

Town of Prattsville Office of the Supervisor

P.O. BOX 418 PRATTSVILLE, NEW YORK 12468
TELEPHONE (518) 299-3125

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 30 1999

Allyn F. Escobedo
Secretary of State

Town of PRATTSVILLE

Local Law No. 1 of the year 19.99.

A local law SUBDIVISION REGULATION FOR THE TOWN OF PRATTSVILLE
(Insert Title)

.....
.....
.....

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

Town of PRATTSVILLE as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**Town of Prattsville
Office of the Supervisor**

P.O. BOX 418 PRATTSVILLE, NEW YORK 12468
TELEPHONE (518) 299-3125

I hereby certify that the local law annexed hereto, designated as local law

No. 1 of 1999

of the Town of PRATTSVILLE

was duly passed by the TOWN BOARD
(Name of Legislative Body)

on AUGUST 9, 1999

in accordance with the applicable provisions of law.

Mildred Harkness
Town Clerk MILDRED HARKNESS

Tal G. Rappleyea
Town Attorney TAL G. RAPPLEYEA

**SUBDIVISION REGULATION
FOR THE
TOWN OF PRATTSVILLE**

(Prepared by Greene County Planning Department)

**Adopted September 1986
Revised September 1991
Revised July 14, 1997
Revised August 9, 1999**

TABLE OF CONTENTS

	PAGE NO.
<u>ARTICLE I</u>	
Section 1. Declaration of Policy	1
Section 2. Compliance with State Environmental Quality Review (SEQR)	1
Section 3. Re-subdivision	1
<u>ARTICLE II</u>	
DEFINITIONS	2
<u>ARTICLE III</u>	
PROCEDURE IN FILING SUBDIVISION APPLICATIONS	6
Section 1. Sketch Plan	
A. Submission of Sketch Plan & Determination of Applicability	6
B. Discussion of Requirements and Classification	6
C. Study of Sketch Plans	7
Section 2. Approval of Minor Subdivision	
A. Application and Fee	7
B. Number of Copies	7
C. Subdivider to Attend Planning Board Meeting	7
D. When Officially Submitted	7
E. Public Hearing	8
F. Referrals	8
G. Action on Minor Subdivision Plat	8
Section 3. Preliminary Plat for Major Subdivision	
A. Application and Fee	9
B. Number of Copies	9
C. Subdivider to Attend Planning Board Meeting	9
D. Study of Preliminary Plat	9
E. When Officially Submitted	10
F. Approval of Preliminary Plat	10

Section 4. Plat for Major Subdivision

A.	Application for Approval and Fee	11
B.	Number of Copies	11
C.	When Officially Submitted	11
D.	Endorsement of State and County Agencies	12
E.	Public Hearing	12
F.	Action on Proposed Minor Subdivision Plat	12

Section 5. Required Improvements

A.	Improvements and Performance Bond	13
B.	Modification of Design of Improvements	14
C.	Inspection of Improvements	14
D.	Proper Installation of Improvements	14

Section 6. Filing of Approved Subdivision Plat

A.	Final Approval and Filing	15
B.	Plat Void if Revised After Approval	15

Section 7. Public Streets, Recreation Areas

A.	Public Acceptance of Streets	15
B.	Ownership and Maintenance of Recreation Areas	15
C.	Acceptance by Town Board	16

ARTICLE IV. GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section 1. General

A.	Character of Land	16
B.	Conformity to Official Map and Master Plan	16
C.	Specifications for Required Improvements	16
D.	Compliance with State Environmental Quality Review (SEQR)	16

Section 2. Street Layout

A.	Width, Location and Construction	17
B.	Arrangement	17
C.	Minor Streets	17
D.	Special Treatment Along Major Arterial Streets	17

E.	Provision for Future Subdivision	17
F.	Dead-End Streets	17
G.	Intersections with Collector or Major Arterial Roads	18
H.	Street Jogs	18
I.	Angle of Intersection	18
J.	Relation to Topography	18
Section 3. Street Design		
A.	Conformity to Road and Street Specifications	18
B.	Improvements	19
C.	Utilities in Streets	19
D.	Utility Easements	19
E.	Grades	19
F.	Changes in Grade	20
G.	Curve Radii at Street Intersections	20
H.	Steep Grades and Curves; Visibility of Intersections	20
I.	Dead-End Streets	20
J.	Watercourses	20
K.	Service Streets or Loading Space in Commercial Developments	21
Section 4. Street Names		
A.	Type of Name	21
B.	Names to be Substantially Different	21
Section 5. Lots		
A.	Lots to be Buildable	21
B.	Side Lines	22
C.	Corner Lots	22
D.	Access from Private Streets	22
E.	Monuments and Lot Corner Markers	22
Section 6. Drainage Improvements		
A.	Removal of Spring Surface Water	22
B.	Drainage Structure to Accommodate Potential Development Upstream	22
C.	Responsibility from Drainage Downstream	23
D.	Land Subject to Flooding	23
E.	Wetlands	23
F.	Flood Plain Areas	23

Section 7. Parks, Open Spaces and Natural Features

A.	Recreation Areas Shown on Plan	24
B.	Parks and Playgrounds Not Shown on Plan	24
C.	Information to be Submitted	24
D.	Waiver of Plat Designation of Area for Parks and Playgrounds	25
E.	Reserve Strips Prohibited	25
F.	Preservation of Natural Features	25

ARTICLE V. DOCUMENTS TO BE SUBMITTED

Section 1.	Sketch Plan	26
Section 2.	Minor Subdivision Plat	26
Section 3.	Major Subdivision Preliminary Plat and Accompanying Data	29
Section 4.	Major Subdivision Plat and Accompanying Data	31

ARTICLE VI. WAIVERS 33

ARTICLE VII. APPEALS 33

ARTICLE VIII. SEPARABILITY 38

**ARTICLE I
DECLARATION OF POLICY**

SECTION 1. AUTHORITY, PURPOSE AND POLICY

By the authority of the resolution of the Town Board of the Town of Prattsville, adopted on February 10, 1986, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Prattsville 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 approve preliminary plats, within the Town of Prattsville, New York. It is declared to be the policy of the Planning Board to consider Land Subdivision Plats as parts 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, 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 open spaces for parks and playgrounds. 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, "Town of Prattsville Land Subdivision Regulations" have been accepted by the Planning Board on July 1986 and approved and adopted by the Town Board on September 8, 1986.

SECTION 2. COMPLIANCE WITH STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

Notwithstanding any provisions of these subdivision regulations or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Section 8-0113, Part 617, hereinafter referred to as "SEQR" regulations, shall be complied with.

SECTION 3. RESUBDIVISION

A re-subdivision, as defined herein, is subject to the same procedures, rules, and regulations applicable to an original subdivision. No parcels shall be subdivided beyond the minimum lot size.

ARTICLE II DEFINITIONS

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

ACTION(S): projects or physical activities such as construction or other activities that may affect the environment by changing use, appearance or condition of any natural resource or structure, in accordance with statutes set forth in 6 NYCRR Part 617.

BOND: a performance bond, duly issued by a bonding or surety company approved by the Town Board, with security acceptability to the Town Board or a performance bond duly issued by the developer accompanied by security in the form of cash, certified check or U.S. Government Bearer Bonds, deposited with the Town Board in the full amount of the obligation. The cash may be withdrawn after the work has been performed as certified by the Town Engineer with a 10% retainer until acceptance.

CLERK OF THE PLANNING BOARD: the person designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.

CRITICAL ENVIRONMENTAL AREA (CEA): a specific geographic area pursuant to SEQR designated by a state or local agency, having exceptional or unique environmental characteristics.

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

ENVIRONMENTAL IMPACT STATEMENT (EIS): "Draft" or "Final" Document prepared in accordance with SEQR Regulations (6 NYCRR Part 617), providing a means for agencies, project sponsors and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation.

ENVIRONMENTAL ASSESSMENT FORM (EAF): a form used by an agency (the Planning Board) to assist it in determining the environmental significance or non-significance of actions or projects. A properly prepared EAF shall contain enough information to describe the proposed action (project), its location, its purpose and its potential impacts on the environment. The long-form (or full EAF), or short form EAF may be prepared by the project sponsor at the discretion of the Planning Board.

ESCROW: a deposit of cash with the Town in lieu of an amount required on a performance or maintenance bond.

INTERESTED AGENCY: an agency that lacks the jurisdiction to fund, approve or directly undertake an action, but wishes to participate in the review process because of its specific expertise or concern about the proposed action or project.

INVOLVED AGENCY: an agency that has jurisdiction by law to fund, approve or directly undertake an action, or an agency that will ultimately make a discretionary decision to fund, approve or undertake an action. The **LEAD AGENCY** is also an "involved agency".

LEAD AGENCY: the agency or body principally responsible for carrying out, funding, or approving an action, as set forth in Part 617 of the SEQR Regulations.

LOT: a parcel of land intended for transfer of ownership or building development, whether immediate or future.

LOT DEPTH: the mean horizontal distance between the front and rear lines of a lot. Lot depth shall not exceed four (4) times the lot width.

LOT WIDTH: the width of a lot at the "building line" (set back line).

MASTER OR COMPREHENSIVE PLAN : a comprehensive plan, prepared by the Planning Board pursuant to Article 7 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 plan separately prepared and any amendment to such plan or parts therein.

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

PLANNING BOARD: the Planning Board of the Town of Prattsville.

PRELIMINARY PLAT: a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Article V, 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 apprise the Planning Board of the layout of the proposed subdivision.

RIGHT-OF-WAY: a strip of land between property lines retained, or made legally available for the development of a street, alley or crosswalk.

SUBDIVISION: the division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways and includes re-subdivision.

RESUBDIVISION: any change of existing property lines subsequent to subdivision approval, or changes to property lines shown on a plat filed in the Office of the County Clerk, occurring within 3 years of a previous subdivision plat approval or filing. At the discretion of the Planning Board, any re-subdivision may be subject to the requirements of a "major subdivision".

SKETCH PLAN: a sketch of a proposed subdivision showing the information specified in Article V, 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 form of the layout and objectives of these regulations.

SUBDIVISION PLAT OR FINAL PLAT: a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed and recorded by the applicant in the Office of the County Clerk.

MINOR SUBDIVISION: any subdivision containing not more than four 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, Zoning Ordinance (if any exist), or these regulations.

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

PERFORMANCE BOND: a bond as required by Section 277 of the Town Law to assure the full and satisfactory completion of all required subdivision improvements as specified in the Planning Board Resolution. Also see "Bond".

STREET: roads, avenues, lanes or other traffic ways, between right-of-way lines.

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

MINOR STREET: a street intended to serve primarily as an access to abutting properties.

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

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

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

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

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

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

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR): a process to help government and the public protect and improve the environment. SEQR requires that environmental factors be considered along with social and economic considerations in government decision making.

TYPE I ACTIONS: an action or class of actions identified in 6 NYCRR Part 617, or in any involved agency's procedures adopted pursuant to 6 NYCRR Part 617, particularly those actions and projects that are more likely to require the preparation of an EIS than Unlisted Actions. All Type I Actions will require the preparations of a Long or Full EAF.

TYPE II ACTIONS: an action or class of actions identified in 6 NYCRR Part 617, or not determined to be a Type I Action as defined in applicable sections of 617, particularly those actions that have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Laws, Article 8.

UNLISTED ACTION: as defined in 6 NYCRR Part 617 - "Definitions"; All actions not identified as a Type I or Type II action in 6 NYCRR Part 617, or in the case of a particular agency action, not identified as a Type I or Type II action in the agency's own SEQR procedures, or an action that may have a significant effect on the environment as explained in 6 NYCRR Part 617 of the SEQR regulations, and requiring the submission of a Short Form EAF. A Long Form EAF may be required by the Planning Board.

PROJECT REFERRAL: as required by General Municipal Law, Section 239, certain actions, activities or projects may require referral to the County Planning Agency. The Town Planning Board shall refer projects to the County Planning Agency prior to completing its review and approval of a particular action, when required by GML 239-l, 239-m, and/or 239-n

TOWN ENGINEER (ENGINEER FOR THE TOWN): a NYS Licensed Engineer who is designated and retained by the Town at the expense of the subdivider. Whenever appropriate, the Town Highway Superintendent, members of the Planning Board or another appropriate responsible individual shall be designated to act as or substitute for the licensed engineer upon specific authorization by the Planning Board.

**ARTICLE III
PROCEDURE IN FILING SUBDIVISION APPLICATIONS**

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

SECTION 1. SKETCH PLAN

A. Submission of Sketch Plan and Determination of Applicability

Any owner of land, subdivider or appropriate applicant shall, prior to subdividing or resubdividing land, submit to the Clerk of Planning Board at least ten days prior to the regular meeting of the Planning Board two copies of a Sketch Plan of the proposed subdivision, unless the subdivision is specifically exempted from Town review according to the definition of the term "subdivision" as found in Article II of these regulations, shall comply with the requirements of Article V, Section I, for the purposes of classification and preliminary discussion. The Clerk will schedule the applicant to appear at the next meeting. If less than 10 days prior to the next meeting, Planning Board Clerk will schedule for next regular meeting.

Notwithstanding any provisions of these subdivision regulations or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Section 8-0113, Part 617, hereinafter referred to as "SEQR" regulations, shall be complied with.

[If the proposed subdivision is exempted under the definition, the Sketch Plan will be marked by the Planning Board as "accepted for filing" as no Planning Board review is required. If the proposed subdivision is not exempted under the definition, the subdivider shall be instructed to proceed as outlined below under Section B.]

B. Discussion of Requirements and Classification

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Sketch Plan and requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.

Classification of the Sketch Plan shall then be made by the Planning Board as to whether it is a Minor or Major Subdivision as defined in these regulations. The Board may require 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 Subdivision.

If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article III, Section 2 and 6 of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III, Sections 3, 4, 5, 6 and 7.

C. 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 2. APPROVAL OF MINOR SUBDIVISION

A. Application and Fee

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Minor Subdivision Plat. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article V, Section 2. If same is not submitted within 6 months, the sketch plan shall be deemed abandoned.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee of twenty dollars per lot, plus any other expenses incurred by the Town during the review of an application for approval.

B. Number of Copies

Seven copies of the Subdivision Plat (or equal to number of Planning Board Members, plus 2) shall be filed.

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 Minor Subdivision Plat.

D. When Officially Submitted

The date of submission of all required documents for a Minor Subdivision Plat shall be considered to be the date on which the application for Plat approval, completed and accompanied by the required fee and all data required by Article V, Section 2 of these regulations has been filed with the Clerk of the Planning Board.

E. Public Hearing

A public hearing shall be held by the Planning Board within sixty-two (62) days following the submission of a complete application for a Minor Subdivision Plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.

All fees for advertising in a newspaper of general circulation in the Town at least five (5) days before such hearing, and shall be borne by the developer/project sponsor.

F. Referrals

When applicable, the Planning Board shall refer the Plat to other Local, County or State agencies which have or may have jurisdiction of review or approval of the subdivision. If the subdivision meets any Type I threshold listed in Part 617 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined in Section 617 of the SEQR regulations. Plats subject to applicable sections of General Municipal Law Section 239 will be referred to Greene County Planning Department prior to granting Preliminary Plat approval for major subdivisions, and prior to Final Plat approval for a minor subdivision.

G. Action of Minor Subdivision Plat

The Planning Board shall, within sixty-two (62) days from the date of the public hearing, take action on the application to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the Minor Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure by the Planning Board to act within such time shall constitute approval of the plat.

Upon granting conditional approval with or without modification to the plat, the Planning Board shall authorize the Planning Board Chairperson to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in his office, and a certified copy mailed to the subdivider. Each copy 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 on ninety (90) days each.

SECTION 3. PRELIMINARY PLAT FOR MAJOR SUBDIVISION

A. Application and Fee

Prior to the filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in Article V, Section 3, hereof. The Preliminary Plat shall, in all respects comply with the requirements set forth in the provisions of Sections 276 through 278 of the Town Law, and Article V, 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 of twenty-five dollars (\$25.00), plus twenty dollars (\$20.00) per lot for each lot in the proposed subdivision, plus any other expenses.

B. Number of Copies

Seven copies of the Preliminary Plat (or equal to number of Planning Board members plus two) shall be presented to the clerk of the Planning Board at the time of submission of the Preliminary Plat. Copies of the Preliminary Plat shall be submitted 10 days prior to regularly scheduled meeting.

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

The Planning Board shall schedule a field trip to the proposed subdivision site accompanied by the applicant or his agent. In order to facilitate field inspection and review of the site, temporary staking along the centerline of all proposed roads at 50' intervals on curves and at 100' intervals on tangents and proposed front lot corners is required.

Before the subdivision may be approved, the designated Lead Agency either shall make a determination of no significant environmental impact under SEQR or cause a Draft Environmental Impact Statement to be prepared. The Lead Agency shall notify other agencies who have authority to review the subdivision of this determination.

The Planning Board may require that other town officials at the expense of the subdivider including, but not limited to, the Town Engineer, the Public Works Superintendent, Fire Chief, and Building Inspector review and comment on the Major Subdivision Preliminary Plat. If other town officials or agencies participate in the review, the Clerk of the Planning Board will provide a copy of the Major Subdivision Preliminary Plat immediately to such officials. Comments from other town officials or agencies should be submitted to the Planning Board prior to the scheduled public hearing.

E. When Officially Submitted

The time of submission of the Preliminary Plat shall be considered to be the date on which the application for approval of the preliminary plat, completed and accompanied by the required fee and all data required under SEQR, and by Article V, Section 3 of these regulations, has been filed with the Clerk of the Planning Board.

F. Approval of the Preliminary Plat

Within sixty-two (62) days after the receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (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. Within sixty-two (62) days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat, and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board.

The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board. When 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 therefore which it will require as

prerequisite to the approval of the Subdivision Plat. 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 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 sixty-two (62) day period shall constitute approval of the preliminary plat.

Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the Preliminary 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 4. FINAL PLAT FOR MAJOR SUBDIVISION

A. Application for Approval and Fee

The subdivider shall, within six months after the approval of the Preliminary Plat, file with the Clerk of the Planning Board an application for approval of the Major Subdivision Plat in final form, using the approved application blank available from the Clerk of the Planning Board. All applications for Final Plat approval for Major Subdivisions shall be accompanied by a fee of one hundred dollars. 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.

B. Number of Copies

A subdivider intending to submit a proposed Major Subdivision Plat for the approval of the Planning Board shall provide the Clerk of the Board with a copy of the Application and 5 copies (one copy on mylar) of the Plat, the original and one true copy of all offers of cession, covenants, and agreements and two prints of all "as-built" drawings.

C. When Officially Submitted

The time of submission of the Major Subdivision Plat shall be considered to be the date on which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V, Section 4 of these regulations, has been filed with the Clerk of the Planning Board.

D. Endorsement of State and County Agencies

Water and sewer facility proposals contained in the Major Subdivision Plat shall be properly endorsed and approved by the New York State Department of Health and the New York City Bureau of Water Supply if required and by the Town Board if within the bounds of a special district. Applications for sewer or water facilities, to be dedicated to the municipality, shall be filed by the subdivider with all necessary Town, County and State Agencies. The municipality is not obligated to approve the offer of utility dedication.

Endorsement and approval by the New York State Department of Health and the New York City Bureau of Water Supply when necessary, shall be secured by the subdivider before official submission of Subdivision Plat.

E. Public Hearing

At least one (1) public hearing shall be held by the Planning Board within sixty-two (62) days of submission of a plat and complete application in final form for approval. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing, providing, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Section 3 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 of Proposed Major Subdivision Plat

The Planning Board shall by resolution, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat within sixty-two (62) days of its receipt by the Clerk of the Planning Board if no hearing is held, or in the event a hearing is held within sixty-two (62) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plan 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 this 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 the duly authorized officer of the Planning Board (Planning Board Chairperson). 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 5. REQUIRED IMPROVEMENTS

A. Improvements and Performance Bond

Before the Planning Board may grant final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either paragraph 1. OR paragraph 2. Below:

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 further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other as the Planning Board may determine appropriate, not to exceed three years, unless extended under mutual consent of parties thereto) shall be set forth in the bond within which required improvements must be completed; or
2. The subdivider shall complete all required improvements to the satisfaction of the Planning Board and 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 Attorney as to form, sufficiency, manner of execution and surety.
3. The required improvements shall not be considered to be complete 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, and marking all underground utilities as actually installed. If the subdivider completes all required improvements according to paragraph 2, then an "as-built" or record drawing shall be submitted prior to endorsement of the plat by the Planning Board. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in paragraph 1, such bond shall not be released until such a map is submitted.

B. Modification of Design of Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the 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 provided such modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Subdivider must obtain Planning Board authorization under this Section in writing, prior to any such modification.

C. Inspection of Improvements

1. Routine Inspection

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 Planning Board and shall notify the Planning Board in writing of the time when he proposes to commence construction of such improvements so that the Planning Board may cause inspection(s) 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 and Town Engineer.

2. Final Inspection

A final inspection of all improvements will be made to determine whether the work is satisfactory and in agreement with the approved Final Plat, and "as-built" or record drawings. Upon a satisfactory final inspection report, action will be taken to release the performance bond covering such improvements and utilities (if a bond was filed). The Town Highway Superintendent shall also notify the Planning Board and Town Engineer that all work has been completed to his satisfaction.

D. Proper Installation of Improvements

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

SECTION 6. FILING OF APPROVED SUBDIVISION PLAT

A. Final Approval and Filing

Upon completion of the requirements in Sections 4 and 5 above and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the Chairperson of the Planning Board. All approved Plats shall be filed by the applicant with the Town, and in the Office of the County Clerk, within 60 days following the Planning Board date of approval. Any Subdivision Plat not so filed or recorded within 60 days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

B. Plat Void if Revised After Approval

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

SECTION 7. PUBLIC STREETS, RECREATION AREAS

A. Public Acceptance of Streets and Roads

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Recreation Areas

When a park, playground, or other recreation area shall have been shown on a Plat, the approval of said Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. 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.

C. Acceptance by Town Board

Acceptance of any offer of cession of roads, streets, or parks shall rest with the Town Board. The Town has the right and authority to reject any and all applications of offer of cession or dedication of roads, streets or parks as may deem necessary or unacceptable.

**ARTICLE IV
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 VI 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 Clerk.

D. Compliance with State Environmental Quality Review Act (SEQR)

Notwithstanding any provisions of these subdivision regulations or any other laws or regulations to the contrary, the provisions and requirements of Article 8 of the Environmental Conservation Law, Section 8-0113, Part 617, herein referred to as "SEQR" regulations, shall be complied with beginning at the Sketch Plan stage.

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, snow removal and other road maintenance equipment, in compliance with current highway/street dedication specifications. 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 projection 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 as sewer, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions made 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 Arterial 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 and commercial properties and to afford separation of through and local traffic.

E. Provision for Future Resubdivision

Where a tract is subdivided into lots substantially larger than the minimum size required, the Planning Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

F. Dead-End Streets

The creation of dead-end or loop residential streets 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 dead-end streets, where needed or desirable, the Planning Board

may require the reservation of a 20 foot (min) wide easement to provide for continuation of pedestrian traffic and utilities to the next street.

Where the Planning Board deems necessary, a right-of-way, with a width complimentary to the Town Specifications for the Dedication of Town Roads and Streets, may be required to allow for future connection of existing or other proposed roads or streets.

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 Subdivision Plat for which a bond has been filed.

G. Intersection with Collector or Major Arterial Roads

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

H. Street Jogs

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

I. 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.

J. 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.

SECTION 3. STREET DESIGN

A. Conformity to Road and Street Specifications

In general, all streets, roads and easements intended to provide for vehicular access to the subdivision lots, whether or not they are being offered for dedication to the Town, shall conform to the current regulations contained in the Town of Prattsville's "Specifications for the Dedication of Town Roads and Streets," originally adopted on July 8, 1985, as amended.

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 in writing, 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 approved as required by the Town Superintendent of Highways. Such grading and improvements shall be approved as to design and specifications by the Town Superintendent of Highways and 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, and the local Fire District.
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 only after approval by the appropriate power company and the authorized Town Building Inspector, and Town Board if fixtures are deemed non-conforming to current lighting systems of the Town.

C. Utilities in Streets

The Planning Board shall, wherever possible, require that underground utilities be placed within 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. All underground services shall be installed in conformance with current and applicable industry standards (i.e. National Electrical Code, regional utility requirements, etc.)

D. Utility Easements

Where topography makes the inclusion of utilities within the street rights-of-way impractical, perpetual unobstructed easements of at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Whenever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

E. Grades

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half percent nor more than ten (10) percent with some areas allowed to increase to twelve

(12) percent maximum grade for a total accumulative length not greater than 300'. Overall average roadway grade shall not exceed ten (10) percent average. In no case shall grades of roads and driveways be greater than three (3) percent within fifty (50) feet of any intersection, nor greater than ten (10) percent at any curve.

All changes in grade shall be connected by vertical curves of such length and radius that meet with the approval of the Town Engineer so that clear visibility shall provide for safe distance and general conformity with current AASHTO design standards.

A combination of steep grades and curves will not be permitted.

F. Changes in Grade

All changes in grade shall be connected by vertical curves of such length and radius as approved by the Town Engineer and Town Superintendent of Highways and Planning Board, so that clear visibility shall be provided for a safe distance, in conformance with current AASHTO Design Standards, NYSDOT, and Greene Co. DWP, where applicable.

G. Curve Radii at Street Intersections

All street right-of-way lines at intersections shall be rounded by curves of at least 30 feet radius and curbs shall be adjusted accordingly.

H. Steep Grades and Curves; Visibility of Intersection

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) 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 necessary, 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, shall terminate in a circular turn-around having a minimum right-of-way radius of 150'; with a minimum paved radius of 100', unless the Planning Board, Town Superintendent of Highways, Town Board and Town Engineer approve an alternate arrangement.

J. Watercourses

Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the Town Superintendent of Highways and Town Engineer and Planning Board, in accordance with and in compliance with current NYCDEP

Watershed Regulations.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be stormwater easement(s) or drainage easements or rights-of-way as required by the Town Engineer and Town Superintendent of Highways and Planning Board. In no case shall the easement(s) or rights-of-way be less than 20 feet in width.

K. Service Streets or Loading Space in Commercial Development

Paved rear service streets of at least 20 feet in width, or in lieu thereof, adequate off-street loading space, having a paved surface in conformance with current highway design and pavement standards, shall be provided in connection with lots designed for commercial use.

SECTION 4. STREET NAMES

A. Type of Name

All street names shown on a Preliminary Plat or Subdivision Plat shall be approved by the Planning Board, Town Board and Greene County E-911 system coordinator. 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 that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

SECTION 5. LOTS

A. Lots to be Buildable

The lot arrangement shall be arranged such that construction of dwellings, garages, tool sheds, and other accessory buildings, shall be in compliance with all current zoning, dwelling, structure or other ordinances where applicable, taking into consideration any foreseeable difficulties for reasons of topography or other natural conditions.

Lots shall not be of such depth as to encourage further creation of additional building lots at the front or rear. Maximum lot depth shall not exceed four (4) times the lot width.

Generally, resubdivision of approved lots will not be acceptable.

Minimum lot sizes shall not be less than two and a half (2-1/2) acres. All subdivisions and

SECTION 7. PARKS, OPEN SPACES, AND NATURAL FEATURES

A. Recreation Areas Shown on Town Plan

Where a proposed park, playground or open space shown on the Town 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 area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

B. Parks and Playgrounds 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 purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat.

The Board may require that not less than 3 acres of recreation space be provided per 100 dwelling units shown on the plat. Where the Planning Board deems appropriate, it may require 1.5 acres of recreational space be provided for 50-99 dwelling units. However, in no case shall the area required by the Planning Board, be more than 10 percent of the total area of the subdivision. Such area or areas may be dedicated to the Town by the developer if the Town Board approves such dedication. Appropriate legal measures should be taken to assure that such land shall never be developed for other than recreational purposes.

C. Information to be Submitted

In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, three prints. One print shall be submitted on cloth (linen) or mylar, drawn in ink showing, at a scale of not less than 50 feet to the inch, such area and the following features thereof.

- a. The boundaries of the said area, giving lengths and bearings of all straight lines; radii, lengths, central angles and tangent distances of all curves.
- b. Existing and proposed features such as brooks, ponds, clusters of trees, rock outcrops, structures, etc.
- c. Existing, and, if applicable, proposed changes in grade and contours of the said area, and of the area immediately adjacent, using 2 foot (max.) contour intervals.

D. Waiver of Plat Designation of Area for Parks and Playgrounds

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 of approval of the Plat a payment to the Town of Prattsville two thousand dollars (\$2,000) per gross acre of land which otherwise would have been acceptable as a 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 IV, Section 7B.

Such amount shall be paid to the Town Board at the time of final Plat approval, and no Plat shall be signed by the chairperson of the Planning Board until such payment is made. All such payments shall be held by the Town Clerk in a special Town Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (a) is suitable for permanent park, playground or other recreational purposes, and (b) is so located that it will serve primarily the general neighborhood in which the land covered by the Plat lies, and (c) 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 and Town 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 are prohibited.

F. Preservation of Natural Features

The Planning Board shall, wherever possible, require the preservation of natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets. No tree with a diameter of 8 inches or more as measured 3 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 Subdivision Plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of 8 inches or more as measured 3 feet above the base of the trunk be removed without prior approval by the Planning Board.

**ARTICLE V
DOCUMENTS TO BE SUBMITTED**

SECTION 1. SKETCH PLAN

- A. The sketch plan initially submitted to the Planning Board 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. At least seven (7) copies of the Sketch Plan shall be submitted, showing the following information:
1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 2. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
 3. The name of the owner and of all adjoining property owners are disclosed by the most recent municipal tax maps, including opposite street property owners.
 4. The tax map sheet, block and lot numbers, if available.
 5. All the utilities available, and all streets which are either proposed, mapped or built.
 6. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply (see Section 2-A3) within the subdivided area.
 7. All existing restrictions and covenants on the use of land.

SECTION 2. MINOR SUBDIVISION PLAT

- A. In the case of Minor Subdivision ONLY, the Subdivision Plat application shall include the following information:
1. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
 2. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and the NYC Department of Environmental Protection, and a note to this effect shall be stated on the Plat and signed by the subdivider's engineer. If individual septic systems are proposed, soil percolation tests shall be performed for each building lot. A

minimum of one deep hole soil test per lot is required for each Minor Subdivision. The location and results of the soil tests shall become part of the Minor Subdivision Plat. Septic system designs may be required by the Planning Board, prior to Plat approval.

3. The Plat to be filed with the County Clerk shall be printed or be clearly drawn in ink on mylar (or linen if accepted by the County Clerk). The size of the sheet shall be at least 24 x 36 inches, and not greater than 36 x 48 inches.
4. The Plat shall indicate location of existing property lines, easements, buildings, water sources, marshes, rock outcrops, wooded areas, single trees with a diameter of 12 inches or more as measured 3 feet above the base of the trunk, and other significant existing physical features for the proposed subdivision and adjacent property within 200' of proposed project.
5. Location of existing sewers, water mains, culverts and drains, with pipe sizes, type, grades and direction of flow.
6. Contours with intervals of 5 feet or less as required by the Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.
7. 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, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
8. The approximate location and size of all proposed water lines, utilities, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
9. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles, and any connection to existing lines or alternate means of disposal.
10. Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
11. Preliminary designs of any bridges or culverts which may be required.
12. The proposed lot lines with bearings and distances and area of each lot.

13. Where the topography is such, that it will be difficult to make the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property. Such permanent easements shall not be less than 20 feet in width and shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
 14. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer and shall be referenced and shown on the Plat.
 15. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and the NYC Department of Environmental Protection, and a note to this effect shall be stated on the Plat and signed by the subdivider's engineer. If individual septic systems are proposed, soil percolation tests shall be performed for each proposed building lot. A minimum of one deep hole soil test and at least two (2) percolation test sites are required for each Subdivision lot. The location and results of the soil tests shall become part of and shown on the Subdivision Plat. Septic system designs shall be shown on the Preliminary Major Plat if required by the Planning Board.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- D. A completed Environmental Assessment Form (Long Form) or Draft Environmental Impact Statement, as required by the Planning Board under the NYS Environmental Quality Review Act (SEQR), including documentation regarding archeological and endangered species, wetlands, and applicable sections of General Municipal Law 239, and agricultural data statement (if required).

SECTION 3. MAJOR SUBDIVISION PRELIMINARY PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for Plat approval:

- A. Seven copies (Planning Board membership plus two) of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:
1. Proposed subdivision name, name of Town and County in which it is located, date, true or magnetic north point, scale, name and address of the record owner, subdivider and engineer and/or surveyor including license number and seal.
 2. Name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent properties.
 3. All parcels of land proposed to be dedicated to public use and the conditions of dedication.
 4. Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter 12 inches or more measured 3 feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent properties, and within 200 feet of the proposed subdivision.
 5. Location of existing sewers, water mains, culverts and drains, with pipe sizes and type of construction (i.e. CMP, HDPE, etc.), grades and direction of flow.
 6. Contours with intervals of 5 feet or less as required by the Planning Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than 2 feet.
 7. The width and location of any streets or public ways or places shown on the Official Map or Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
 8. The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
 9. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.

10. Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers, and storm drains including the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
 11. Preliminary designs of any bridges or culverts which may be required.
 12. The proposed lot lines with bearings and distances, and area of each lot.
 13. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
 14. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer and shall be referenced and shown on the Plat.
 15. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and the NYC Department of Environmental Protection, and a note to this effect shall be stated on the Plat and signed by the subdivider's engineer. If individual septic systems are proposed, soil percolation tests shall be performed for each proposed building lot. A minimum of one deep hole soil test and two percolation tests per lot are required for each Subdivision lot. The location and results of the soil tests shall become part of and shown on, the Subdivision Plat. Septic system designs shall be shown on the Preliminary Major Plat if required by the Planning Board.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

- D. A completed Environmental Assessment Form or Draft Environmental Impact Statement, as required by the Planning Board under the NYS Environmental Quality Review Act (SEQR), including documentation regarding archeology and endangered species, wetlands, and applicable sections of General Municipal Law 239, and Agricultural Data Statements.

SECTION 4. MAJOR SUBDIVISION PLAT AND ACCOMPANYING DATA

The following documents shall be submitted for Plat approval:

- A. The Plat to be filed with the County Clerk shall be printed on or be clearly drawn in ink on mylar. The size of the sheets shall be 12 inches by 18 inches to 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The Plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Final Major Subdivision Plat shall show:

1. Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.
2. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
3. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments including the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
4. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property, location, graphic scale and true north point.
5. The Plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat

copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.

6. 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.
 7. Lots and blocks within a subdivision shall be numbered in accordance with the prevailing Town practice and the Greene Co. E-911 system.
 8. Permanent reference monuments shall be shown and shall be constructed in accordance with specification of the Town Engineer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the Plat.
 9. All lot corner markers shall be permanently located satisfactorily to the Town Engineer; at least three quarter (3/4) inches (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
 10. Monuments of a type approved by the Town Board and Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided. Monuments shall also be placed at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.
 11. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health Sanitary Code and the NYC Department of Environmental Protection, and a note to this effect shall be stated on the Plat and signed by the subdivider's engineer. If individual septic systems are proposed, soil percolation tests shall be performed for each proposed building lot. A minimum of one deep hole soil test and (2) percolation tests are required for each Subdivision. The location and results of the soil tests shall become part of the Subdivision Plat. Septic system designs shall be shown on the Major Subdivision Plat if required by the Planning Board.
- B. Construction drawings including plans, profiles and typical cross-sections as required by the Town Engineer, showing the proposed location, size, grade and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

**ARTICLE VI
WAIVERS**

Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver has been requested in writing, and will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan.

In granting waivers, the Planning Board shall require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so waived.

**ARTICLE VII
APPEALS**

SECTION 1. APPEALS AND PROCEDURES

A. Appeals.

The Town shall hear and decide appeals from and review any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of this Subdivision Regulation. It shall also hear and decide all matters referred to it or upon which it is required to pass under any other law. Such an appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the town.

B. Filing of Appeals

Filing of Appeals.

1. An appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such ordinance or local law.
2. The applicant must file a notice of appeal with the administrative official from whom the appeal is taken and with the Town Board and the notice of appeal must specify the grounds therefor and the relief sought.
3. The administrative official from whom the appeal is taken shall be responsible, at the direction of the Town Board, for providing the applicant with proper forms including environmental quality review forms, if

applicable, and for instructing the applicant in the manner for completing the filing said forms. All information thereon shall be completed before an appeal is considered filed.

4. The administrative official from whom the appeal is taken shall forthwith transmit six (6) copies of all the papers constituting the record upon which the action appealed from was taken to the Town Board.
 5. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Town Board prior to the hearing of appeal.
 6. The proper forms must be filed no later than the 10th day of the prior month for an appeal requiring review by the Greene County Planning Department and no later than the 20th day of the prior month for appeals not requiring Greene County review. If the petition for the appeal is not filed by said dates, then the appeal is not filed by said dates, then the appeal will not be heard at the Town Board meeting held during the month immediately following the month when the appeal is filed, and will be scheduled for a subsequent monthly meeting.
- C. Amendments to Appeals. Appeals may be amended fifteen (15) days prior to the public hearing thereon.
- D. Notice to Applicant. The applicant shall be notified by letter within five (5) days prior to the hearing on his/her application or of this/her failure to complete his/her application properly.
- E. Assistance to the Town Board. The Town Board shall have authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance.
- F. Stay upon Appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance of local law, from whom the appeal is taken, certifies to the Town Board, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Town Board or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

- G. Compliance with State Environment Quality Review Act. The Town Board shall comply with the provisions of the State Environmental Quality Review Act under article 8 of the Environmental Conservation Law and its implementing regulations as codified in title 6, part 617 of the N.Y. Comp. Codes R. & Regs.

SECTION 2. HEARINGS

- A. Time of Hearing. The Town Board shall schedule a hearing of all appeals or applications within ninety (90) days of the filing of the appeal or application.
- B. Notice of Hearing-Official Map Appeals. The Town Board shall give a public notice of the hearing at least ten (10) days prior to the date thereof by publication in a newspaper of general circulation in the town, in accordance with section 279 of the Town Law, for appeals from the Town Official Map.
- C. Notice of Hearing-Appeal to Build on Unimproved or Unmapped Street. See section 280-a, subdivision 3, of the Town Law.
- D. Proceedings. The order of business at a hearing shall be as follows: (a) roll call; (b) the chairman shall give a statement of the case and read all correspondence and reports received thereon; (c) the applicant shall represent his/her case; (d) those opposed shall present their arguments; (e) rebuttal by both sides; (f) additional cases; (g) adjournment of hearings; (h) call to order of regular meeting (when applicable).
- E. General Rules. Any party may appear in person or by agent or by attorney.
- F. The supervisor, or his/her absence, the acting supervisor, may administer oaths and compel the attendance of witnesses.

SECTION 3. REFERRALS

- A. Zoning Referrals. All matters requiring referral as specified by any ordinance enacted under article 16 of the Town Law shall be so referred to the proper agency for its recommendation. Within thirty (30) days (or as specified in the particular ordinance) after receipt of a full statement of such referred matter, said agency shall report its recommendations thereon to the Town Board, with a full statement of the reasons for such recommendations. If such agency fails to respond within the prescribed time the Town Board may act without such report. The Town Board shall not act contrary to any said agency's recommendations without first fully setting forth in the official record the reasons for such contrary action. The supervisor shall read all such reports at the hearing on the matter under it.

SECTION 4. DECISIONS

- A. **Time of Decisions.** Decisions by the Town Board shall be made within sixty-two (62) days from the date of the final hearing. The time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Town Board.
- B. **Filing of Decision and Notice.** The decision of the Town Board shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- C. **Form a Decision.** The final decision on any matter before the Town Board shall be made by written order signed by the supervisor. Such decision shall state the findings of fact which were the basis for the Town Board's determination. After such determination, the Town Board may reverse or affirm, wholly or partly, or may modify the order or requirements of the administrative official appealed from. The decision shall also state any conditions and safeguards necessary to protect the public interest.
- D. **Basis for Decisions.** In reaching said decision, the Town Board shall be guided by standards specified in the applicable ordinance as well as by the community goals and policies, specified in the comprehensive plan and by the findings of the Town Board in each case.
- E. **Waivers.** Lot size and minimum set back requirement waivers. The Town Board shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such ordinance or local law, to grant waivers from the area or dimensional requirements of such ordinance or local law.
- F. **Findings of Fact.** In making its determination, the Town Board shall take into consideration the benefit to the applicant if the waiver is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Town Board shall also consider:
1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the waiver;
 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a waiver;
 3. Whether the requested waiver is substantial;

4. Whether the proposed waiver will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Town Board, but shall not necessarily preclude the granting of the area variance

G. **Granting of Waivers.** The Town Board, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

H. **Findings-General Contents.** The findings of the Town Board and the supporting facts shall be spelled out in detail regardless of whether these are based on evidence submitted or on the personal knowledge of the Town Board.

The Board shall show in its findings that it has:

1. Made a thorough review of the question including:
 - a. Considering all information or evidence;
 - b. Hearing all parties in question;
 - c. Taking into account any intimate knowledge it has of the subject;
 2. Made a personal inspection of the parcel in question and from this examination certain findings were ascertained.
- I. **Conflicts with Other Laws or Regulations.** In reviewing any application on any matter, the standards in any applicable local law or ordinance or state statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.
- J. **Expiration of Permits.** Unless otherwise specified, any order or decision of the Board for a permitted use shall expire if a building or occupancy permit for the use is not obtained by the applicant within ninety (90) days from the date of the decision; however, the Town Board may extend this time an additional ninety (90) days.

- K. **Filing of Decisions.** Decisions of the Town Board shall be filed in the office of the Town Clerk and shall be a public record. The date of filing of each decision shall be entered in the official records and minutes of the Town Board.

**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 nay part thereof other than the part so declared to be invalid.