdivision Regulations" have been adopted by the Planning Board on June 3<sup>rd</sup>, 1977 and approved by the Town Board on July 5<sup>th</sup>, 1977.

*SECTION 3. APPLICATION IN PROCESS AT THE TIME OF ADOPTION*

The Board shall review all proposed subdivision Preliminary Plats and Final Plats which have been submitted but which have not received final approval of the Board as of the effective date of these regulations for the purpose of classifying them as Major or Minor Subdivisions. Within 60 days of the effective date of these regulations the Board shall notify the subdivider of this classification and any additional requirements the subdivider must meet in order to comply with these regulations.

ARTICLE II

DEFINITIONS

For the purpose of these regulations, certain words and terms used herein are defined as follows:

*BOARD* – means the Planning Board of the Town of Westerlo.

*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 these regulations.

*COLLECTOR STREET* – means a street which serves, or is designed to serve, as a traffic way for a neighborhood or as a feeder to a major street.

*DEAD-END STREET OR CUL-DE-SAC* – means a street or portion of a street with only one vehicular traffic outlet.

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

*ENGINEER OR LICENSED PROFESSIONAL ENGINEER* – means a person licensed as a professional engineer by the State of New York.

*EROSION AND SEDIMENT CONTROL PLAN* – means a plan showing what and where conservation measures will be established to stop or retain sediments on site during and after construction. Included in the plan shall be the schedule that will be followed to install and main conservation measures used, Conservation measures will follow the standards and specifications on file with the Albany County Soil and Water Conservation District.

*FINAL PLAT* – means a drawing, in final form, showing a proposed subdivision containing all information or detail as required by law and by ARTICLE VI, Sections 2 or 4 of 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.

*HISTORIC SITES* – means areas of past events of sufficient interest to attract people who want to learn or observe the background of our heritage.

*LOCAL STREET* – means a street intended to serve primarily as an access to abutting properties.

*MAJOR STREET* – means a street which serves or is designated to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

*MAJOR SUBDIVISION* – means any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

*MASTER OF COMPREHENSIVE PLAN* – means a comprehensive plan, prepared by the Planning Board pursuant to Section 272a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such a plan separately prepared and any amendment to such plan or plans therein.

*MINOR SUBDIVISION* – means any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map, or Zoning Ordinance, if such exist, or these regulations.

*NATURAL AREAS* – sites valued for their wild and undisturbed character, for archaeological and historic reasons, or for scientific reasons, such as but not limited to caves, wetlands, gorges, cliffs, and areas of unusual plants or animals.

*OFFICIAL MAP* – means the map established by the Town Board pursuant to Section 270 of the Town Law, showing streets, highways, parks and drainage, both existing and proposed.

*OPEN SPACES* – any areas of trees, brush or field or combinations thereof, or other open areas with natural or near natural characteristics, that are to be preserved. Such areas would enhance a present or potential development areas, would offer substantial conformance to the planning objectives of the town, or enhance the conservation of natural resources.

*PLANNING BOARD* – means the Planning Board of the Town of Westerlo.

*PRELIMINARY PLAT* – means a drawing or drawings clearly marked “preliminary plat” showing the layout of a proposed subdivision prepared as specified in Article VI, Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to appraise the Planning Board of the layout and preliminary details of the proposed subdivision.

*RECREATION LAND OR AREAS* – land and water used or usable primarily as sites for outdoor recreation facilities and activities, including parks and playgrounds.

*SKETCH PLAN* – means a sketch or drawing of a proposed subdivision prepared as specified in Article VI, Section 1 of these regulations, to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the layout of the proposed subdivision and the objectives of these regulations.

*STREET PAVEMENT* – means the wearing or exposed surface of the roadway used by vehicular traffic.

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

*SUBDIVIDER* – means the owner of the parcel of land being subdivided or any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either for himself, the owner or others.

*SUBDIVISION* – means the division of any parcel of land into three or more lots, blocks or sites with or without streets or highways. Such subdivision shall include resubdivision of parcels of land for which an approved plat has already been filed in the Office of the County Clerk and which is entirely or partially undeveloped.

*SURVEYOR* – means a person licensed as a land surveyor by the State of New York.

*TOWN ENGINEER* – means the duly designated engineer of the Town of Westerlo or a retained engineer.

*WATER MANAGEMENT PLAN* – means a plan to show how water will be handled, including water currently on the site, water that passes through the sites from other areas, changes in water quantity or flow rates from expected watershed changes, and changes on the site resulting from development. The plan will show disposal of surface and subsurface water, including any expected effects on individuals or property in or outside the proposed subdivision site, and will show the efforts proposed to retain water on the site so that any water leaving the site will not be greater than what would leave the site if it were in its natural state.

*WATERWAY* – a natural course or constructed channel for the flow of water.

*WETLANDS* – means any freshwater wetlands as defined in the New York State Freshwater Wetlands Act or local laws of the Town of Westerlo, if they exist.

ARTICLE III

PROCEDURES FOR FILING AND APPROVING SUBDIVISION APPLICATIONS

SECTION 1. *REQUIREMENTS*

A. WRITTEN APPLICATION REQUIRED

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

B. WHERE APPLICATIONS MAY BE OBTAINED

Subdivision Applications may be obtained from the Town Clerk or from the Clerk of the Planning Board.

SECTION 2. *SKETCH PLAN*

A. SUBMISSION OF SKETCH PLAN

Any owner of land shall, prior to subdividing, submit to the Clerk of the Planning Board two copies of a Subdivision Application and two copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of ARTICLE VI, Section 1, for the purposes of classification and preliminary discussion, The Sketch Plan must be submitted at least fourteen (14) days prior to a regular meeting of the Board in order for it to be considered at said meeting.

B. DISCUSSION OF REQUIREMENTS

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, water management, erosion and sediment control drainage, sewerage, water supply, fire protection, any actions, permits and approval of other agencies, and similar aspects, as well as the availability of existing services and other pertinent information.

C. CLASSIFICATION

Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Minor or Major Subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outline in ARTICLE III, Section 3 of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in ARTICLE III, Sections 4, 5 and 6.

D. STUDY OF SKETCH PLAN

The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

SECTION 3. MINOR SUBDIVISION – *APPROVAL OF FINAL PLAT*

A. APPLICATION AND FEE

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit a Subdivision Application for approval of a Final Plat for a Minor Subdivision. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said Plat shall be clearly marked “Final Plat for Minor Subdivision” and shall comply with the requirements listed in ARTICLE VI, Section 2. All applications for Approval of a Final Plat for Minor Subdivision shall be accompanied by a fee as stated in the fee schedule in ARTICLE IX.

B. NUMBER OF COPIES

Two copies of the Subdivision Application and five copies of the Final Plat shall be presented to the Clerk of the Planning Board at least fourteen (14) days prior to a regular meeting of the Board.

C. SUBDIVIDER TO ATTEND PLANNING BOARD MEETING

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

D. OFFICIAL SUBMISSION OF FINAL PLAT

The time of submission of the Final Plat shall be considered to be the date of which the application for Plat approval, complete and accompanied by the required fee and all data required by ARTICLE VI, Section 2 of these regulations, has been received and stamped by the Clerk of the Planning Board.

E. PUBLIC HEARING

A public hearing shall be held by the Planning Board within ten (10) to forty-five (45) days from the time of submission of the Final 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. The Planning Board shall send notice of the public hearing to all owners of property adjacent to the proposed subdivision.

F. ACTION ON FINAL PLAT

The Planning Board shall, within ten (10) to forty-five (45) 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 Final 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 Final Plat. 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 conditioning approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, and a copy filed in his office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a plat shall expire 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 additional periods of ninety (90) days each.

#### SECTION 4. MAJOR SUBDIVISION – APPROVAL OF PRELIMINARY PLAT

##### A. APPLICATION FEE

Prior to the filing of an application for the approval of a Final Plat for a Major Subdivision, the subdivider shall file a Subdivision Application for Approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked “Preliminary Plat” and shall, in all respects, comply with the requirements set forth in the provisions of Section 276 and 277 of the Town Law, and ARTICLE VI, SECTION 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board. The application for approval of the Preliminary Plat shall be accompanied by a fee as stated in the fee schedule in ARTICLE IX.

##### B. NUMBER OF COPIES

Two copies of the Subdivision Application and five copies of the Preliminary Plat shall be presented to the Clerk of the Planning Board at least fourteen (14) days prior to a regular meeting of the Planning Board.

##### C. SUBDIVIDER TO ATTEND PLANNING BOARD MEETING

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

##### 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 the width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Master Plan, the Official Map, and Zoning Regulations, if such exist.

##### E. OFFICIAL SUBMISSION OF PRELIMINARY PLAT

The time of submission of the Preliminary Plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article VI, Section 3 of these regulations, has been received and stamped by the Clerk of the Planning Board.

F. **CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT**

Within ten (10) to forty-five (45) days after the receipt of such Preliminary Plat by the Clerk of the Planning Board the Planning Board shall hold a public hearing which 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. The Planning Board shall send notice of the public hearing to all owners of property adjacent to the proposed subdivision. Within ten (10) to forty-five (45) 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 such modifications, 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 sub-divider 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 plat in final form. Within five (5) days of the approval of such Preliminary Plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in his office, a certified copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute approval of the Preliminary Plat.

When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the Preliminary Plat (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds as set forth in ARTICLE III, Section 5, A therefore which it will require as prerequisite to the approval of the Final Plat. 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.

**SECTION 5. MAJOR SUBDIVISION – APPROVAL OF FINAL PLAT**

A. **APPLICATION FOR APPROVAL AND FEE**

The subdivider shall, within six months after the approval of the Preliminary Plat for a major subdivision, file with the Planning Board a Subdivision Application for approval of the Final Plat in final form. All applications for Final Plat approval for Major Subdivisions shall be accompanied by a fee as stated in the attached fee schedule in ARTICLE IX. If the Final Plat is not submitted within six months after the approval of the Preliminary Plat, the Planning Board may refuse to

approve the Final Plat and require re-submission of the Preliminary Plat according to the procedures of ARTICLE III, Section 4.

**B. NUMBER OF COPIES**

A subdivider intending to submit a Final Plat for the approval of the Planning Board shall provide the Clerk of the Board with two (2) copies of the Subdivision Application and five (5) copies (one copy in ink on linen or an acceptable equal) of the Final Plat, the original and one true copy of all offers of cession, covenants, and agreements and two copies of all construction drawings.

**C. OFFICIAL SUBMISSION OF FINAL PLAT**

The time of submission of the Final Plat shall be considered to be the date on which the application for approval of the Final Plat, complete and accompanied by the required fee and all data required by ARTICLE VI, Section 4 of these regulations, has been received and stamped by the Clerk of the Planning Board.

**D. ENDORSEMENT OF STATE AND COUNTY AGENCIES**

Water and waste disposal systems contained in the Final Plat shall be properly endorsed and approved by the Albany County Department of Health. Where applicable, the Albany County Public Works Department and the New York State Department of Transportation must review and approve ingress and egress rights onto County or State streets. The Albany County Planning Board will be referred such proposed subdivisions as specified in ARTICLE 12B, Sections 239K and 239N of the General Municipal Law of New York State.

**E. PUBLIC HEARING**

Within ten (10) to forty-five (45) days of the submission of the Final Plat for approval a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five 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 Section 4 of this Article and modified in accordance with requirements of such approval if such Preliminary Plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

**F. ACTION ON PROPOSED FINAL PLAT**

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 Final Plat, within ten (10) to forty-five (45) days of its receipt by the Clerk of the Planning Board if no hearing is being held, within ten (10) to forty-five (45) 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 therefor shall be deemed approval of the Final Plat. 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 Clerk of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a

certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved 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 additional periods of ninety (90) days each.

## SECTION 6. *REQUIRED IMPROVEMENTS*

### A. 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 subparagraph (1) or subparagraph (2) as determined by the Planning Board.

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

### B. APPROVAL OF IMPROVEMENTS

The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Section A (2) above, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the Planning Board has determined that a performance bond or certified check for all required improvements be filed with the Town Clerk as specified in Section A (1) above such check or bond shall not be released until such a map is submitted.

C. MODIFICATION OF DESIGN OF IMPROVEMENTS

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

D. 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 required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

E. PROPER INSTALLATION OF IMPROVEMENTS

If the Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector and Planning Board. The Town Board shall then notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

ARTICLE IV

FILING OF APPROVED FINAL PLAT

SECTION 1. *FINAL APPROVAL AND FILING*

Upon completion of the requirements in ARTICLE III, Section 3 for Minor Subdivisions and ARTICLE III, Sections 5 and 6 for Major Subdivisions and notation to that effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the Office of the County Clerk. Any Final Plat not so filed or recorded within thirty (30) 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.

SECTION 2. *FINAL PLAT VOID IF REVISED AFTER APPROVAL*

No changes, erasures, modifications, or revisions shall be made in any Final Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless the said Plat is first re-submitted to the Planning Board and such Board approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

SECTION 3. *PUBLIC STREETS, PARKS AND RECREATION AREAS*

A. *PUBLIC ACCEPTANCE OF STREETS*

The approval by the Planning Board of a Final 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 Final Plat.

B. *OWNERSHIP AND MAINTENANCE OF PARKS AND 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. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

ARTICLE V

GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in ARTICLE V herein.

SECTION 1. *GENERAL*

A. CHARACTER OF LAND

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

B. CONFORMITY TO OFFICIAL MAP AND MASTER PLAN

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

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 Town Engineer.

SECTION 2. *STREET LAYOUT*

A. WIDTH, LOCATION AND CONSTRUCTION

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Master Plan, if such exists, and to accommodate the prospective traffic and afford access for fire fighting, emergency vehicles, 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 system.

B. ARRANGEMENT

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper protection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension presently or when later required, of needed utilities and public services such 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. MINOR STREETS

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

D. SPECIAL TREATMENT ALONG MAJOR STREETS

When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. PROVISION FOR FUTURE 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 subdivision in accordance with the requirements contained in these regulations.

F. DEAD-END STREETS

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

G. BLOCK SIZE

Blocks generally shall not be less than 400 feet nor more than 1200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20 foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4-foot wide paved foot path be included.

H. INTERSECTIONS WITH COLLECTOR OR MAJOR STREETS

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

I. INTERSECTIONS WITHIN SUBDIVISIONS

Intersections shall be designed to avoid four-corner crossing street wherever possible.

J. STREET JOGS

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

K. 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.

L. 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.

M. 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.

SECTION 3. STREET DESIGN

A. WIDTHS OF RIGHT-OF-WAYS

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

	<u>Minimum Rights-of Way</u>	<u>Minimum Pavement</u>
Major Streets	66 feet	40 feet
Collector Streets	60 feet	36 feet
Local Streets	50 feet	26 feet

B. IMPROVEMENTS

Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants, except where waivers may be requested, and the Planning 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. Such grading and improvements shall be approved as to design and specifications by the Town Engineer.

- (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- Lighting facilities shall be in conformance with the lighting system of the Town. 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 street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. 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 at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

E. GRADES

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) per cent nor more than six (6) per cent for major or collect streets, or ten (10) per cent for minor streets in residential zones, but in no case more than three (3) per cent within 50 feet of any intersection.

F. CHANGES IN GRADE

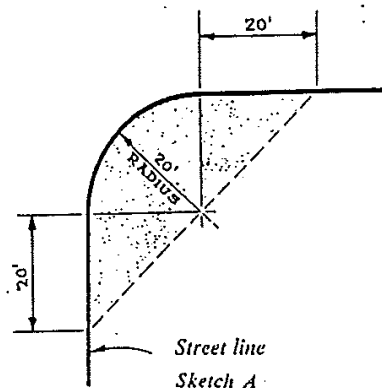
All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

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 and 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 shown on Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.



I. DEAD-END STREETS – CUL-DE-SACS

Where dead-end streets are designed to be so permanently, they should, in general, not exceed 500 feet in length, and shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and pavement radius of 50 feet. At the end of temporary dead-end streets a temporary turnaround with a pavement radius of 50 feet shall be provided unless the Planning Board approves an alternate arrangement.

J. WATERCOURSES

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the 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 in width.

K. CURVE RADII

In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be connected with a curve, the radius of which for the centerline of 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 20 feet in width, or in lieu thereof, adequate off-street loading space, suitable surfaced, shall be provided in connection with lots designed for commercial use.

M. FREE FLOW OF VEHICULAR TRAFFIC ABUTTING COMMERCIAL DEVELOPMENTS

In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amounts on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

N. STREET PAVEMENT

Street pavements shall meet the specifications contained in the Town Highway Improvement Program, ARTICLE VIII-A of the Highway Law of New York State.

SECTION 4. *STREET NAMES*

A. TYPE OF NAME

All street names shown on a Preliminary or Final Plat shall be approved by the Board. In general, streets shall have names and not numbers or letters.

B. NAMES TO BE SUBSTANTIALLY DIFFERENT

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except the streets that join or are in alignment with streets of an

abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

## SECTION 5. *LOTS*

### A. LOTS TO BE BUILDABLE

The lot arrangement shall be such that in constructing a building in compliance with the zoning ordinance, if any, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear except as prescribed in ARTICLE V, Section 2. E.

### B. LOT LINE DELINEATION

Lot line delineation shall generally follow natural topographic depressions and shall allow for storm water drainage easements or right-of-way along lot lines. Where topographic conditions are not a consideration, sidelines of lots shall be at right angles to straight street lines and radial to curved street lines unless a variance from this standard will give a more desirable street 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 Town Driveway Ordinance, if one exists. Driveway grades between the street and the setback line shall not exceed 10 per cent.

### 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 MARKER

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 locations shall be shown on the Final Plat.

## SECTION 6. *WATER MANAGEMENT*

### A. REMOVAL OF SPRING WATER, SURFACE WATER AND SUBSURFACE WATER

The subdivider may be required by the Planning Board to carry away by pipe or open ditch any water that may exist any time of the year either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. Disposal of such water shall not interfere with or damage any persons, property or land on or off the proposed subdivision.

**B. DRAINAGE STRUCTURE TO ACCOMMODATE POTENTIAL DEVELOPMENT UPSTREAM**

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of facility based on anticipated run-off from a "ten year frequency" storm under conditions of total potential development in the watershed unless the Board determines that a different frequency is required due to the size of the watershed or potential downstream hazards.

**C. RESPONSIBILITY FOR DRAINAGE DOWNSTREAM**

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Planning Board and the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "five year frequency" 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 using such measures as storm water retention on the subdivision and downstream improvements. The basis objective will be to retain storm water runoff within the subdivision to the extent that runoff will be no greater after development than from natural conditions prior to development.

**D. LAND SUBJECT TO FLOODING**

Land subject to flooding by "100 year frequency" storm or less, or land deemed by the Planning Board to be 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, 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 Planning Board to remedy said hazardous conditions.

**SECTION 7. EROSION AND SEDIMENT CONTROL**

**A. EROSION AND SEDIMENT CONTROL PLAN**

The subdivider may be required to submit a plan to show how erosion and sediment will be controlled on the site. The plan will include acceptable conservation measures and a time schedule for their installation and removal if of a temporary nature. Measures will be installed according to proper standards and specifications. The plan will show where the measures will be applied.

**B. INSTALLATION AND USE OF CONTROL MEASURES**

- (1) Stripping of vegetation, grading or other soil disturbances shall be done in a manner which will minimize soil erosion. The smallest practical area of land shall be exposed at any one time and any land exposed shall be kept exposed for the shortest practical period of time. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- (2) Sediment shall be retained on site during and after development using temporary and/or permanent erosion control and sediment retention measures. Temporary

sediment structures used shall be applied prior to disturbance of an area. Temporary vegetation or mulching shall be applied as soon as possible after disturbance of the area. All temporary measures shall be maintained until permanent protection or development features are applied. Permanent vegetation, erosion control structures, water control and drainage measures shall be applied or installed on the site as early as possible and to the greatest extent possible.

C. SPECIFICATIONS AND STANDARDS

The detailed plans, specifications and standards in the erosion and sediment control plan shall be dictated by the characteristics of the site and the nature of the development. All plans shall utilize standards and specifications available from the Albany County Soil and Water Conservation District.

SECTION 8. *PARKS, RECREATION AREAS, OPEN SPACES AND NATURAL AREAS*

A. RECREATION AREAS SHOWN ON TOWN PLAN

Where a proposed park, playground recreation area or open space shown on the Master Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph (B) below. Such areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.

B. RECREATION AREAS NOT SHOWN ON TOWN PLAN

The Planning Board shall require that the Plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purposes. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat and provide sufficient easements for pedestrian and bicycle movement.

The Board may require that not less than 3 acres of recreation space or open space be provided per 100 dwelling units shown on the plat. However, in no case shall the amount required be more than 10 per cent of the total area of the subdivision. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.

C. INFORMATION TO BE SUBMITTED

In the event that an area to be used for a park, playground or recreation purposes is required to be so shown, the subdivider shall submit, prior to final approval, to the Board three prints (one on permanent reproducible material) drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

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

D. WAIVER OF PLAT DESIGNATION OF AREA FOR PARKS, PLAYGROUNDS, AND RECREATION PURPOSES

In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or, if 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 shall then require as a condition to approval of the Plat a payment to the Town of Westerlo in an amount to be determined by the Planning Board per gross acre of land which otherwise would have been acceptable as recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in ARTICLE V, Section 8.B.

Such amount shall be paid to the Town Board at the time of Final Plat approval, and no Plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (1) is suitable for permanent park, playground or other recreational purposes, and (2) is so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies, and (3) shall be used only for park, playground or other recreational land acquisition or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the Plat is situated, providing the Planning Board finds there is a need for such improvements.

E. RESERVE STRIPS PROHIBITED

Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself shall be prohibited.

F. PRESERVATION AND PROTECTION OF NATURAL AREAS

The Planning Board shall designate to the subdivider what natural or unique features shall be preserved and/or protected but not limited to large trees or groves, water courses and falls, wetlands, beaches, unique and interesting geological formations, historic or archaeological sites, vistas and similar irreplaceable assets. The following standards shall be adhered to:

- (1) VEGETATION No tree with a diameter of 8 inches or more as measured 4 feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the Final Plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with the base of the trunk be removed without prior approval by the Planning Board.
- (2) SOIL LIMITATIONS When land with moderate and severe soil limitations as shown by interpretive data on file with Albany County Soil and Water Conservation District is subdivided, such subdivision shall be carried out in such a way so that no detrimental effect will occur to persons or property of any land owner.
- (3) SOIL STABILITY Building or other permanent facilities are to be confined to soils that are not subject to slippage or other conditions of soil instability. Such instability shall

be determined by on-site review by the Board or persons designated by them. Any report submitted by the subdivider showing conditions other than that determined by the Board shall be prepared by a professional engineer experienced in soil mechanics of the area.

- (4) FLOODING Flood plains, as indicated by an area expected to be flooded by a “100 year frequency” storm are to be reserved for uses that are consistent with their natural functions to minimize the danger to life and property.
- (5) WATER RESOURCES AREAS Environmental quality of water, lake-shores, streams and springs is to be conserved. Land use is to be planned so as to maintain or enhance the quantity of water resources. Significant recharge areas must be protected.
- (6) FRESHWATER WETLANDS If any freshwater lies within the boundaries of the proposed subdivision or within 100 feet of the proposed subdivision the subdivider must comply with the requirements of the New York State Freshwater Wetlands Act and the local laws of the Town of Westerlo pertaining to freshwater wetlands, if such local law exists. Such compliance must be stated on the Preliminary and Final Plats before they can be approved by the Board.
- (7) OPEN SPACE Open space which results from either (a) a cluster or Planned Unit Development type of development or (b) from reservations of flood plains, preservation of wetlands, or other natural feature areas or sites shall be integrated, whenever possible, into a connected open space system within the development as well as outside the development. Areas developed as parks or playgrounds according to ARTICLE V, Section 8 may be developed in conjunction with the open space system described above, provided land suitable for park or playground use is contained therein. When land other than land contained in the open space system is dedicated for park or playground purposes, this land shall, wherever possible, be connected to the open space system.
- (8) OTHER UNIQUE AREAS Unique areas including geological, ecological, archaeological and historical sites will be adequately protected from overuse or damage resulting from the effects of the proposed sub-division. Areas so designated will blend appropriately with other areas of the subdivision.



ARTICLE VI

DOCUMENTS AND DATA TO BE SUBMITTED

SECTION 1. *SKETCH PLAN*

A. SPECIFICATIONS

A Sketch Plan submitted to the Board shall meet the following specifications unless waived by the Board:

- (1) It shall be drawn to a convenient scale, not less than one inch equals 100 feet.
- (2) Sheet size shall be 8 ½ by 11 inches; 17 by 22 inches; 22 by 34 inches; or 34 by 44 inches. If more than one sheet is necessary, all sheets shall be of the same size and a single index sheet of the same size shall be provided showing the entire subdivision in a suitable scale.

B. INFORMATION REQUIRED

A Sketch Plan submitted to the Board shall contain the following information unless waived by the Board:

- (1) The location of the proposed subdivision to surrounding property and to Town, County and State streets within 1000 feet plus the names of the owners of all property shown as disclosed by the most recent municipal tax records and all property held or previously held by the subdivider within this area. This may be shown on a supplemental area map at a scale of not less than one inch equals 400 feet.
- (2) The location and approximate dimensions of all existing property lines including the entire area of the proposed subdivision and the remainder or the tract now or formerly owned by the subdivider.
- (3) The approximate location, dimensions and area of all proposed or existing lots within the proposed subdivision.
- (4) The approximate location of all streets which are proposed, mapped or built. On proposed streets, the street width and approximate grade shall be shown.
- (5) The approximate location of all existing and proposed utilities.
- (6) The proposed provisions for drainage, water supply and disposal of sanitary waste.
- (7) The approximate location and dimensions of all property proposed to be set aside for recreation land or open space.
- (8) The location of all pertinent features including existing structures, wooded areas, streams, drainage ways, watercourse, water bodies, wetlands and other significant features within the proposed subdivision or within 200 feet thereof.
- (9) The name of the Town and County in which the proposed subdivision is located; the name and address of the owner or owners of the land to be subdivided; the proposed name of the subdivision, if any; the name and address of the subdivider if other than the owner; and the name and address of the surveyor or engineer, if any, who prepared the Sketch Plan.

- (10) The date prepared, the scale, a key to symbols use, and oriented with true north point to the top of the sheet or sheets.
- (11) All existing or proposed restrictions on the use of the land being subdivided including all easements and covenants.
- (12) Boundary lines of zoning districts and any proposed changes in the zoning district lines and/or zoning ordinance text applicable to the property being subdivided, if a Town Zoning Ordinance exists.
- (13) The tax map sheet, block and lot numbers, if available.

## SECTION 2. *MINOR SUBDIVISION FINAL PLAT*

### A. SPECIFICATIONS

A Final Plat for a Minor Subdivision submitted to the Board shall meet all of the specifications for a Sketch Plan as stated in ARTICLE VI, Section 1.A. The copy of the Final Plat to be filed with the Albany County Clerk shall be clearly drawn in India Ink or linen or canvas-backed paper.

### B. INFORMATION REQUIRED

A Final Plat for a Minor Subdivision submitted to the Board shall contain all of the information required for a Sketch Plan as stated in ARTICLE VI, Section 1.B. plus the following information unless waived by the Board:

- (1) An actual field survey by a surveyor of the entire area of the proposed subdivision including all existing property lines and all proposed and existing lots within the subdivision giving complete descriptive data by bearing and distances. The corners of the subdivision and all proposed and existing lots shall be located on the ground and marked by monuments approved by the Town Engineer and shall be referenced and shown on the Final Plat. Contours shall be indicated at intervals of not more than two (2) feet. Where any part of the proposed subdivision is to be established by cutting and/or filling in excess of three (3) vertical feet, the proposed cut and fill contours shall be shown at intervals of not more than two (2) feet. Construction methods for filling shall be shown.
- (2) A copy of such covenants or deed restrictions as are intended to cover all or parts of the proposed subdivision.
- (3) The proposed design specifications for water supply and sanitary waste disposal signed by an engineer and approved by the Albany County Department of Health with this approval so stated and signed on the Final Plat.
- (4) The proposed water management plan showing approximate location, size and profiles of proposed ditches and lines, and connections to existing lines or alternate means of disposal.
- (5) The proposed erosion and sediment control plan.
- (6) Any changes made in the Sketch Plan not covered by the above items.
- (7) Additional items as may be required by the Planning Board.

SECTION 3. MAJOR SUBDIVISION PRELIMINARY PLAT

A. SPECIFICATIONS

A Preliminary Plat for a Major Subdivision submitted to the Board shall meet all of the specifications for a Sketch Plan as stated in ARTICLE VI, Section 1.A.

B. INFORMATION REQUIRED

A Preliminary Plat for a Major Subdivision submitted to the Board shall contain all of the information required for a Final Plat for a Minor Subdivision as stated in ARTICLE VI, Section 2.B. plus the following information:

- (1) The location and dimensions of all land proposed to be dedicated to public use, including streets; the conditions of such dedication and a copy of the proposed deed or deeds to these lands.
- (2) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided.
- (3) The exact location of all streets proposed by the subdivider showing the street width; the width and depth of the street pavement and sub-base; street profile; and the exact grade and exact elevations at the beginning and end of each street, at street intersections, and at all points where there is a decided change in slope or direction.
- (4) The exact location of all existing and proposed utilities and easements for these utilities.
- (5) The exact location and dimensions of all land proposed to be set aside for parks, playgrounds, recreation purposes or open spaces.
- (6) The location of all single trees with a diameter of eight (8) inches or more as measured four (4) feet above the base of the trunk.
- (7) The location, size, direction of flow and grades of all existing water lines, sewer lines, storm drains, culverts, valves and hydrants on the property to be subdivided.
- (8) The location, size, direction of flow and grades of all proposed water lines, sewer lines, storm drains, culverts, manholes, basins, valves and hydrants on the property to be subdivided with connections to existing lines, if any, shown.
- (9) Plans and cross-sections showing location, type, and design of sidewalks, street lighting standards, street trees, curbs and fire alarm boxes.
- (10) Preliminary design and construction specifications of any bridges which may be required.
- (11) Where the topography is such as to make it difficult to include 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 easement shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public street or other public street or open space shown on the proposed subdivision or the Official Map.
- (12) Any changes made on the Sketch Plan not covered by the above items.
- (13) Additional items as may be required by the Planning Board.

C. CONSIDERATION OF SUBDIVIDER'S ENTIRE HOLDINGS

If the Preliminary Plat submitted to the Board covers only a part of the subdivider's entire holdings within 1000 feet of the proposed subdivision, a map of the entire holdings, drawn at a scale of not less than 400 feet to the inch, showing an outline of the proposed subdivision with its proposed streets and showing all probable future streets with their grades and drainage in the remaining portion of the entire holdings and the probable future drainage layout of the entire holdings, shall be submitted. The part of the subdivider's holdings submitted on the Preliminary Plat shall be considered in light of the subdivider's entire holdings.

D. INFORMATION REQUIRED FOR PRESERVATION AND PROTECTION OF NATURAL AREAS

To meet the requirements of ARTICLE V, Section 8.F., a report on the planning approach, techniques, and specifications used and proposed to be used by the subdivider to meet the objectives of ARTICLE V, Section 8.F. shall be submitted with the Preliminary Plat for Major Subdivisions. This report shall be accompanied by a series of overlays at the same scale as the Preliminary Plat and shall contain at least the following information:

- (1) A soils map with interpretations indicating applicable limitations (for example high water table, high erosion qualities, low permeability, stability, etc.) such as prepared by the U.S. Soil Conservation Service and available through the Albany County Soil and Water Conservation District.
- (2) Depth to bedrock.
- (3) Streams, drainage ways, watercourses, water bodies and wetlands.
- (4) Areas subject to flooding in a "100 year frequency" storm.
- (5) Vegetation map clearly showing types of vegetation such as open meadow, small scrub, major forest by type, and single trees with a diameter of 8 inches or more as measured four (4) feet above the base of the trunk.
- (6) A slope map showing areas with slopes of 0-3%; 3-8%; 8-15%; 15-25% and over 25%.
- (7) Other significant natural features such as views, unique or interesting geological formations and historic or archeological sites.

*SECTION 4. MAJOR SUBDIVISION FINAL PLAT*

A. SPECIFICATIONS

A Final Plat for a Major Subdivision submitted to the Board shall meet the specifications for Sketch Plan as stated in ARTICLE VI, Section 1.A. The copy of the Final Plat to be filed with the Albany County Clerk shall be clearly drawn in India ink on linen or canvas-backed paper.

B. INFORMATION REQUIRED

A Final Plat for a Major Subdivision submitted to the Board shall contain all of the information required for a Preliminary Plat for a Major Subdivision as stated in ARTICLE VI, Section 3.B. plus the following information:

- (1) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, and boundary line, and to reproduce

such lines on the ground. Where applicable, these should be referenced to monuments included in the State system or 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, central angles of curves, and tangent bearings shall be given for each proposed street.
- (3) Show by proper designation all public open spaces or recreation land for which deeds are included and those spaces title to which is reserved by the subdivider. For any of the latter, there shall be submitted with the Final Plat copies of all agreements or other documents showing the manner in which such spaces 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) Permanent reference monuments shall be shown, and shall be constructed in accordance with specifications of the Town Engineer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced on the Final Plat. All lot corners markers shall be permanently located satisfactorily to the Town Engineer and shall be at least three-quarters (3/4) of an inch diameter metal rods at least 24 inches in length and located in the ground to existing grade. Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the proposed subdivision; 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.
- (6) Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of proposed streets, pavements, sub-bases, sidewalks, street lighting standards, street trees, curbs, fire alarm boxes, water lines, sewer lines, storm drains, culverts, manholes, basins, valves, hydrants, fire alarm boxes and other facilities as may be required by the Board.
- (7) Lots and blocks within the subdivision shall be numbered in sequence and/or lettered in alphabetical order in accordance with prevailing Town practice.
- (8) Any changes made in the Preliminary Plat not covered by the above items.
- (9) Additional item as may be required by the Board.

ARTICLE VII

WAIVERS

Where the Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, The Master Plan or the Zoning Ordinance, if such exists. In granting such waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

ARTICLE VIII

SEPARABILITY

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE IX

FEE SCHEDULE

*SECTION 1. APPLICATION FEE FOR FINAL PLAT FOR MINOR SUBDIVISION*

A fee of Forty (\$40.00) Dollars shall accompany all applications for approval of a Final Plat for a Minor Subdivision.

*SECTION 2. APPLICATION FEE FOR PRELIMINARY PLAT FOR MAJOR SUBDIVISION*

A fee of Forty (\$40.00) Dollars shall accompany all applications for approval of a Preliminary Plat for a Major Subdivision.

*SECTION 3. APPLICATION FEE FOR FINAL PLAT FOR MAJOR SUBDIVISION*

A fee of Twenty- Five (\$25.00) Dollars, plus Five (\$5.00) Dollars per acre for each acre included in the proposed subdivision, shall accompany all applications for approval of a Final Plat for a Major Subdivision.

*SECTION 4. FEE FOR INSPECTION OF REQUIRED IMPROVEMENTS*

Pursuant to ARTICLE III, Section 5.D. the fee for inspection of improvements shall be no less than Two Hundred and Fifty (\$250.00) Dollars. If an engineer is retained by the Town to inspect the improvements, this fee may be increased so that the total fee covers the costs of the retained engineer.

ARTICLE X

EFFECTIVE DATE

The effective date of these regulations shall be the date on which they are approved by the Town Board.