

**Local Law #1
Regulations For The Subdivision Of Land**

August 24, 1989

LOCAL LAW #1 - 1989

REGULATIONS FOR THE SUBDIVISION OF LAND

ARTICLE I
Definitions and Word Usage

1. Word usage.
2. Definitions.

ARTICLE II
Required Procedures

3. Steps required for approval for major subdivision.
4. Preapplication procedure for major subdivision.
5. Preliminary layout procedure for major subdivision.
6. Major subdivision plat procedure.
7. Performance bond.
8. Endorsement of subdivision plat.
9. Filing plat with county.
10. Submission of copies of filed map.
11. Changes to plat after approval prohibited.
12. Minor subdivision procedure.
 - 12a. Preapplication proceeding for minor subdivision.
 - 12b. Preliminary layout procedure. Minor Subdivision - Boards right to waive preliminary layout.
 - 12c. Alternative to map filing on minor subdivisions.
 - 12d. Provision for improvement on minor subdivision.

ARTICLE III
Design Standards

13. General requirements.
14. Streets.
15. Easements.
16. Blocks.
17. Lots.

ARTICLE IV
Improvements

18. Completion or bond required.
19. Submission of construction plans.
20. Standards and specifications.
21. Monuments, grading, paving and utilities.
22. Drainage improvements.
23. Culverts and bridges.
24. Street signs.
25. Streetlight and fire-alarm devices.
26. Sanitary sewers.
27. Water supply.
28. Waiver of required improvements.
29. Submission of estimated cost.
30. Options regarding completion.
31. Failure to complete may result in expiration of approval.
32. Performance bond.
33. Payment bond.
34. Maintenance bond.
35. Inspection.

SUBDIVISION OF LAND

ARTICLE V
Reserved Areas and Dedications

36. General requirements.
37. Areas and public use.
38. Streets.
39. Additional open land uses.
40. Future status.
41. Self-imposed restrictions.

ARTICLE VI
Specifications for Maps and Plans

42. Compliance required.
43. Sketch plan.
44. Preliminary layout and topographic map.
45. Construction plans.
46. Subdivision plat.

ARTICLE VII
Administration and Enforcement

47. Provisions deemed minimum requirements.
48. Variations and waivers.
49. Conditions.
50. Penalties for offenses
51. Fees and deposits.

ARTICLE I
Definitions and Word Usage

1. Word Usage.

Words in the singular include the plural and words in the plural include the singular. The word "person" includes a corporation, association and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof". The word "street" includes "road," "highway," "lane," "thoroughfare" and "way." The word "shall" is mandatory and not directive, the word "may" is permissive.

2. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Local Law, have the meanings indicated:

APPLICANT - The owner, subdivider, developer or his authorized agent who makes an application under the provisions of this Local Law.

BOARD - The Planning Board of the Town of Taghkanic, Columbia County, New York.

CLERK - The Town Clerk of the Town of Taghkanic, Columbia County, New York.

CONSTRUCTION PLAN - The maps and engineering drawings, described in 47 of this Local Law, accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision land in accordance with the requirements of this chapter.

CONSTRUCTION STANDARDS AND SPECIFICATIONS - The standards and specifications adopted by the Town Board of Taghkanic for the construction of new streets and related improvements.

DATE OF SUBMISSION - The date on which the public hearing on a subdivision plat is closed.

DEVELOPMENT - The act of subdividing land, building structures and/or installing site or street improvements or performing any grading in connection therewith; also, such structures, improvements and grading.

DRAINAGEWAY - The land required for the installation of storm sewers or drainage systems or for the establishment of drainage ditches or drainage areas, including the land required along a stream or watercourse to protect the channel and provide for the flow of water therein, to safeguard the public against flood and/or to conserve the water supply.

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

ENGINEER - The Town Engineer of the Town of Taghkanic.

LOT - A parcel of land either capable of or intended for immediate or future development.

MASTER PLAN - The comprehensive Plan for development of the Town of Taghkanic prepared by the Board, pursuant to the Town Law, showing, among other things, desirable streets, parks, public reservations, sites for public buildings and such other features as will provide for the improvement of the town and its future growth, protection and development and including any part of such plan separately adopted and any modification or part thereof.

OFFICIAL MAP - The map established by the Town Board pursuant to the Town Law, showing the streets, highways and recreation areas theretofore laid out, adopted and established by law and any amendment thereto adopted by the Town Board pursuant to the Town Law, or additions thereto resulting from the approval of subdivision plats by the Board and the subsequent filing of such plats pursuant to the Town Law.

MINOR SUBDIVISIONS - A subdivision which does not create more than four (4) legally buildable plots (exclusive of common areas for roads, drainage, sewer treatment or leaching areas, and satellite disc sites).

SURFACED AREA or ROADWAY - The portion or portions of a street or right-of-way available for vehicular traffic, the width of which extends from the outer edge of the drainage area abutting the surfaced area

PLAT or SUBDIVISION PLAT - The final map or drawing, described in 46 of this Local Law, on which the subdivider's plan of subdivision is presented to the

Board for approval and which, if approved, will be submitted by the subdivider to the appropriate office for filing in accordance with law.

PRELIMINARY LAYOUT - The preliminary drawing or drawings, described in 44 of this Local Law, indicating the proposed manner and/or layout of the subdivision to be submitted to the Board for its consideration.

RIGHT-OF-WAY - The area shown on a plat to be set aside for highway purposes, the width of which extends from property line to property line.

SECRETARY- The Secretary to the Planning Board.

SKETCH PLAN - The drawing described in 43 of this Local Law to be used in the preapplication procedure.

STREET - A strip of public or private land devoted to movement over which the abutting owners have the right of access, air and light. The contiguous area of land within a subdivision bounded by streets and/or the boundary of the subdivision shall be deemed a block.

STREET DEAD-END - A street with only one (1) outlet.

STREET, LOCAL - A minor street which serves or will serve primarily for access to abutting properties.

STREET MAJOR - A principal thoroughfare of considerable continuity which is or will be primarily a traffic artery for intercommunication between communities or large areas.

STREET SURFACE - The wearing or exposed portion of the roadway used by vehicular traffic.

STREET, SECONDARY - A street supplementary to the major street system and primarily a means of intercommunication between this system and smaller areas or among smaller areas.

STREET WIDTH - The distance between property lines measured at right angles to the center line of the street.

SUBDIVIDER - Any person, firm, corporation, partnership or association who lays out or proposes to lay out for the purpose of sale or development any

subdivision plat or part thereof, as defined herein.

MAJOR SUBDIVISION - The division of any parcel of land into five (5) or more lots, sites or other division of land. A transfer of property between adjacent property owners which neither creates an additional lot nor reduces the size of any existing lot area, dimension or building setback below the minimum requirement for the zoning district in which the property is located shall not be considered a "subdivision" within the meaning of this Local Law.

TOWN - The Town of Taghkanic.

TRANSFER-A conveyance of real property or interest therein as defined in the Real Property Law of the State of New York.

ARTICLE II
Required Procedures

3. Steps required for approval for major subdivision.

Whenever any transfer or offering for sale of any parcel of land comprising part of lands from an overall parcel in common ownership, or any subdivision is proposed within the territorial jurisdiction of the Board constituting a major subdivision as herein defined and before any permit for the development of such land or for the erection of a structure thereon may be granted, the owner or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with this Local Law. Three (3) principal steps are involved, namely:

- A. Preapplication.
- B. Preliminary layout.
- C. Final Subdivision plat.

4. Preapplication procedure for major subdivision.

- A. Purpose. The purpose of the preapplication procedure is to afford the subdivider of a major subdivision an opportunity to consult early and informally with the Board before preparation of the preliminary layout and before formal application for its approval, in order to save time and unnecessary expense.
- B. Before preparing a sketch plan or attending the initial conference, the subdivider should familiarize himself with the regulations, standards and requirements contained herein. In case of land within five hundred (500) feet of Town boundaries, the subdivider should also consult with such other Planning Boards as may have an interest in the application.
- C. The subdivider should also consult with parties potentially interested with him or with the ultimate users of the land to be subdivided, with a view to reaching, at this initial stage, firm conclusions regarding the market demand, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, lots and other features of the proposed subdivision.

- D. The opinions of the Representatives of the Board or any Board Member shall not be binding on the Board.
5. Preliminary layout procedure for major subdivision.
- A. Application, fee and deposit. If the subdivider shall request the consideration by the Board of a preliminary layout, five (5) copies of the preliminary layout, which shall in all respects comply with this Local Law, shall be presented to the Secretary at least ten (10) days prior to the meeting of the Board at which it is to be considered. The preliminary layout shall be accompanied by the applicable fee and deposit, payable to the town, in the amounts appearing in the fee and deposit schedule established by the Town Board. Upon receipt of the preliminary layout and payment of the fee and deposit, the secretary shall forthwith deliver the preliminary layout to the Board.
- B. Study of preliminary layout. It is recommended that the subdivider or his representative attend the Board meeting when the preliminary layout is considered. The Board will study the practicability of the preliminary layout, taking into consideration the requirements of Article III. If, in the opinion of the Board, the size, character, effect on neighboring property or other aspects of the proposed subdivision warrant, the Board may hold an informal public hearing on the preliminary layout.
- C. Staking of proposed streets and field trip. To facilitate study of the preliminary layout in the field, the Board or its representative may require the subdivider to stake certain roads at intervals of fifty (50) feet along their center lines. Each stake shall be marked for ready identification on the preliminary layout and shall show the approximate height of any proposed cut or fill at that point. The Board may schedule a field trip to the site, and the proposed subdivider should attend.
- D. Action on preliminary layout. Following review of the preliminary layout and the other material submitted in accordance with this chapter and discussion with the subdivider of changes deemed advisable and the kind and extent of improvements to be made by him, the Board may authorize preparation of the subdivision plat in accordance with the preliminary layout as submitted, require stated modifications of the preliminary layout and authorize preparation of the subdivision plat as modified or disapprove the preliminary layout entirely, giving the reasons therefor.

- E. Notation of action. The action of the Board shall be noted on two (2) copies of the preliminary layout, referenced and attached to any changes or conditions required. One (1) copy shall be returned to the subdivider and the other copy retained by the Board.
 - F. Effect of authorization. Authorization shall be deemed a tentative approval of the design of the preliminary layout and shall be a guide to the subdivider in preparing the subdivision plat.
6. Major subdivision plat procedure.
- A. Subdivision plat requirements. The subdivision plat shall conform substantially to the preliminary layout as tentatively approved by the Board and to the requirements of §44. If desired by the subdivider, the subdivision plat may constitute only that portion of the tentatively approved preliminary layout which he proposes to file and develop at the time; provided, however, that such portion shall conform to all requirements of this chapter and provided further that such portion abuts at least one (1) street duly placed upon the Official Map, which street shall be improved by the subdivider to the satisfaction of the Board.
 - B. Number of copies and time for submitting application. Ten (10) copies of the subdivision plat, together with ten (10) copies of the construction plans and all other items required by this chapter, shall be prepared as specified in §44 et seq. and shall be filed with the Secretary within six (6) months after the grant of authorization to prepare the subdivision plat; otherwise such authorization shall expire unless an extension of time is applied for in writing within said six-month period and thereafter granted by the Board.
 - C. Application and submission date. Application for approval of the subdivision plat shall be filed by the owner or by his duly authorized agent in writing with the Secretary at least ten (10) days prior to a scheduled regular monthly meeting of the Board. The subdivision plat shall be deemed to be officially submitted upon the closing of the public hearing held thereon.
 - D. Endorsement of Columbia County Department of Health and public districts. Proposed water supply and sewerage service facilities for the land to be subdivided shall be approved by the New York State Department of Health pursuant to §1115, §1116, §1117 and §1118 of the Public Health Law and by any water, water supply, drainage, improvement or sewer district or department having

jurisdiction. Application for approval of plans for water supply may be filed with the Columbia County Department of Health and with Water District if the premises are serviced by a municipal water district. Application for approval of plans for sewerage facilities may be filed with the Columbia County Department of Health. Endorsements of approval shall be obtained by the subdivider and submitted to the Board with the application for approval of the subdivision plat.

- E. Endorsement of Commissioner of Public Works. The Board may require the approval of the Commissioner of Public Works of Columbia County and an endorsement on the plat a statement that he has approved the plans for grades of the streets shown on such map and the drainage thereof. In the event that separate and distinct plans for grading and drainage are required by said Commissioner, a copy of such plans shall be submitted to the Board with the application for approval of subdivision plat. The Board may, however, in its discretion waive such endorsement upon certification by the applicant's engineer that County drainage facilities will not be affected by the subdivision.
- F. Recommendation by other planning authority. On any application for a major subdivision, the planning authority of each incorporated village or town within 500 feet of the subject property and the Columbia County Planning Commission shall be given notice by the applicant that said subdivision map has been presented to the Board within five (5) days after the filing of the application. Such notice shall be accompanied by a true copy of the application and a true copy of the proposed subdivision. The Board shall be furnished with an affidavit of personal service or by certified mail verifying compliance with this provision.
- G. Public hearing. On any application for a major subdivision, upon the filing of the application for approval, together with the subdivision plat, the construction plans if required and all documents, consents, approvals and other items required by this Local Law upon payment of the necessary fee and deposit, the Secretary shall cause to be advertised a notice of public hearing at least once in the official newspaper of the town at least ten (10) days before such hearing, shall cause to be posted a copy of the notice of hearing on the official town bulletin board at least five (5) days before such hearing, and shall provide a copy of the notice of public hearing to the applicant, who shall mail a copy thereof by certified mail to each owner of land abutting or across the street from the land shown on the

subdivision plat and upon the Columbia County Planning Commission and on any municipality within 500 feet of a border of the subject premises, not less than seven (7) days prior to the date of the hearing and the applicant, prior to the hearing shall file with the Secretary an affidavit of such mailing. No hearing may be held until the affidavit of mailing shall have been filed as herein required. If in its opinion good cause appears therefor, the Board may adjourn the hearing to a subsequent regularly scheduled meeting of the Board. The Board may however, hold such hearing if literal and exact compliance with this section has not been accomplished if the Board should determine that the applicant has in good faith substantially complied with the notice requirements.

- H. Revision of subdivision plat. The subdivider will be given a copy of the Board's resolution and, in the event that modifications are required, he shall revise the subdivision plat and construction plans if required, to conform thereto.

7. Performance bond.

See §32

8. Endorsement of subdivision plat.

After completion of the subdivision plat and construction plans in accordance with the Board's resolution, the original mylar and two (2) prints of each shall, within the time specified in said resolution or if no time is specified, within sixty (60) days, be filed with the Secretary for final review by the Board. Approval of the subdivision plat shall be endorsed thereon as follows:

- A. When bonds are filed, approval of the plat shall be endorsed thereon after the bonds have been approved and filed and all of the conditions of the Board's resolution pertaining to the plat have been satisfied, or in the alternative.
- B. All of the required improvements have been completed to the satisfaction of the Planning Board, and as to those improvements to be dedicated to the town, by the Town Board.
- C. Number of copies to be signed. Approval of the Board shall be noted on the subdivision plat by the Chairman, who shall sign the original of the subdivision plat, which will be returned to the subdivider, and two (2) prints of the plat which will be retained by the Board.

9. Filing with county.

In accordance with the Town Law and Real Property Law, the approved subdivision plat shall be filed by the subdivider with the Columbia County Clerk, within ninety (90) days of the date of signing. The approval of any plat not so filed shall expire ninety (90) days from the date of signing by the Board, unless an extension of time is applied for in writing within said ninety-day period and thereafter granted by the Board pursuant to the provisions of the town law.

10. Submission of copies of filed map.

Within sixty (60) days of the filing thereof, the subdivider shall submit to the Secretary two (2) certified copies of the filed subdivision plat.

11. Changes to plat after approval prohibited.

No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been granted by the Board and endorsed on the plat. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be deemed to be null and void, and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk. Any erasures made on a plat prior to its signing shall be initialed by the Chairman at the time of signing.

12. Steps required for approval for minor subdivision.

Whenever any transfer or offering for sale of any parcel of land comprising part of lands from an overall parcel in common ownership, or any subdivision is proposed within the territorial jurisdiction of the Board constituting a minor subdivision as herein defined and before any permit for the development of such land or for the erection of a structure thereon may be granted, the owner or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with this Local Law. Three (3) principal steps are involved, namely:

- A. Preapplication.
- B. Preliminary layout "unless waived by the Board after preapplication procedure has been completed."
- C. Final Subdivision plat.

12a. Preapplication procedure for minor subdivision.

- A. Purpose. The purpose of the preapplication procedure is to afford the subdivider of a minor subdivision an opportunity to consult early and informally with the Board before preparation of the preliminary layout and before formal application for its approval, in order to save time and unnecessary expense.
- B. Before preparing a sketch plan or attending the initial conference, the subdivider should familiarize himself with the regulations, standards and requirements contained herein. In case of land within five hundred (500) feet of Town boundaries, the subdivider should also consult with such other Planning Boards as may have an interest in the application.
- C. The subdivider should also consult with parties potentially interested with him or with the ultimate users of the land to be subdivided, with a view to reaching, at this initial stage, firm conclusions regarding the market demand, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, lots and other features of the proposed subdivision.
- D. The opinions of the Representatives of the Board or any Board Member shall not be binding on the Board.

12b. Preliminary layout procedure.

- A. Application, fee and deposit. If the subdivider shall request the consideration by the Board of a preliminary layout, five (5) copies of the preliminary layout, which shall in all respects comply with this Local Law, shall be presented to the Secretary at least ten (10) days prior to the meeting of the Board at which it is to be considered. The preliminary layout shall be accompanied by the applicable fee and deposit, payable to the town, in the amounts appearing in the fee schedule established by the Town Board. Upon receipt of the preliminary layout and payment of the fee and deposit, the secretary shall forthwith deliver the preliminary layout to the Board.
- B. Study of preliminary layout. It is recommended that the subdivider or his representative attend the Board meeting when the preliminary layout is considered. The Board will study the practicability of the preliminary layout, taking into consideration the requirements of Article III. If, in the opinion of the Board, the size, character, effect on neighboring property or other aspects of the proposed subdivision warrant, the Board may hold an informal public hearing on the preliminary layout.
- C. Staking of proposed streets and field trip. To facilitate study of the preliminary layout in the field, the Board or its representative may require the subdivider to stake certain roads at intervals of fifty (50) feet along their center lines. Each stake shall be marked for ready identification on the preliminary layout and shall show the approximate height of any proposed cut or fill at that point. The Board may schedule a field trip to the site, and the proposed subdivider should attend.
- D. Action on preliminary layout. Following review of the preliminary layout and the other material submitted in accordance with this chapter and discussion with the subdivider of changes deemed advisable and the kind and extent of improvements to be made by him, the Board may authorize preparation of the subdivision plat in accordance with the preliminary layout as submitted, require stated modifications of the preliminary layout and authorize preparation of the subdivision plat as modified or disapprove the preliminary layout entirely, giving the reasons therefor.
- E. Notation of action. The action of the Board shall be noted on two (2) copies of the preliminary layout,

referenced and attached to any changes or conditions required. One (1) copy shall be returned to the subdivider and the other copy retained by the Board.

- F. Effect of authorization. Authorization shall be deemed a tentative approval of the design of the preliminary layout and shall be a guide to the subdivider in preparing the subdivision plat.
- G. Waiver of preliminary layout. In cases where the Board find, after study of the sketch plan, that the proposed lots would each front on a street which is on the Official Map and which is improved to the satisfaction of the Board, meet the lot size requirements of the Zoning Ordinance and the objectives of this chapter and not be directly related to a drainageway, the Board may waive the requirement for approval of a preliminary layout and authorize the subdivider to prepare a subdivision plat for approval of the Board, upon such conditions, if any, as it may stipulate in the resolution granting such waiver and authorization. The subdivision plat and 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) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Town Engineer, and shall be referenced and shown on the Plat. The Board may under appropriate conditions waive the survey requirement for the entire tract out of which the new plots are carved and by resolution require surveys of only the newly created plots together with a Certification from applicants, engineer or surveyor that the remaining property conforms to all zoning requirements.

- (3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Board of Health, and a note to this effect shall be stated on the Plat and signed by a licensed engineer.
- (4) Proposed subdivision name, name of the Town and County in which it is located.
- (5) The date, north point, map scale, name and address of record owner and subdivider.
- (6) The Plat to be filed with the County Clerk shall be printed upon material acceptable to the county Clerk. Computerized drawings acceptable to the County Clerk shall be accepted by this Board. The size of the sheet shall be no larger than 34 inches by 44 inches.

12c. Alternative to filing in County Clerk's office.

In the event that the minor subdivision shall involve not more than four (4) lots, on filing the application for approval of the subdivision plat, the applicant may file a separate survey of each lot. Upon approval of the subdivision plat, in lieu of the filing thereof in the office of the County Clerk, the Board may authorize the applicant to file with the Town Clerk, the Town Assessor, and the building Department copies of the survey of each lot, together with the approved subdivision plat.

12d. Provision for improvements.

If drainage facilities or other work is required on the land which is the subject of the subdivision, the Board may condition the issuance of building permits or certificates of occupancy upon prior completion of such work. In addition, or as an alternative, the Board may require the subdivider to furnish to the town a performance bond as described in §32 of this Local Law.

ARTICLE III
Design Standards

13. General requirements.

- A. Considerations. In considering an application for approval of the subdivision and/or development of land, the Board shall be guided by the standards set forth herein, which shall be deemed to be minimum requirements for the convenience, health, safety and welfare of the Town.
- B. Character of land. Land to be subdivided and/or developed 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. Land subject to such hazards shall not be subdivided nor developed for residential purposes nor for such other uses as may increase the danger to health, life or property or aggravate a flood hazard, but such land may be set aside for such uses as shall not involve such danger nor produce unsatisfactory living conditions.
- C. Conformance to comprehensive Plan and Official Map. All subdivisions and development shall conform to the Official Map and shall be properly related to the proposals shown on the Comprehensive Plan, if any. The plat shall include all street shown on said map and plan, which are within the site and such other streets as the Board may require.
- D. Frontage on improved street. The area proposed to be subdivided and/or developed shall have frontage on and direct access to a street on the Official Map, and if such street is private, it shall either be improved to the satisfaction of the Board or a performance bond pursuant to 32 hereof covering such improvement shall be posted.
- E. Preservation of natural cover. Land to be subdivided and/or developed shall be laid out and improved in reasonable conformity with existing topography, in order to minimize grading, cut and fill and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from any lot shown on any subdivision plat, except for the purpose of improving such lot and for the laying out of streets shown thereon. Topsoil so removed shall be restored to a depth of six (6) inches and properly seeded and

fertilized on the areas of such lots not occupied by buildings or structures. No excess topsoil so removed shall be disposed of outside of the boundaries of the Town, except upon the approval of the Town Board.

- F. Preservation of existing natural features. Existing natural features that enhance the attractiveness of the site and which would add value to residential or other development or to the town as a whole, such as trees, watercourses, ponds and similar irreplaceable assets, shall be preserved insofar as possible by harmonious design and careful development. The Board may make reasonable modifications in standards for layout of streets to accomplish such purposes as well as the objectives noted in Subsection E.

14. Streets.

- A. General. The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map and to the Comprehensive Plan, if any, and shall be considered in their relation to existing and planned streets, to existing topography and natural features, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. Relation to topography. Street layouts and grades shall be related appropriately to the existing topography, and streets shall be arranged to obtain as many as possible of the building sites at or above the grades of the streets. Steep grades shall be avoided as well as combinations of steep grades and curves.
- C. New streets. Where proposed streets are not shown on the Official Map or the Comprehensive Plan, if any, such new streets, in addition to conforming to the Construction Standards and Specifications, shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic, to facilitate drainage and to afford access for fire-fighting, snow-removal and road-maintenance equipment. All streets shall be coordinated so as to compose a convenient system and to cause no undue hardship to adjoining properties.
- D. Arrangement. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenience, movement of traffic, effective fire protection or efficient provision of utilities and also where such continuation is in accordance with the Official Map or the Comprehensive Plan, if any. If the

adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary circular turnaround shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the normal street right-of-way shall revert to abutting owners whenever the street is continued.

E. Nonresidential streets. Whenever a street of an area to be subdivided is designated for professional, business or industrial use or for any use other than single-family residence, adequate provision shall be made for off-street loading and unloading and for off-street parking. Off-street parking facilities may, in the discretion of the Board, be required either on the street set apart for such nonresidential use or on an area of land adjoining such street. The Board may require that any parking area may be offered to the Town for dedication.

F. Intersections.

- (1) Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted except with the approval of the Board.
- (2) Intersections of streets shall be at angles as close to ninety degrees (90) as possible. Toward this end, an oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Where three (3) or more streets intersect, a turning circle or other special treatment may be required by the Board. Wherever two (2) streets intersect at an angle smaller than seventy-five degrees (75), the right-of-way returns and the relation of the gutter grades shall be given special treatment, as determined by the Board, and islands to channelize traffic may be required.
- (3) Intersection of major streets by other streets shall be at least eight hundred (800) feet apart, if possible. Cross (four-cornered) street intersection shall be avoided insofar as possible except as shown on the Official Map or Comprehensive Plan, if any. A distance of at least one hundred seventy-five (175) feet shall be maintained between center lines of offset intersecting streets. Grades shall be limited to no more than three percent (3%) within one hundred (100) feet of an intersection.

- G. Treatment along major arterial streets. Where a subdivision abuts or contains an existing or proposed major 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 for separation of through and local traffic.
- H. Provision for future re-subdivision. Where a tract is subdivided into lots substantially larger than the minimum size required by the zoning, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in this chapter.
- I. Dead-end streets.
- (1) Where a street does not extend to the boundary of the subdivision and its continuation is not required by the Board for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred (100) feet or the minimum lot depth prescribed by the zoning regulations, whichever is greater. The Board may require the reservation of appropriate easements to accommodate future streets, drainage facilities, pedestrian traffic, utilities or other public purposes.
 - (2) For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. In zoning districts which permit lots of less than one (1) acre, the minimum outside roadway diameter shall be increased one hundred twenty (120) feet.
- J. The following standards are adopted for all roadways constructed in the Town of Taqnikanic.
- (1) Normal roadway design criteria.
 - (a) Streets:
 - [1] Minimum grade: one and zero-hundredths percent (1.00%) [seventy-hundredths percent (0.70%) in special cases, as

determined by the Planning Board on recommendation of the Town Engineer.]

- [2] Maximum grade: ten and zero-tenths percent (10.00%).
 - [3] Width of road pavement: a) major subdivision: twenty eight (28) feet on a 60 foot right-of-way. b) minor subdivision; twenty two (22) feet with four (4) feet shoulder on a 60 foot right-of-way.
 - [4] Maximum length of a dead-end street: five hundred (500) feet.
 - [5] Minimum center line radius, curvature in right-of-way: two hundred (200) feet.
- (b) Cul-de-sac or turnaround areas:
- [1] Minimum grade, all cases: one and zero-tenths percent (1.0%).
 - [2] Maximum grade: three and zero-tenths percent (3.0%).
 - [3] Property line radius: eighty (80) feet (all cases).
 - [4] Outside roadway line radius: sixty-two (62) feet (all cases).
- (c) Intersections.
- [1] Maximum grade: two and five-tenths percent (2.5%) [two and zero-tenths percent (2.0%) preferable].
 - [2] Provide triangular corners, right-of-way lines: thirty-foot isosceles triangle.
- (d) Minimum sight distance, vertical curves: three hundred (300) feet.
- (e) Minimum width, right-of-way: sixty (60) feet.
- (f) Curbing: concrete gutter, two (2) feet wide or such other surface or width as requested by the Planning Board.

- (g) Minimum pavement requirements for Public Roads in major subdivision: 1" wearing course (NYS Dot Type 7 Item 403.18); 2-1/2" binder course (NYS Dot Type 3 Item 403.13); 12" sub base course NYS Dot. Type 2 Item 304.03 or NYS Dot Type 1 Item 304.02) or such other pavement requirements as may be mandated by the Board.
 - (h) Minimum paving requirements for minor subdivisions: fifteen inches (15") gravel base. Three inches (3") process gravel on top with binder of calcium, salt or equivalent or such other pavement requirements as may be mandated by the Board.
- (2) Changes in grade. All changes in street grades shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance, as approved by the Board.
 - (3) Tangents. A tangent at least one hundred (100) feet in length shall be introduced between reverse curves on all streets, except where a greater length is required by the Board.
 - (4) Curves. When the alignment of the street changes more than ten degrees (10), the tangents shall be connected by a curve with a radius of not less than two hundred (200) feet, unless a greater radius is required by the Board to ensure a proper sight distance.
 - (5) Reserve strips. Reserve strips controlling access to streets shall be prohibited, except where their control is placed in the town under conditions approved by the Board.
 - (6) Property lines at intersections. Property lines at intersections shall be established in such a manner as to place, within the street right-of-way, the triangular area which is formed by the street lines extended and a straight line adjoining points on said street lines thirty (30) feet distant from their point of intersection.
 - (7) Street names. All streets shall be named, and such names shall be approved by the Board and shall be filed with the Columbia County fire control giving location and distance from nearest major (County or State) highway. Names shall be sufficiently different in sound and in spelling from other street

names in the town or adjoining municipalities so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name. In general, street names shall conform to the following classifications:

(a) Road: major or secondary street.

(b) Drive or lane: local residential street, except as follows:

[1] Court or place: permanent dead-end street.

[2] Circle: street that returns to its starting point or a street, both ends of which intersect another street at different locations.

(8) In the event streets are to be dedicated to the Town and meet all Town road specifications, the Town shall not accept such roads until Certificates of Occupancy have been issued for dwellings built on at least seventy five (75%) percent of the plots on the subdivision.

15. Easements.

A. Utilities. Easements across lots or centered on or adjacent to rear or side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet wide.

B. Drainageway. Where a subdivision contains or is traversed by a watercourse, channel or drainageway, as defined herein, there shall be provided a storm water or drainage easement conforming substantially to the lines of such watercourse, channel or drainageway and including such further width or construction, or both, as shall be adequate for the purpose. The Board may require parallel streets or parkways in connection with such drainageway.

16. Blocks.

A. Dimensions and shape. The dimensions and shape of a block shall be determined with due regard to:

(1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

- (3) Needs for convenient access, circulation, control and safety of street traffic.
 - (4) Limitations and opportunities of topography and the objectives of these regulations.
- B. Long blocks. In long blocks the Board may require the establishment of easements or public ways through the block to accommodate utilities, drainage facilities or pedestrian access to community facilities.

17. Lots.

- A. General. The lots size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot shape shall be as nearly regular as is practicable.
- B. Arrangement and access. The lot arrangement shall be such that there will be no foreseeable difficulty, for reasons of topography or other conditions, in obtaining building permits to build on all lots in compliance with applicable regulations and in providing, by means of a street approved by the Board and upon which each lot fronts, safe driveway access to buildings on such lots from an improved street duly placed on the Official Map.
- C. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure of design approved by the Engineer.
- D. Lot lines and setbacks. Side lot lines shall be substantially at right angles to straight streets and radial to curved street lines. Lot lines shall coincide with municipal boundary lines rather than cross them. Where extra width has been dedicated for widening an existing street, lots shall begin at such extra width line, and lot dimensions and setbacks shall be measured from such line. The Board may, whenever it deems such lines desirable or necessary, require the showing on the plat of specific setback lines which may vary from lot to lot, provided that the front setback shall be not less than the zoning requirement.

ARTICLE IV
Improvements

18. Completion or bond required.

Pursuant to the provisions of the Town Law, before the approval by the Board of a plat or the development of a plat entirety or partially undeveloped, the Board, in its discretion, may require the subdivider either to complete the installation or alternatively to furnish a performance bond to ensure the completion of all necessary improvements stipulated in said law and required by the Board. All required improvements shall be made by the subdivider at his expense, without reimbursement by the Town. Simultaneously with the application for approval of the subdivision plat, the subdivider shall file with the Clerk a written agreement in form and execution satisfactory to the Town Attorney, permitting entrance by the appropriate town officials and employees to the land included within the subdivision for the purposes of inspection and for the purposes of installing the required improvements in the event of the failure or default of the subdivider to make or complete such improvements as required by the Board resolution.

19. Submission of construction plans.

- A. Approval required before construction. The subdivider shall have prepared at his expense construction plans, described in Sec. 45, for all required improvements. No improvements, developments or construction work of any kind shall be commenced until after said plans have been approved by the Board in accordance with this Local Law and by the appropriate county or state or local agencies having jurisdiction pursuant to law, and such approvals have been endorsed on said plans or drawings.
- B. Modifications. If at any time before or during the construction of the required improvements the Engineer finds or it is demonstrated to his satisfaction that unforeseen conditions make it necessary to modify the location or design of such required improvements or to provide additional improvements, the Engineer may require or authorize such modifications upon written request of the subdivider, provided that such modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvement required by the Board. The Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board for its records.

20. Standards and specifications.

All required improvements shall be installed in accordance with approved construction plans and shall conform to the Town Construction Standards and Specifications and shall be approved by the Engineer as to design and specifications. A booklet containing the Town Construction Standards and Specifications is available at the office of the Clerk.

21. Monuments, grading, paving and utilities.

- A. Monuments. Monuments shall be placed at all block corners, angle points of curves in streets and at intermediate points as shall be required by the Engineer. The monuments shall be of such material, size and length as may be approved by the Engineer. Monuments shall be set two (2) inches above ground surface.
- B. Grading. All streets shall be graded, within right-of-way lines, in accordance with approved construction plans. The grading of lots shall be done only in accordance with approved construction plans. In all grading work the subdivider shall be required to proceed in such manner as will minimize any disturbance to and preserve undamaged, insofar as possible, existing trees, natural cover and soil.
- C. Street surface. All public streets shall be surfaced in accordance with the Construction Standards and Specifications.
- D. Underground utilities. If placed in the street right-of-way, underground utilities required by the Board shall be placed between the paved roadway and street line, where possible, to simplify location and repair. Underground service connections to the property line of each lot shall be installed at the subdivider's expense, where the Board considers such appropriate, before the street is surfaced.
- E. Public utilities. Where utilities required by the Board are to be installed by a public utility company, the Board may accept assurance from said company, in writing, that such installation will be furnished by the company within a specified period of time and in accordance with the approved construction plans. Electric light and telephone wires along and across streets shall be underground. The Board may require that utilities in easement areas be located along rear lot lines.

22. Drainage improvements.

- A. Spring and surface water. The subdivider may be required by the Board to carry away any spring or surface water that may exist either previous to or as a result of the subdivision or development. Such drainage facilities shall be located in street rights-of-way where feasible or in perpetual unobstructed easements.
- B. Drainage and upstream development. A drainageway, culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or development. The applicant's Engineer subject to approval by the Town Engineer shall determine the design and necessary size of the facility based on run-off anticipated from a twenty-five year storm under conditions of maximum potential watershed development permitted under existing zoning therein.
- C. Drainage downstream. The Developer, subject to review by the Town Engineer shall also determine the effect of each proposed subdivision or development on existing downstream drainage facilities outside the subdivision or development. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a twenty-five year storm, the applicant's Engineer shall notify the Board and the Town Board of such potential. In such case, the Board may disapprove such subdivision or development until provision, satisfactory to the Town Engineer and the Town Board, has been made for the improvement of said potential condition.
- D. Columbia County requirements. The subdivider will be required to install such facilities for the drainage of streets as may be required by the Commissioner of Public Works of Columbia County and by the Town Engineer. Any storage basins required by the Columbia County Department of Public Works and any other drainage facilities required to be installed shall be constructed and completed by the subdivider prior to the installation of any other improvements required on the plat. All such drainage structures shall be maintained by the subdivider in good operating condition until such time as the bond is released.

23. Culverts and bridges.

All required culverts and bridges, if any, shall be constructed in accordance with approved construction plans and shall conform to the standards and specifications of the Town or the county or state agency having jurisdiction.

24. Street signs.

Street signs of a type approved by the Highway Superintendent shall be provided by the subdivider and placed at all intersections in locations within street lines, approved by the Engineer.

25. Streetlight and fire-alarm devices.

Where required by the Board, street lighting fixtures, of a design approved by the Board or other municipal agency having jurisdiction shall be placed in a manner and location approved by the Board. The Board may require the installation of fire-alarm signal devices.

26. Sanitary sewers.

The subdivider shall install sanitary sewers of a type and in a manner prescribed by the regulations of the respective agencies having jurisdiction. In cases where sanitary sewerage is not available to a proposed subdivision or development of five (5) or more lots, the subdivider or ultimate developer shall install individual sewage disposal systems in accordance with the regulations of the Columbia County Department of Health, otherwise in accordance with Town requirements.

27. Water supply.

The subdivider shall demonstrate by submitting certified data as to capacity and potability from 1 test well for each 5 plots designated by the Town Engineer, the availability of sufficient and potable water for the area to be subdivided and the availability and means of providing adequate water facilities for the fighting of fires. The board may include in its resolution approving its subdivision plat such conditions and guarantees as may be required by the Board. Each map presented for filing shall have endorsed thereon the following note in bold face type or equivalent: "The Approval of this Map does not certify the availability and sufficiency of potable water on each plot. Purchasers are advised to ascertain such availability and sufficiency in advance of any purchase".

28. Waiver of required improvements.

The Board may waive, pursuant to the provisions of the Town Law for such period as it may determine, the provision of any or all such improvements as, in its judgment of the special circumstances of a particular plat, are not requisite in the interests of the public health, safety and general welfare. In the case of any waiver granted, the Board may attach appropriate conditions or require such guarantees as may be deemed necessary to protect the public interest and achieve the objectives of this chapter.

29. Submission of estimated cost.

The subdivider shall submit his Engineer's estimate of the full cost of all required improvements to be installed by the subdivider, and the Board may request the Engineer to check the cost estimates for accuracy.

30. Options regarding completion.

With respect to required improvements, the subdivider shall follow the procedures set forth in either Sec. 32 or Sec. 33 below, as shall be prescribed by the Board.

31. Failure to complete may result in expiration of approval.

The Board may condition the issuance of building permits or certificates of occupancy upon satisfactory completion of all required improvements. If such improvements are not completed within the period specified by the Board in its resolution approving the subdivision plat, the approval shall be deemed to have expired.

32. Performance bond.

- A. The subdivider shall file with the Clerk such surety company performance bonds to cover the cost of required improvements and water installations, if any, in such amounts as may be determined by the Board.
- B. Each such bond shall comply with the requirements of the Town Law and this Local Law and, in addition, shall be satisfactory to the Town Attorney as to form, sufficiency and manner of execution and to the Board as to the surety
- C. As to any utilities required, the Board may, in its sole discretion, accept in lieu of a bond assurance in writing from the utility company whose facilities are proposed to be installed, such writing to be addressed to the Board and to state in substance or fact that the utility company will make the installations necessary for the furnishing of its services within the time therein specified satisfactory to the Board.
- D. In determining the amount of each such bond, the Board may include the reasonable cost of inspection of all required improvements, the estimated cost for employing a watchman to guard any storm water drainage or storage basins required, the cost of liability insurance and the estimated cost of installation of necessary water supply facilities.
- E. Each bond furnished pursuant to this Article IV shall include the following language: "In the event of a default on the part of the principal, the principal and the surety shall be liable for, in addition to the principal amount of this bond, all engineering, legal and other expenses which shall be incurred or shall be likely to be incurred by the Town in the enforcement of this bond, in the completion of the public improvements covered by this bond and in the performance of all of the conditions of this bond, in an amount not to exceed fifty percent (50%) of the face amount hereof".
- F. Simultaneously with the filing of any bond under this Article IV, the subdivider shall deposit with the Town an amount in cash equal to ten percent (10%) of the face amount of the bond, but not to exceed one thousand five hundred dollars (\$1,500.) which cash shall become immediately available to the Town on the date when improvements are required to be completed for application toward the completion of such required improvements and/or toward the performance of any other conditions of such bond as have not been completed or performed on said date.

- G. All required improvements shall be completed to the satisfaction of the Engineer and the Board within the time stipulated in the Board's resolution approving the subdivision plat. The bond shall be released only by the Town Board and then only upon certification by the Board that all required improvements have been completed to its satisfaction.

33. Payment bond.

Simultaneously with the filing of any performance bond required under §32 hereof, the subdivider shall file with the Clerk a surety company payment bond approved by the Town Attorney as to form, sufficiency and manner of execution, guaranteeing to the town payment of all charges for labor, materials, services and other expenses incurred by the subdivider and his subcontractor in connection with the construction of the required improvements covered by the performance bond.

34. Maintenance bond.

Prior to the release of any performance bond and as a condition thereof, the subdivider shall file with the Town a maintenance bond in an amount to be determined by the Board to be adequate to assure the preservation of existing topographic and natural assets, as well as the satisfactory condition of all required improvements for a period of one (1) year following the release of the performance bond. Such maintenance bond shall be released only by the Town Board upon certification that the topographic and natural assets have been preserved and the required improvements have been maintained to the satisfaction of the Board for the required one-year period.

35. Inspection.

- A. General requirements. The Board shall provide for the inspection of required improvements during construction to ensure their satisfactory completion.
- B. Timing of inspection. In order to facilitate inspection of required improvements during construction, the subdivider shall notify the Engineer at least two (2) days before he proceeds with each of the following stages of construction:
- (1) Grading of streets and/or lots.
 - (2) Before back filling underground utilities and/or drainage facilities.

- (3) Before paving or surface treatment.
- (4) After completion of all improvements.
- C. Copy of construction specifications. Prior to the start of construction of any required improvements, the subdivider shall furnish to the Engineer a copy of the specifications included in any contract entered into by the subdivider for such construction.
- D. Supervision of construction. The construction of all required improvements shall be supervised by a registered professional engineer, employed by the subdivider. After completion of construction, said engineer shall certify to the Board that all required improvements have been constructed as required and approved by the Board or as such requirements have been modified under §19B.
- E. Reports. The Engineer shall make reports to the Board after each inspection. If the Engineer or his authorized inspector finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved construction plans and/or the town standards and specifications, he shall inform the subdivider and the Board in writing.
- F. Responsibility for completion. The subdivider is solely responsible for completion of required improvements in accordance with the approved plans. In the event that the Engineer or his authorized representative is unable to carry out the inspection of required improvements during construction, neither the subdivider nor the surety, if any, shall in any way be relieved of their responsibilities for satisfactory completion of required improvements.
- G. Certificates of completion. The Board shall not give final approval of required improvements nor recommend to the Town Board the release of a bond until the Engineer has submitted a report stating that all required improvements have been satisfactorily completed and until the subdivider's engineer or surveyor has furnished to the Engineer a certified set of record drawings in the same detail required for construction plans described in 46, showing all improvements as constructed and a statement certifying that all improvements conform to such record drawings and the standards and specifications of the agency having jurisdiction.

ARTICLE V
Reserved Areas and Dedications

36. General requirements.

Pursuant to Town Law, before the Board shall approve a subdivision plat or plan of development, it may require such plat or plan to show in proper cases a park or parks suitably located for playground or other recreation purposes. Reservation of the title to any streets, drainage facilities or easements reserved for public use shown on the plat is prohibited. All land offered for dedication or reserved by the owner for a particular purpose and all easements shall be shown and appropriately marked on the plat or plan of development.

37. Areas for recreation and public use.

- A. Features shown on Comprehensive Plan. Where a proposed park, playground, school or other public use is shown on the Comprehensive Plan, if any, in a location which is entirely or partially within the area of a proposed subdivision or development, the Board shall require the dedication or reservation of such area.
- B. Recreation area not shown on Comprehensive Plan. In cases where the Comprehensive Plan, if any, does not show a recreation area within a proposed subdivision and the Board deems that recreation space would be desirable and appropriate, the Board may require the dedication or reservation of designated sites for park, playground or other recreation purposes. Such sites shall be of suitable size, dimension, topography, location and general character for particular purposes envisioned by the Board. In no case shall the Board require that more than ten percent (10%) of the gross area of the subdivision be dedicated or reserved for recreation purposes. In calculating such percentage, the Board may give due credit for open areas reserved by covenants in all deeds for the common use of all property owners in the area proposed to be subdivided.
- C. Recreation sites. Land offered for dedication or reservation for recreation purposes shall be of a character, shape and location suitable for such purposes. In the case of a play field or playground, the land shall be relatively level and dry, and no dimension of the site shall be less than two hundred (200) feet on one (1) or more streets.

- D. Waiver on land for recreation. In cases where the Board finds that, due to the size, topography or location of the subdivision or for other reasons, a requirement that land be dedicated or reserved for recreation would be unreasonable or undesirable, the Board may waive such requirement subject to the condition that the subdivider shall, in lieu of such dedication or reservation, pay to the town in cash an amount equal to 10% of the appraised value for each proposed lot or unit in the subdivision at the time of final approval. Such moneys shall be deposited in a special Town Recreation Site and Improvement Fund. Minor subdivision may be exempted from dedication of park sites or payment of cash in lieu thereof by the Board within its discretion.
- E. Public use must be shown on Comprehensive Plan. The Board may require the land in a subdivision be temporarily reserved for a public school or other essential community facility, although not shown on the Comprehensive Plan, if any, when the Board deems it desirable and appropriate. In such cases, if the agency having jurisdiction does not acquire such land within two (2) years after the date of the signing of the plat by the Board, the subdivider, upon written notice to the Board, shall, thirty (30) days after such notice, be relieved of the responsibility of further reservation of said land for said public purpose.

38. Streets.

- A. All streets shown upon the plat may be offered for dedication or reserved for such purposes. When a street is not offered for dedication, the reservation shall ensure to abutting owners title to the street and a perpetual unobstructed right of access, air and light therein.
- B. Widening or realignment of existing streets. Where a subdivision borders an existing narrow street or when the Comprehensive Plan, if any, indicates a realignment and/or widening of a street that would require use of some of the land in a subdivision or development, the Board may require the subdivider to offer to dedicate or reserve areas for such widening and/or realignment.

39. Additional open land uses.

- A. Storage basins and easements. Where land is required by the county or town for storage basins

and easements, such land shall be offered for dedication to Columbia County or the town, as the case may be.

- B. Easements. Easements for drainageways, utilities, pedestrian and/or emergency access and for planting strips shall be provided by the subdivider in the locations and at the widths required by the Board. Generally easements for drainage and utilities shall be unobstructed and perpetual; easements for planting strips shall be perpetual.
- C. Preservation of natural features. The subdivider shall reserve and may offer for dedication for open recreational purposes existing natural features when the Board finds that features, such as large trees, wooded areas, water-courses, ponds, historic sites, vistas or other irreplaceable assets, enhance the attractiveness of the site and will add value to the residential or other development or to the town as a whole. Whatever of such natural features, in the opinion of the Board, should be offered for dedication to public uses shall be offered for dedication to the town or other appropriate authority, except when, after approval of the board pursuant to §40A, such features are deeded to a property owners' association, having membership running with all of the land in the subdivision and preserving such features.
- D. Other open land use. None of the sections of this Article V shall be construed as preventing a subdivider or developer from reserving other land for open recreational purposes, in addition to the requirements of this Article.

40. Future status.

- A. Responsibility for reservations. In any case where title to streets or other reservations is not offered for dedication to the town, the ownership shall be clearly established in a manner satisfactory to the Board in order to ensure the continued maintenance and responsibility for such reservation.
- B. Offers of cession. Pursuant to the provisions of the Town Law with respect to parks, the subdividing owner may add, as a part of the plat, a notation to the effect that no offer of dedication of such parks is made to the public. A formal offer of cession to the Town, together with appropriate deeds or

other instruments for each street and each park not so marked with such notation, shall be filed by the owner with the Clerk as part of the application for approval of the subdivision plat.

- C. Acceptance by the town. Acceptance of any offer of streets, parks, recreation or other land shall rest with the Town Board. In the event that the subdivider elects not to file the subdivision plat in the office of the County Clerk within the ninety-day period required by law, then such formal offer of cession shall be deemed to be void. The approval by the board of a plat shall not be deemed to constitute or imply acceptance by the town of any street, park or other open space shown on said plat. The Board may require said plat to be endorsed with appropriate notes to this effect.

41. Self-imposed restrictions.

If the subdivider intends to place restrictions on any of the land contained in a subdivision plat, such restrictions shall be clearly indicated or referred to on the plat. As part of the application for approval of the subdivision plat, the subdivider shall submit to the Board for its approval a copy of any such restrictions as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect title to the land to be subdivided.

ARTICLE VI
Specifications for Maps and Plans

42. Compliance required.

The maps and drawings required with an application to the Board for approval of a subdivision plat or plan of development shall be prepared by the subdivider in accordance with this chapter and shall be submitted to the Board, together with written application on forms supplied by the Board.

43. Sketch plan.

The sketch plan may be drawn in pencil and shall be at a convenient scale, not less than one (1) inch equals two hundred (200) feet, and shall show:

- A. Boundaries survey of the property; municipal boundaries, if any, within five hundred (500) feet of the property.
- B. Sketch of:
 - (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 wetlands and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If 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 as disclosed by the most recent municipal tax records, of the newly created Lot.
 - (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) All existing restrictions on the use of land including easements, covenants, or zoning lines.

(7) Such other features as the subdivider may deem pertinent or the Board may require.

C. Tax Map description and school district number and name.

44. Preliminary layout and topographic map.

A. Preliminary layout. The preliminary layout shall be prepared in ink, shall be drawn to a convenient scale, not less than one (1) inch equals one hundred (100) feet, and shall show or be accompanied by the following information:

- (1) The name or identifying title of the subdivision, graphic scale, North point, date and section, block and lot number, school district number, and location map.
- (2) The name and address of the record owner of the property and of his authorized agent, if any, and the name of the land planner responsible for the layout and of the engineer responsible for the property survey.
- (3) Property lines of the land to be subdivided; the names of all subdivisions immediately adjacent, if any; the names of all record owners of all lands adjacent to and across the street from the land to be subdivided.
- (4) All existing permanent buildings and other structures and improvements, including but not limited to utility lines, water lines and roads, together with an indication on the preliminary layout of what, if any, of such buildings, structures and improvements shall remain. The removal of any buildings, structures or improvements not indicated as to remain and the cost of restoration of the land on or in which they are situated shall be deemed to be a required improvement of the subdivision plat.
- (5) Zoning districts, including exact boundary lines if more than one (1) district, location of any special district and/or municipal boundaries within five hundred (500) feet of the property.
- (6) The topographic map as described in Subsection B and a tentative grading plan.

- (7) The locations and widths of all proposed streets and of all existing streets (noting whether public or private) on and within two hundred (200) feet of the land to be subdivided.
- (8) The proposed lot lines with lot dimensions and areas.
- (9) The location and size of all proposed and of any existing water mains; drainage systems, including culverts, drains and sewers; and other underground utilities and sanitary sewers, if any. The direction of flow shall be shown for drains and sewers.
- (10) Existing and proposed easements, if any, with designation of the purposes therefor.
- (11) Any land to be dedicated for public use or reserved in the deeds for the use of property owners in the subdivision, as well as any land which the owners may propose to reserve, with designation of the purposes therefor.
- (12) Preliminary cross sections and center-line profiles for each proposed street sanitary sewers, storm drains, and water mains; preliminary designs for all improvements, including any bridges or culverts, that may be required.
- (13) Plans for water supply and statement as to water availability and sewage disposal.
- (14) A preliminary plan for surface drainage of the subdivision.
- (15) The results of test hole borings and percolation or other tests when required by the Board.
- (16) Where the preliminary layout covers only a part of the owner's entire holding, a sketch of the prospective future street system of the submitted part will be considered by the Board in light of adjustments and connections with future streets in the unsubmitted part.

B. Topographic map. The subdivider shall prepare and submit to the Board, with his application for

approval of the preliminary layout, a map showing the topography for the area covered by the proposed subdivision plat and such surrounding areas that the Engineer may designate as necessary to determine drainage requirements. The map shall show:

- (1) Contour interval. On the topographic map the contour interval shall be not more than five (5) feet for land with a natural slope of ten percent (10%) or greater and not greater than two (2) feet for less steeply sloping land.
- (2) Watercourses and drainage. The topographic map shall show existing watercourse, drainageways, streams and ponds, wetlands and flood plains.
- (3) Natural features. The topographic map shall show the natural features, if any, mentioned in 13F and 41C.
- (4) Streets. The topographic map shall show the location of existing and proposed streets and the boundary line of the proposed property to be subdivided.
- (5) Preparation of map. The topographic map shall be prepared by a professional engineer or land surveyor duly licensed by the State of New York. The name, address and signature of such engineer or surveyor shall appear upon said map, as well as the identifying title of the subdivision plat, date, North point and graphic scale. (U.S.G S. datum shall be used).
- (6) County Topographic Map. In appropriate cases and when approved by the Engineer as being sufficient for the particular situation, the Board may accept a reproduction, enlarged to the required scale, of the County Topographic Map in lieu of the above requirements. A map so prepared shall be properly identified, as required above, and shall bear an appropriate description of the method of reproduction. The Board may designate such of the above information as it will require the subdivider to show upon the reproduced map.

45. Construction plans.

A. General. Construction plans shall be prepared for all required improvements and submitted to the Board with the application for approval of the subdivision plat. All engineering

drawings and designs shall be prepared by a licensed professional engineer, whose name, address and signature shall appear upon such plans and drawings. When feasible, the scale of construction plans shall be the same as that of the plat, and plan sheets shall not exceed thirty-six by forty-eight (36 x 48) inches.

B. Information to be shown. The construction plans shall show:

- (1) Typical cross sections and profiles of all proposed streets showing existing and proposed grades as approved by the Engineer. The cross sections shall show pavements and, where required, gutters, curbs and sidewalks, and sanitary sewers, water mains, and storm drains.
- (2) Profiles along the center lines of streets showing existing and proposed elevations. Where a proposed street intersects an existing street within one hundred (100) feet of the inter-section shall be shown. All elevations shall be referred to Columbia County datum.
- (3) A grading plan showing present and proposed contours at interval as per 46B(1) referenced to Columbia County datum, together with natural features required to be preserved, if any. The Board may require, where steep slopes exist, that present elevations along all proposed streets shall be shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, and said elevation points shall be at the center of the street, each property line and points twenty-five (25) feet inside each property line.
- (4) Plans and profiles showing the location and a typical section of street pavements, including manholes and catch basins; the location of street trees, street lighting standards and street signs; the location, size and inert elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants; the exact location and size of all water mains, gas lines or other underground utilities or structures and a detailed description of all other required improvements.
- (5) The location, size, elevation and other appropriate description of any existing facilities and utilities at the point of

connection to proposed facilities and utilities within the subdivision.

- (6) All specifications and references required by the town's Construction Standards and Specifications.

46. Final Subdivision plat.

- A. General. (Unless suitable alternate computerized drawings are approved by The Board). The subdivision plat shall be drawn on such material as may be acceptable to the County Clerk on a sheet or sheets which shall not exceed thirty-six by forty-eight (36 x 48) inches, at a convenient scale which shall not be less than one (1) inch equals one hundred (100) feet and oriented with the North point at the top of the map. When more than one (1) sheet is required, an index sheet of the same size shall be prepared at a convenient scale to show the entire subdivision with lot and block numbers clearly legible.
- B. Information to be shown on the plat. The final subdivision plat shall show the following:
 - (1) Subdivision name, graphic scale, North point and date, and location map.
 - (2) The location and dimensions of all boundary lines of the property proposed to be subdivided, the name and address of the record owner or owners of the land to be subdivided and the name and address of the subdivider, if other than the owner.
 - (3) The location and name of the streets surrounding or adjacent to the proposed subdivision. The lines of adjacent properties and the names of the owners of records or the names of existing adjoining developments.
 - (4) The location, name and width of all existing proposed streets.
 - (5) The lines, dimensions and areas of all proposed or existing lots; proposed block, lot and section numbers as assigned by the Assessors' office, if available.
 - (6) The location, width and purpose of all proposed or existing easements.

- (7) The lines, dimensions and areas of all property intended to be dedicated for public use or reserved in the deeds of property owners in the subdivision, as well as any land which the owner may propose to reserve, with designation of the purposes thereof.
 - (8) The location and identification of existing watercourses, bodies of water and natural features, (described in 13F and 41C) and, subject to the discretion of the Board, contours at such interval as it may require.
 - (9) Sufficient data acceptable to the Engineer to determine readily the location, bearing and length of each boundary line, street line and lot line and to reproduce such lines upon the ground. The lengths of all straight lines, the deflection angles, radii, lengths of curves and central angle of all curves, tangent distances and tangent bearings for each street and each lot shall be given. All dimensions shall be shown in feet and hundredths of a foot.
 - (10) Permanent reference monuments shall be shown on the plat.
 - (11) The name, address and signature of the licensees, professional engineer or surveyor making the plat, together with his certification that the plat was made from an actual survey of the property and the date of the completion of the survey.
 - (12) All existing buildings, structures and other improvements which are to remain on the land.
- C. Notations on the plat. The following notations shall be shown on the subdivision plat:
- (1) Endorsement of approval by the Columbia County Department of Health.
 - (2) Endorsement of approval by the Commissioner of Public Works of Columbia County as to streets accessing State or County highways on a subdivision plat which involves the layout of a new street, the change in lines, drainage or grade of an existing street or the installation of a street improvement.

- (3) The name of the village and of the town or towns in which the land shown on the subdivision plat is located wholly or in part.
 - (4) "All existing buildings, structures and other improvements not shown hereon shall be removed."
- D. Accompanying material. When submitted to the Board with the application for approval, the subdivision plat shall be accompanied by the following:
- (1) A certificate of title showing that the ownership of the land shown thereon is vested in the subdivider or other applicant.
 - (2) A certificate of the licensed engineer or surveyor making such plat survey to the effect that the plat is correct and that the error of closure does not exceed such amount as is required by the Engineer.
 - (3) All offers and deeds of dedication, covenants governing the maintenance of undedicated open space and consents of mortgagee, all of which shall bear the certificate of approval of the Town Attorney as to their legal sufficiency, form and execution. The Board may permit submission of these documents at any time prior to the signing of the subdivision plat.
 - (4) A copy of such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided. Such restrictions shall be subject to the Board's approval.
 - (5) Such other items or certificates of approval by proper public authorities, as may have been required by the Board or this chapter.

ARTICLE VII
Administration and Enforcement

47. Provisions deemed minimum requirements.

These regulations shall be deemed the minimum requirements for the future growth and development of the town which will provide adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

48. Variations and waivers.

Where the Board finds that, because of special circumstances of a particular plat, extraordinary hardships, not of the owner's or subdivider's making, may result from strict compliance with these regulations, it may vary or waive any of the regulations so that substantial justice may be done and the public interest secured, provided that such variation or waiver shall not have the effect of nullifying the intent or purpose of the Zoning Ordinance, of the Official Map, of the Comprehensive Plan, if any, or of this Local Law.

49. Conditions.

In granting any variance or waiver, the Board shall set forth in its resolution of approval such conditions as will substantially secure the objectives of the Zoning Ordinance, the Official Map, the Comprehensive Plan, if any, and of this chapter.

50. Penalties for offenses.

Any person, firm or corporation who shall violate any of these regulations shall be subject to prosecution and to penalties in the same manner and to the same extent as if such violation were a violation of the Zoning Ordinance of the Town of Taghkanic.

51. Fees and deposits.

- A. Each applicant to the Planning Board for the approval of a subdivision or a partitioning shall be liable for and shall pay the fees and costs established in Local Law No. 1-1988 or as thereafter amended.
- B. No consideration shall be given by the Planning Board to any application for preliminary or final approval of a proposed subdivision, nor shall any approved plat be signed, unless all required fees and deposits shall have been paid.
- C. No bond shall be discharged until all costs as provided in Subsection A hereof shall have been paid.