

**LAND SUBDIVISION REGULATIONS**

**OF**

**THE TOWN OF GALLATIN**

**COLUMBIA COUNTY, NY**

**Adopted by the Town Board on December 27, 2011**

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# LAND SUBDIVISION REGULATIONS

DECEMBER 27, 2011

TOWN OF GALLATIN  
COLUMBIA COUNTY  
NEW YORK

## **ARTICLE I. General requirements**

### **§ 101-1. General requirements.**

- A. Purpose. This Local Law, adopted by the Gallatin Town Board on December 27, 2011, establishes rules, regulations and standards governing the subdivision of land within the Town of Gallatin, Columbia County, New York, pursuant to the provisions of Article 16 of the Town Law of the State of New York and amendments thereto, and setting forth the procedure to be followed by the Planning Board in applying and administering these rules, regulations and standards.
- B. Title. This Local Law shall be known as the "Land Subdivision Regulations of the Town of Gallatin"
- C. Authority. By authority of the resolution adopted by the Gallatin Town Board on August 12, 1971, pursuant to the provisions of Article 16 of the Town Law, the Gallatin Planning Board is authorized and empowered to review, approve, conditionally approve, with or without modifications, or disapprove any preliminary or final plat showing lots, blocks, or sites with or without streets or highways, including plats entirely or partially undeveloped which were filed in the office of the Columbia County Clerk prior to the appointment of the Planning Board, within the unincorporated area of the Town of Gallatin.
- D. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote public health, safety and welfare.
- E. Supersession of New York State Town Law. To the extent that any provisions of this local law are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§276 through 279, and any amendments thereto, the Town Board of the Town of Gallatin hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 42, §10 et seq. of the Consolidated Laws of the State of New York.
- F. Self-imposed restrictions. Nothing in this local law shall prohibit a subdivider from placing self-imposed restrictions on the development of lots shown on a subdivision plan, provided said restrictions are not in violation of this local law or the Zoning Law and the Planning Board approves placement of said notes on the plan.

## **ARTICLE II. POLICY AND OBJECTIVES**

### **§ 102-1. Policy.**

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, economic and efficient future growth, and development of the Town of Gallatin consistent with its community character and continuing needs of its people for quality residential building sites and enjoyable open space. The following objectives shall guide the Planning Board's decisions as related to the public health, safety and welfare:

### **§ 102-2. Objectives.**

- A. Land to be subdivided and 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 and without resulting in significant damage to the ecology and scenic characteristics of the area in which it is located.
- B. Subdivision design shall minimize disruption and impacts to the natural environment.
- C. Proper provisions shall be made to retain undeveloped natural areas and corridors to mitigate any adverse environmental impacts of the subdivision; sustain a diversity of native vegetation and wildlife; protect water resources, agricultural land and scenic viewsheds; and implement other policies that protect the Town's environmental and cultural resources pursuant to the Town's Comprehensive Plan and Zoning Law.
- D. Proper provision shall be made for water supply, drainage, sewage and other needed improvements and utilities.
- E. All proposed development shall be so designed as to be in harmony with the development pattern of adjacent and neighboring properties.
- F. Proposed streets shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic.
- G. All development shall be designed to facilitate adequate fire and emergency protection and provide access for fire-fighting, medical emergency and related equipment.
- H. Proper provision shall be made for permanent reservations of open spaces for parks and trails and for the protection of natural drainage and significant historical and environmental features.
- I. Subdividers shall be responsible for the capital costs associated with public improvements, e.g., roads and utilities, necessary to service a new subdivision and shall cause improvements which can be maintained at reasonable cost.
- J. All development and related reservations of land shall be in harmony with the Town of Gallatin Comprehensive Plan.
- K. All review under these regulations shall be coordinated to the extent practicable with involved agencies at the County and State level and with other local official's boards and commissions to ensure consistent well-informed decision making.

## **ARTICLE III. DEFINITIONS**

### **§ 103. Definitions.**

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

**APPLICANT** – The subdivider as defined herein.

**CLERK OF THE PLANNING BOARD** - That representative or those representatives of the Planning Board, either member, employee or consultant, who shall be designated to perform the duties of the Clerk of the Planning Board for purposes of these regulations.

**CLUSTER SUBDIVISION** – A subdivision authorized by §278 of the New York State Town Law and meeting the requirements of Article VIII of these subdivision regulations. A cluster subdivision is a plat or plats in which the Town Zoning Law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands.

**COMPLETE APPLICATION** - An application for subdivision approval which includes all of the following:

- A. All information concerning the proposed subdivision in the format required by the applicable provisions of these regulations and any other information and documentation required by the Planning Board to supplement the application;
- B. All application fees required by these regulations and the escrow deposit for development review costs shall be made in accordance with Article VI of the Zoning Law;
- C. An EAF assessing the potential environmental impacts of the proposed application;
- D. A determination by the Planning Board, or by the lead agency in the event of a coordinated review involving other agencies, that the proposed action is not likely to have a significant impact on the environment (Negative Declaration), or the filing of a Notice of Completion of a DEIS or SEIS in accordance with the provisions of SEQRA. The Planning Board, if it is the SEQRA lead agency for review of an application, may, in its discretion, open the public hearing on the Subdivision application prior to a SEQRA determination of significance (i.e., a Negative Declaration or Positive Declaration) if the Planning Board determines that public comment may be helpful to the Board in making its SEQRA determination. However, in such a case, the Board shall not close the public hearing until after the Negative Declaration or Notice of Completion of a DEIS or SEIS, as the case may be, has been issued, and the public hearing on the application has been completed.

**COMPREHENSIVE PLAN** – A Comprehensive Plan for the general physical development of the Town of Gallatin adopted by the Town Board pursuant to § 272-a of New York State Town Law.

**CONSERVATION EASEMENT** - An easement, covenant, restriction or other interest in real property created under the provisions of § 247 of the General Municipal Law, and/or the provisions of §§49,49-0301 through 49-0311 of the Environmental Conservation Law, which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural or natural

condition, character, significance or amenities of the real property.

**CONSERVATION DENSITY SUBDIVISION** – A type of subdivision served by a private road which is not required to meet the minimum road specifications applicable to public roads in the Town of Gallatin, which is allowed in exchange for the creation of lots that exceed the minimum lot size required for the applicable zoning district in which the subdivision is located, and if and only if the permanent preservation of significant open space resources is achieved and protected through establishment of conservation easements on each individual lot.

**DAY OR DAYS** - Consecutive calendar days.

**DESIGNATED TOWN ENGINEER** – The licensed professional engineer, either employee or consultant, who shall be chosen by the Town Board, upon recommendation of the Planning Board, to perform the duties of the designated Town Engineer for purposes of these regulations. Also referred to herein as the “Town Engineer”.

**DRIVEWAY** - A private way situated within a lot for vehicular traffic, providing access from a street to a lot. “Common driveway” is the term employed to identify a type of driveway which provides shared access to two or more uses and/or lots.

**EASEMENT** – An acquired right of use on the property of another for a specified purpose on a designated part of that property.

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

**ENVIRONMENTAL CONSERVATION LAW** - The Environmental Conservation Law of the State of New York, Chapter 43-B of the Consolidated Laws.

**GENERAL MUNICIPAL LAW** – General Municipal Law of the State of New York, Chapter 24 of the Consolidated Laws.

**IMPROVEMENTS** – A physical change to the land or installation of certain services necessary to produce usable and desirable lots or sites from raw acreage, including but not limited to water and sewer facilities, recreation and open space areas, grading, pavement, curbs, gutters, storm sewers and drains, sidewalks and other pedestrian ways, street signs, shade trees, sodding or seeding and buffer plantings and monuments, whether such improvement is intended to be dedicated and maintained by the public or held in private ownership.

**NYSDEC** – New York State Department of Environmental Conservation.

**OFFICIAL MAP** – The map which may be established by the Town Board under § 270 of the New York State Town Law, showing streets, highways and parks and drainage theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

**PLANNING BOARD** – The Planning Board of the Town of Gallatin, Columbia County, New York.

**PLAT** – The map of a subdivision showing the location, boundaries and proposed ownership of individual properties and associated improvements...

**PRELIMINARY PLAT** – A drawing prepared in a manner prescribed in Sections 122 showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as required by these regulations.

**PUBLIC HEALTH LAW** – The Public Health Law of the State of New York, Chapter 45 of the Consolidated Laws.

**RESUBDIVISION** – Any change in the plat of a subdivision which has previously been filed in the office of the Columbia County Clerk, which change affects any street layout shown on such plat, affects any area reserved thereon for public use or diminishes the size of any lot shown thereon.

**SIGHT DISTANCE** – The distance an object 2 feet above the pavement, e.g., a tail light, is visible from an eye level 3.5 feet above the pavement, i.e., an average seated driver's eye. Refer to NYSDOT regulations for standards associated with minimum sight distances to be provided at intersections.

**SKETCH PLAT** – A sketch of a proposed subdivision, showing the information required by Section 106 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 the subdivision's consistency with the objectives of these regulations. A "sketch plat" shall be drawn to scale but need not have the accuracy of an engineering drawing.

**STREET** – A way for vehicular traffic, designed to provide access to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road artery, avenue, boulevard, lane, place or drive or however otherwise designated, which is either an existing public way, i.e., a state, County or Town road or highway; a street shown upon a subdivision plat approved by the Planning Board as provided by these regulations; or a street shown on a plat duly filed and recorded in the office of the Columbia County Clerk, prior to the date authority was granted to the Planning Board to approve such plats.

- A. **CUL-DE-SAC or DEAD-END STREET** – A street with only one means of vehicular ingress and egress and with a turnaround at its terminus.
- B. **PRIVATE STREET** - a street proposed for long-term ownership and maintenance by a private entity, e.g., a homeowners' or condominium association, including common driveways serving four or more dwellings.
- C. **PUBLIC STREET** - A street proposed for dedication to the Town for purposes of ownership and maintenance.
- D. **THROUGH STREET** - A street with two or more means of ingress and egress, i.e., having two or more points of connection with another street or streets.

**STREET PAVEMENT** - The wearing or exposed surface of the roadway used by vehicular traffic, i.e., the traveled way.



**STREET WIDTH** - The width of the right-of-way or the distance between property lines on opposite sides of a street, measured at right angles to the center line of such street.

**SUBDIVIDER** – Any person, firm, corporation, partnership or association which shall lay out land for the purpose of subdivision, as defined herein, for himself or for others.

**SUBDIVISION** – The division of any parcel of land into a number of lots, blocks, or sites or other division of land for the purpose of sale, transfer of ownership, or development.. The term “subdivision” shall include resubdivision of parcels of land for which an approved plat has already been filed in the office of the County Clerk, and which is entirely or partially undeveloped. For the purposes of these Land Subdivision Regulations, a parcel shall be considered already to have been divided into two or more lots by one or more public streets or railroad or utility rights-of-way held in fee simple.

- A. **LOT LINE ALTERATION** - A type of minor subdivision resulting in a modification in the boundary of an existing, legally established lot which does not result in the creation of any new lot nor create any nonconformity with respect to any bulk requirement established by the Town Zoning Law, the Columbia County Health Department, the New York State Uniform Fire Prevention and Building Code or other law, rule or regulation. The Planning Board may exercise discretion to waive the full subdivision procedure for a lot line alteration if deemed appropriate.
- B. **MINOR SUBDIVISION** - Any subdivision containing not more than four lots, each of at least the minimum lot area and dimension permitted by the Zoning Law, fronting on an existing street, not involving any new public or private street or road or the extension of Town or other central sewer, stormwater or water facilities, not requiring approval in sections, 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 Comprehensive Plan, Official Map, Town Zoning Law, or these regulations.
- C. **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 Town or other central water, stormwater and/or sewer facilities.

**SUBDIVISION PLAT, FINAL** – The final maps, drawings, charts and other submissions containing all information or detail required by Section 123 of these regulations and applicable law that is presented to the Planning Board for final approval.

**SEQRA** – The New York State Environmental Quality Review Act.

**SUPERINTENDENT OF HIGHWAYS** - The duly appointed, or elected, as the case may be, Town Superintendent of Highways.

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

**TOWN BOARD** - The Town Board of the Town of Gallatin, Columbia County, New York.

**TOWN LAW** - The Town Law of the State of New York, Chapter 62 of the Consolidated Laws.

**TOWN STREET AND HIGHWAY SPECIFICATIONS** – The standards and specifications adopted by the Town Board for the construction of streets and related improvements.

**TOWN ZONING LAW or ZONING LAW** – The officially adopted Zoning Law of the Town of Gallatin, Columbia County, New York, together with any and all amendments thereto.

**ARTICLE IV. PROCEDURE FOR SUBDIVISION APPROVAL**

**§ 104. Approval required; fees.**

- A. Whenever any subdivision of land is proposed and before any contract for the sale or lease of or any offer to sell or lease any lots in such subdivision or any part thereof is made, other than a contract which is contingent on any necessary subdivision approval being obtained, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth herein.
  
- B. Fees.
  - (1) Application fees. All applications reviewed and regulated by these Land Subdivision Regulations shall be accompanied by a fee in accordance with the subdivision fee schedule adopted by the Town Board annually upon recommendation of the Planning Board. A copy of the fee schedule is on file with the Clerk of the Planning Board and the Town Clerk.
  
  - (2) Professional fees. In accordance with the fees, escrows and reimbursable costs provisions of Section 6.13 of the Town Zoning Law, the subdivider shall be responsible for all reasonable engineering, planning, legal, and other project review costs incurred by the Town in connection with the review of applications subject to these Land Subdivision Regulations.
  
- C. Successive subdivision(s) of parent parcel. A “parent” parcel is deemed to be any parcel which exists on the effective date of these subdivision regulations. To avoid and discourage the inefficiencies and poor subdivision design that results from the incremental subdivision of a parent parcel into multiple minor subdivisions, no more than a total of four (4) lots, inclusive of the lot constituting the remainder of the parent parcel, may be subdivided from a “parent” parcel by submission of a minor subdivision application. Upon receipt of any application proposing the subdivision of a fifth lot from the parent parcel, the Planning Board has the authority to require that the applicant submit a major subdivision application. The Planning Board shall determine whether the applicant shall submit a major subdivision application for future subdivision of the subject parcel regardless of the number of lots proposed to be subdivided at that time. As part of the major subdivision application, the Planning Board may require that the subdivider submit a sketch subdivision plan illustrating a future subdivision layout showing full development of the remainder of the parent parcel to ensure that said development is consistent with the purposes of these regulations and the Zoning Law. The Planning Board may require that any future subdivision adhere to the layout shown on the sketch subdivision plan illustrating full development of the remainder of the parent parcel.

**§ 105. Pre-application conference.**

- A. The subdivider or his duly authorized representative shall initially schedule an appointment with the Clerk of the Planning Board to informally discuss the proposed subdivision and become familiar with the requirements of these regulations, the Town of Gallatin Zoning Law and other laws, ordinances, rules, regulations or policies of the Town of Gallatin, County of Columbia or State of New York that may be pertinent to the proposed subdivision.
- B. Discussion at the pre-application conference shall include review of both procedural and submission requirements and the technical application of the standards provided within these regulations as related to lot layout and required improvements.
- C. Minimum map requirements. To conform to Columbia County map filing requirements, all subdivision maps shall have a minimum size of 8.5 inches by 11 inches, and a maximum size of 34 inches by 44 inches.

**§ 106. Sketch plat.**

- A. Submission of sketch plat. The property owner or his duly authorized representative shall submit to the Clerk of the Planning Board at least ten (10) days prior to the regular meeting of the Planning Board a sketch plat application and five copies of a sketch plat. The sketch plat shall conform to the requirements listed in Section 120, Sketch plat, of these regulations.
- B. Classification and designation. Classification of the sketch plat is to be made at the regular meeting by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. A notation regarding classification shall be made by the Planning Board directly on the sketch plat. The Planning Board may require, however, when it deems necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plat is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Section 107, Minor subdivision plats, of these regulations. If the sketch plat is classified as a major subdivision, the subdivider shall comply with the procedures outlined in Sections 108 and 109. The Planning Board shall, based upon input provided by the applicant, also designate the name by which the subdivision shall be known. The Planning Board need take no further action after the application has been classified as a minor or major subdivision until the applicant submits a minor or major subdivision plat in accordance with the procedures of these regulations.
- C. Study of Sketch Plat.
  - (1) The Planning Board shall, within sixty-two (62) days of the first public meeting at which the complete sketch plan is submitted, determine whether the sketch plat is a minor or major subdivision plat and shall advise the subdivider of any general comments it may have with regard to whether the application generally meets the objectives of these regulations and the Town Zoning Law. The Planning Board, in considering the sketch plat, may refer the application to any other Town agency for input and comment. The Planning Board may make, in writing, specific recommendations to be incorporated into the plat in the next plat submission to the Planning Board. The Planning Board may also require that the applicant provide a sketch of the potential full buildout of the property where only a portion of the property is proposed to be subdivided in order to ensure that

due consideration is made to the efficient layout of parcels on the subject property. In its review, the Planning Board may schedule a field visit to the site. To facilitate the inspection of the site, the Planning Board may require that the subdivider mark the corners of the property, proposed lot corners and the center line of any proposed streets with temporary stakes. The subdivider and/or his representatives may be requested to accompany the Planning Board during its site visit.

- D. The subdivider shall not be bound by any sketch plan, nor shall the Planning Board be bound by any such review. Data obtained during the more detailed preliminary or final subdivision and/or SEQRA review may necessitate revision of the initial proposal, as presented in the sketch plan.
- E. Sketch Plat review requires the filing of an initial application and payment of a nonrefundable fee in accordance with the subdivision fee schedule. Sketch plat endorsement does not allow filing of a plat with the County Clerk or authorize the sale or lease of or any offer to sell or lease any lots in such subdivision or any part thereof. Offers contingent on the granting of all approvals required by this Law are permitted.

**§ 107. Minor subdivision plat.**

- A. Application and Fee. Within six (6) months of the classification by the Planning Board of the Sketch Plat of a proposed Subdivision as a Minor Subdivision, the property owner or his duly authorized representative shall submit an application for approval of a Minor Subdivision Plat. Said application shall conform to the requirements listed in Section 121 of these regulations. Any application for Plat approval for Minor Subdivision shall be accompanied by the applicable nonrefundable fee in accordance with the subdivision fee schedule. Failure to submit the application within six (6) months may cause the application to be considered withdrawn by the Planning Board. Where an application is deemed to have been withdrawn, it may be reactivated only upon resubmission of a sketch plan to the Planning Board and subject to all application fees.
- B. Number of copies. The application for approval of a minor subdivision plat, complete with six (6) copies of the Subdivision Plat and all further required data specified within Section 121, shall be filed with the Clerk of the Planning Board at least ten (10) days prior to the regular meeting of the Planning Board, at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of these regulation.
- 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. Application for area variance. Where a proposed subdivision contains one (1) or more lots that do not comply with the dimensional regulations of the Zoning Law, an application may be made to the ZBA for an area variance without the necessity of a decision or determination of an administrative official charged with the enforcement of the Zoning Law. In reviewing such application, the ZBA shall request the Planning Board to provide a written recommendation concerning the proposed variance.

E. Approval procedure.

- (1) Official submission date. The official submission date shall be the date of the regular monthly meeting of the Planning Board after timely receipt of all required application documents and fees.
- (2) Plat review. The Planning Board shall review the minor subdivision plan and shall determine whether it is a complete application for purposes of commencing a public hearing. If the Planning Board deems the application incomplete, the Board shall detail the application deficiencies, in writing, to the subdivider.
- (3) SEQRA. A minor subdivision plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of a draft environmental impact statement has been filed in accordance with the provisions of SEQRA.
- (4) Start of time frames. A determination by the Planning Board that it has received a complete application shall initiate all time frames set forth herein (see definition of complete application in Article III of these regulations).
- (5) Consistent with the requirements of 239-nn of the General Municipal Law, the Planning Board shall give notice to an adjacent municipality of the public hearing involving any property that is within 500 feet of the adjacent municipality. Such notice shall be sent by mail or via electronic submission to the Town Clerk in the adjacent municipality at least ten (10) days prior to the hearing. The adjacent municipality may appear and be heard.
- (6) Periods for public hearing and decision.
  - (a) Where the Planning Board is lead agency. The period within which the Planning Board shall hold a public hearing on the minor subdivision plan shall be coordinated with any hearings the Planning Board may schedule pursuant to the regulations implementing SEQRA, as follows:
    - [1] If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing shall be held within 62 days after receipt of the complete minor subdivision plan (see definition of "complete application" in Article VI of these regulations); or
    - [2] If an environmental impact statement is required, the Planning Board shall hold a public hearing on the draft environmental impact statement jointly with the public hearing otherwise required by this law. The public hearing on the minor subdivision plan and draft environmental impact statement shall be held within 62 days after the filing of the notice of completion of the draft environmental impact statement. If no public hearing is held on the draft environmental impact statement, the public hearing on the minor subdivision plan shall be held within 62 days of filing of the notice of completion.
  - (b) Where the Planning Board is not the lead agency under State Environmental Quality Review Act. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the minor subdivision jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board

shall hold the public hearing on the minor subdivision plan within 62 days after receipt of a complete application for a minor subdivision plan.

- (7) The hearing on the minor subdivision plan shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the minor subdivision plan. The hearing on the plan shall be closed within 120 days after it has been opened, unless the time period is extended by mutual consent of the applicant and Planning Board.
- (8) Decision. The Planning Board shall, within 62 days from the close of the public hearing, or within 30 days of the adoption of findings by the lead agency, whichever period is later, approve, conditionally approve with or without modification, or disapprove the minor subdivision plan. When conditionally approving a minor subdivision plan with or without modifications, the Planning Board must state in writing the modifications, if any, it deems necessary before the plan will be endorsed by the Chairman. The Planning Board shall specify in writing its reasons for any disapproval.
- (9) Certification of plat. Within five (5) business days of the adoption of the resolution granting approval of the plat, such plat shall be certified by the Clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements, a reproducible Mylar and eight (8) copies of the subdivision plat shall be provided by the applicant and properly signed by the Chairman of the Planning Board and a copy of such signed plat shall be filed in the office of the Clerk of the Planning Board or filed with the Town Clerk.
- (10) Duration of conditional approval of minor subdivision plan. Conditional approval of the minor subdivision plan shall expire within 180 days after the date of adoption of the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by for periods of 90 days each the time in which a conditionally approved plat must be submitted for signature if, in the Board's opinion, such extension is warranted by the particular circumstances. Failure to complete the conditions of minor subdivision approval within the required time period(s) shall result in the approval becoming null and void.
- (11) Default approval. The time periods prescribed herein within which a Planning Board must take action on a minor subdivision plat may be extended only upon mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action within the time prescribed hereinafter completion of all SEQRA requirements, or within such extended period as may have been established, such plat shall be deemed granted approval as set forth in Section 276.8 of the New York State Town Law.
- (12) Filing of decision. Within five (5) business days from the date of the adoption of the resolution stating the decision of the board on the minor subdivision plan, the Planning Board Chairman or duly authorized representative of the Planning Board shall cause a

copy of such resolution to be filed in the office of the Town Clerk.

- (13) Filing of minor subdivision plan; expiration of approval. The subdivider shall file the approved minor subdivision plan in the Office of the County Clerk within 62 days from the date of final approval or such approval shall expire. The signature of the Chairman or other duly authorized representative of the Planning Board signifying final approval and completion of conditions of final approval by the Planning Board shall constitute approval.
- (14) Deed Required for Filing. Prior to final approval of the subdivision plan, all deeds and other legal instruments that are required as a condition of approval shall be submitted to, and approved by, the Town Attorney. Said documents and all required filing fees shall be provided to the Town Attorney to be held in escrow to be filed upon filing of the subdivision plan. Filing fees shall also be deposited for such documents. Such deeds or documents may contain restrictions on the use of the land including, but not limited to, easements and covenants, which form part of the subdivision approval.
- (15) Plan void if revised after approval. No changes, erasures, modifications, or revisions shall be made on any final plan after the Planning Board Chairman has placed his signature on the plans. In the event that any final plan, when recorded, contains any such changes, the plan shall be considered null and void, and the Board shall institute proceedings to have said plan stricken from the records of the County Clerk.

**§ 108. Preliminary plat for major subdivision.**

A. Application and Fees. Prior to the filing of an application for the approval of a Major Subdivision Plat and within six (6) months of the classifications by the Planning Board of the sketch plat of the proposed subdivision as a major subdivision, the property owner or his duly authorized representative shall file an application for consideration of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "Preliminary plat" and shall be in the form and include all the data prescribed by Section 122 hereof. The preliminary plat shall, in all respects, comply with the requirements of §§ 276 and 277 of the Town Law and these regulations, except where a waiver of any specific requirement has been authorized by the Planning Board in accordance with Section 126 of these regulations. Payment of a nonrefundable fee shall accompany all applications for approval of a preliminary plat for a major subdivision. Said application fee shall be in accordance with the subdivision fee schedule.

B. Purpose.

- (1) The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board, and, later, one copy shall become the official record of the Town Clerk. The preliminary plat and supporting documents shall show the layout of the subdivision and its required improvements, both public and private, so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the final engineering design and detailing of the required improvements and utilities, is completed.
- (2) Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics, except as may otherwise be

specifically authorized by the Planning Board.

- C. Number of Copies. The application for approval of the Preliminary Plat, complete with six (6) copies of the Preliminary Plat shall be filed with the Clerk of the Planning Board, at least ten (10) days prior to the regular meeting of the Planning Board at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of these regulations. A proposed submission which does not include all the required drawings and documents specified within Article 109, of these regulations shall not be accepted by the Clerk of the Planning Board.
- D. 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.
- E. Study of Preliminary Plat. The Planning Board shall study the practicality 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, location of prospective home sites, water supply, sewage disposal, drainage, lot sizes, configuration, the future development of lands as yet unsubdivided, and the requirements of the Comprehensive Plan, Official Map, if one exists, and Zoning Law. In its review of the preliminary plat, the Planning Board may consult with its planning, engineering and legal consultants, as well as other Town officials, boards, agencies and departments.
- F. SEQRA. The Planning Board shall comply with the provisions of the SEQRA.
- G. Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of SEQRA. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
- H. Notice to Columbia County Planning. In accordance with §239-n of the General Municipal Law, the clerk of the Planning Board shall refer all preliminary plats to such county Planning Board as provided in that section. Consistent with the requirements of 239-nn of the General Municipal Law, the Planning Board shall give notice to an adjacent municipality of a public hearing involving any property that is within 500 feet of the adjacent municipality. Such notice shall be sent by mail or via electronic submission to the Town Clerk in the adjacent municipality at least ten (10) days prior to the hearing. The adjacent municipality may appear and be heard.
- I. Application for area variance. Where a proposed subdivision contains one (1) or more lots that do not comply with the dimensional regulations of the Zoning Law, an application may be made to the ZBA for an area variance without the necessity of a decision or determination of an administrative official charged with the enforcement of the Zoning Law. In reviewing such application, the ZBA shall request the Planning Board to provide a written recommendation concerning the proposed variance.



J. Review and decisionmaking.

(1) Planning Board as lead agency under SEQRA; public hearing; notice; decision.

(a) Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the SEQRA, as follows:

[1] If such board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two (62) days after the receipt of a complete preliminary plat by the clerk of the Planning Board; or

[2] If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within sixty-two (62) days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within sixty-two (62) days of filing the notice of completion.

(b) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

[1] If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required such board shall make its decision within sixty-two (62) days after the close of the public hearing; or

[2] If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five (45) days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five (45) days following the close of the public hearing on the preliminary plat. Within thirty (30) days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(2) Planning Board not as lead agency under SEQRA; public hearing; notice; decision.

(a) Public hearing on preliminary plats. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plat within sixty-two (62) days after the receipt of a complete preliminary plat by the clerk of the Planning Board.

- (b) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen (14) days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.
- (c) Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:
  - [1] If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within sixty-two (62) days after the close of the public hearing on the preliminary plat.
  - [2] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within sixty-two (62) days after the close of the public hearing on such preliminary plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer.
- K. Default approval. The time periods prescribed herein within which a Planning Board must take action on a preliminary subdivision plat may be extended only upon mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action within the time prescribed hereinafter completion of all SEQRA requirements, or within such extended period as may have been established, such plat shall be deemed granted approval as set forth in Section 276.8 of the New York State Town Law.
- L. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.
- M. Certification and filing of preliminary plat. Within five (5) business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the clerk of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner.
- N. Filing of decision on preliminary plat. Within five (5) business days from the date of the adoption of the resolution stating the decision of the board on the preliminary plat, the chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the town clerk.
- O. Revocation of approval of preliminary plat. Within six (6) months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.

**§ 109. Final plat for major subdivision.**

- A. Application and fee. Following approval of the preliminary plat, the subdivider shall submit a final subdivision plat, together with all other supplementary documents in accordance with Section 123 of these regulations which final plat shall specifically address any condition and modification of the preliminary plat approval. The application for final plat approval for a major subdivision or any section thereof shall be accompanied by an application fee in accordance with the Town's subdivision fee schedule.
- B. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete plans for development of the subdivision proposal. After final subdivision plat approval by the Planning Board, this complete submission, along with the applicable performance guaranty and the general liability insurance policy, as approved by the Town Board, becomes the basis for the development of the subdivision, the installation of required improvements and the applicable inspection services by the Planning Board, the designated Town Engineer or other delegated Town officials.
- C. Number of Copies. The application for approval of the final plat, complete with six (6) copies of the final plat, shall be filed with the Clerk of the Planning Board, at least ten (10) days prior to the regular meeting of the Planning Board, at which meeting it shall be introduced and considered officially received by the Planning Board for purposes of these regulations.
- D. Review and decisionmaking.
  - (1) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to these regulations, 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.
  - (2) Final plats not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, the following shall apply:
    - (a) A public hearing on a final plat not in substantial agreement with a preliminary plat shall be held within sixty-two (62) days after the receipt of a complete final plat by the clerk of the Planning Board;
    - (b) Public hearing; notice, length. The hearing on the final plat 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 final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within one hundred twenty days (120) after it has been opened.
    - (c) Decision. 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 after the date of the public hearing.

- E. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
- F. Certification of plat. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the office of the clerk of the Planning Board.
- G. Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
- H. Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within one hundred eighty (180) days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend for periods of ninety (90) days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.
- I. Default approval of final plat. The time periods prescribed herein within which a Planning Board must take action on a final subdivision plat may be extended only upon mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action within the time prescribed hereinafter completion of all SEQRA requirements, or within such extended period as may have been established, such plat shall be deemed granted approval as set forth in Section 276.8 of the New York State Town Law.
- J. Filing of decision on final plat. Within five (5) business days from the date of the adoption of the resolution stating the decision of the board on the final plat, the Chairman of the Planning Board shall cause a copy of such resolution to be filed in the office of the town clerk.
- K. Notice to Columbia County Planning. In accordance with §239-n of the General Municipal Law, the clerk of the Planning Board shall refer all applicable final plats to such county Planning Board as provided in that section.
- L. Filing of final plat; expiration of approval. The owner shall file in the office of the county clerk or register such approved final plat or a section of such plat within sixty-two (62) days from the date of final approval or such, approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plat as herein provided; or the approval by such board of the development of a plat or plats already filed in the office of the county clerk or register

of the county in which such plat or plats are located if such plats are entirely or partially undeveloped; or the certificate of the town clerk as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time herein provided. In the event the owner shall file only a section of such approved plat in the office of the county clerk or register, the entire approved plat shall be filed within thirty days of the filing of such section with the town clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent (10%) of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of subdivision two of section two hundred sixty-five-a of this article.

- M. Endorsement of State and County Agencies. Water and Sewer facilities that will serve the Subdivision Plat shall be properly endorsed and approved by the Columbia County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County, and State agencies. Endorsement and approval by the Columbia County Department of Health shall be secured by the subdivider before official submission of the Subdivision Plat.
- N. Deed Required for Filing. Prior to final approval of the subdivision plat, all deeds and other legal instruments that are required as a condition of approval shall be submitted to, and approved by, the Town Attorney. Said documents and all required filing fees shall be provided to the Town Attorney to be held in escrow to be filed upon filing of the subdivision plan. Filing fees shall also be deposited for such documents. Such deeds or documents may contain restrictions on the use of the land including, but not limited to, easements and covenants, which form part of the subdivision approval.
- O. Plan void if revised after approval. No changes, erasures, modifications, or revisions shall be made on any final plat after the Planning Board Chairman has placed his signature on the plans. In the event that any final plan, when recorded, contains any such changes, the plan shall be considered null and void, and the Board shall institute proceedings to have said plan stricken from the records of the County Clerk.
- P. Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of section five hundred sixty of the real property tax law.

**§ 110. Building permits and certificates of occupancy.**

- A. Upon the posting of a satisfactory performance guaranty or upon certification of the completion or installation of all required improvements to the satisfaction of the Town Board, in accordance with these regulations, and upon Planning Board approval of the final plat, the subdivider or his successor in title may be issued building permits for the construction of buildings in accordance with the approved subdivision plat, the Town Zoning Law and other applicable laws, rules and regulations.
- B. In instances where building permits have been authorized upon the posting of a satisfactory performance guaranty, the subdivider or his successor in title may not be subsequently issued certificates of occupancy for any buildings constructed in the subdivision until completion of all required improvements to Town standards and upon certification of such as required in Article V of these regulations. A note to this effect shall be specifically included

on the final plat submitted for signature and for filing in the office of the Columbia County Clerk.

**ARTICLE V. REQUIRED IMPROVEMENTS AND PERFORMANCE GUARANTIES FOR MAJOR SUBDIVISIONS.**

**§ 111. Compliance required.**

Prior to an action by the Planning Board approving a subdivision plat, the subdivider or owner shall be required to install all required infrastructure and improvements that are either shown on the plat or specified in the resolution approving the plat. Alternatively, the subdivider, at the discretion of the Planning Board, may file with the Town Board a performance bond or other security in an amount determined by the Planning Board and approved by the Town Board to secure the satisfactory construction and installation of the uncompleted portion of the required infrastructure and improvements. Installation of all required infrastructure and improvements shall be made by the subdivider or owner at his or her expense without reimbursement by the town or any district therein.

**§ 112. Required improvements.**

A. Improvements. In making determinations regarding the necessity and extent of the provision and installation of required subdivision improvements, the Planning Board shall take into consideration the prospective character, density and uses within the proposed subdivision, whether residential, commercial or industrial. As set forth in the §277 of Town Law:

- (1) streets be of sufficient width and suitable grade and suitably located to accommodate prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of firefighting equipment to buildings. Streets and highways shall be coordinated so as to compose a convenient system conforming to the Town Official map, where adopted, and properly related to the proposals shown in the Comprehensive Plan;
- (2) suitable monuments be placed at block corners and other necessary points as may be required by the Planning Board and the location thereof is shown on the map of such plat;
- (3) all streets or other public places on such plats be suitably graded and paved; street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed in accordance with standards, specifications, and procedures acceptable to the Town, or alternatively that a performance bond or other security be furnished to the Town, as hereinafter provided.

B. Required improvements. The Planning Board shall require the provision and installation of the following improvements in accordance with Town Law unless it shall specifically waive, in writing, any such improvements as provided, below these regulations.

- (1) Parks, playgrounds or other public open spaces of adequate size and location for recreational purposes.
- (2) Paved streets, roadways, common driveways and driveway aprons.

- (3) Street signs and posts.
- (4) Pedestrian ways.
- (5) Street-lighting.
- (6) Curbs or gutters.
- (7) Street trees and treatment of buffer areas and other required landscaping.
- (8) Water supply and fire protection facilities.
- (9) Sanitary sewage disposal facilities.
- (10) Storm drainage facilities.
- (11) Franchise utilities.
- (12) Seeding and other means of erosion control for all lands within the subdivision tract, including all lots, common areas and rights-of-way.
- (13) Monuments or other acceptable markers suitably placed and installed.

C. Standards for installation. All improvements required by the Planning Board shall be installed in accordance with standards, specifications and procedures acceptable to the appropriate Town departments or as provided in these regulations.

D. Modification of the design of improvements shown on the approved plat. If at any time before or during construction of the required improvements shown on the approved plat it is demonstrated to the designated Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the designated Town Engineer may, upon concurrence of the Chairman of the Planning Board, authorize minor modifications which are within the spirit and intent of the Planning Board's approval and do not extend to constitute the waiver or substantial alteration of the function of any of the improvements required by the Planning Board. The designated Town Engineer shall issue any such authorization under this provision in writing and shall transmit a copy of such authorization to the Clerk of the Planning Board for report to the Planning Board at its next regular meeting.

E. Inspection of Improvements.

- (1) The subdivider shall be responsible to notify the Town Clerk at least five (5) days prior to commencing construction of required improvements. At that time, the subdivider shall pay to the Town Clerk for purposes of establishing an escrow account the inspection fee required by the Town Board which fee amount shall have been determined by the Town Engineer, and shall notify the Planning Board, in writing, of the time when he proposes to commence construction of such Improvements. The Planning Board shall direct the Town Engineer to conduct all necessary inspections in order to assure that all Town specifications and requirements are met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities as

required by the Planning Board. The inspection fee shall provide reimbursement to the Town for actual direct cost incurred for such engineering services, as set forth in Section 6.13, Escrow fees, of the Zoning Law.

(2) In order to facilitate inspection of required improvements during construction, the applicant shall notify the designated Town Engineer at least three (3) business days before reaching each of the following stages of construction:

(a) Rough grading of lands and roadway.

(b) Drainage and other underground facilities installed, but prior to back filling on lands and roadways.

(c) After gravel base is spread and compacted.

(d) When each pavement course is being applied.

(e) After completion of all improvements.

(3) The applicant shall not proceed to work on any stage subsequent to the first stage until the work of the previous stage has been inspected and approved by the designated Town Engineer or a representative who may be duly authorized by the Town Board. In the case of any other improvements, the designated Town Engineer shall inspect the work at such progressive stages as he shall specify. The designated Town Engineer shall certify, in writing, to the Planning Board that the work was inspected by him and was found to be in accordance with the approved plans and specifications.

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

**§ 113. Performance guaranties for required improvements.**

A. Security. A performance bond or equivalent security shall be delivered to the Town to guarantee thereby to the Town that the subdivider shall faithfully cause to be constructed and completed within a reasonable time the required improvements and convey the required lands and improvements, where applicable, to the Town free and clear of all encumbrances.

B. Procedure. Before the Planning Board grants final approval of the final subdivision plat, the subdivider shall provide to the Clerk of the Planning Board a detailed engineer's cost estimate for all required improvements for review and concurrence by the designated Town Engineer and shall subsequently follow the procedure set forth in either Subsection B(1) or (2) herein:

(1) Filing of Certified check or performance guaranty.



(a) In any 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 guaranty to cover the full cost of the required improvements. Any such performance bond or equivalent security shall comply with the requirements of §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 (1) year or such other period as the Planning Board may determine appropriate, but not exceeding three (3) years, shall be set forth in the bond or equivalent security as the period within which the required improvements must be completed. The subdivider shall additionally file a copy of said certified check or other performance guaranty with the Clerk of the Planning Board.

(b) If the Planning Board shall decide at any time during the term of the performance guaranty that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance guaranty or that required improvements have been installed as provided in this Article and as required by the Planning Board in sufficient amount to warrant reduction in the face amount of said bond or that the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of such bond or equivalent security, the Planning Board may modify its requirements for any or all such improvements, and recommend to the Town Board that the face value of such performance guaranty be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced or increased proportionately. Such modifications to the guaranty shall be approved by the Town Board.

(2) The subdivider shall complete all required improvements to the satisfaction of the designated Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board.

C. As-built drawing required. No required improvements shall be considered to be completed until the installation of the improvements has been approved by the designated Town Engineer and a map certified by the applicant's engineer and satisfactory to the Planning Board has been submitted indicating the specific location of all underground utilities as actually installed. If the subdivider completes all required improvements according to provisions of Subsection B(2) above, the as-built drawing shall be submitted prior to endorsement of the final subdivision plat by the Planning Board Chairman. However, if the subdivider elects to provide a performance guaranty for all required improvements as specified in Subsection B(1) above, such bond or equivalent security shall not be released until the required as-built drawing is submitted and deemed satisfactory by the Planning Board and release is approved by the Town Board.

**§ 114. Maintenance bonds.**

The subdivider shall file with the Town Board a maintenance bond or certified check in an amount of 15% of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition and operation of the initial public improvements for

a period of one (1) year following their completion and acceptance, where applicable, by the Town Board. Such maintenance bond shall be satisfactory to the Town Attorney as to form, manner of execution and surety and in an amount satisfactory to the designated Town Engineer. The subdivider shall additionally file a copy of said certified check or other performance guaranty with the Clerk of the Planning Board.

**§ 115. General liability insurance.**

- A. Filing requirement. The subdivider shall file with the Town Attorney a general liability insurance policy at the same time that he files his performance guaranty. The policy shall remain in force during the term of the performance guaranty and shall be extended in conformance with any extension of the performance guaranty.
- B. Limits of coverage. The policy shall insure the Town and the subdivider and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have limits of liability of \$1,000,000 for bodily injury and/or property damage per occurrence or such higher limits as the Planning Board may require, upon recommendation of the designated Town Engineer or Town Attorney.

**§ 116. Public franchise utilities.**

- A. Service connections. When public franchise utilities are to be installed, the subdivider shall submit to the Planning Board written assurances from each public utility company that such company will make the necessary service installations within a time limit and according to specifications satisfactory to the Planning Board, which shall include the undergrounding of all on-site and, to the extent practicable, off-site extensions.
- B. Easements or other releases. The final plat shall include statements by the owner granting all necessary easements or other releases where required for the installation of public franchise utilities.

**ARTICLE VI. GENERAL REQUIREMENTS AND DESIGN STANDARDS**

**§ 117. General requirements.**

Any subdivider who proposes to develop a subdivision in the Town of Gallatin shall observe all general requirements for land subdivision as herein provided.

- A. Character of land. Land to be subdivided shall be of such character that, in the opinion of the Planning Board, it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and with a minimum of detrimental effects on the environment.
- B. Preservation of any significant existing features. The Planning Board may require in the subdivision design and through the subsequent dedication of conservation easements the preservation of natural features which add value to residential developments and to the community, such as large trees or wooded areas, watercourses and waterfalls, beaches, historic spots and similar irreplaceable assets. In particular, all natural watercourses shall be protected from development encroachment by having the required minimum building set back measured from a point which lies a minimum of 50 feet from the normal nearest

streambank of any river, stream or creek or from the boundary of any freshwater wetland designated by the NYSDEC, unless a greater setback is required by any State, County, or Federal Law.

- C. Conformance with Zoning Law and Comprehensive Plan. Subdivision Plats and associated improvements shall conform to the Town Zoning Law and shall be in harmony with the Comprehensive Plan. In addition, as an extension of the Town Comprehensive Plan, the subdivision plat shall be consistent with the intent and objectives of any environmental and cultural protection programs which may apply to the property that is to be subdivided.
- D. Minimum lot dimension. No lot in a subdivision shall have less than the minimum lot area and minimum lot dimension required by the Zoning Law for the district in which it is located unless otherwise provided in the Town Zoning Law, an area variance has been granted, or as provided for residential cluster development by Section 124, of these regulations, and approved by the Planning Board.
- E. Plats with access through other municipalities. Whenever access to a subdivision is by crossing land in another municipality, the Planning Board may require assurance from said municipality that such access is adequately improved or that a legally adequate performance guaranty has been duly posted and in an amount sufficient to assure the construction of the necessary road or roads.
- F. Resubdivision. Resubdivision of all or part of land covered by an existing plat which has been laid out and filed in the office of the County Clerk prior to the enactment of these regulations shall comply with these regulations.
- G. Preservation of topsoil. No topsoil shall be removed from any subdivision in the Town, except that in areas over which heavy equipment will be operated, the topsoil shall be stripped and stockpiled on the property in accordance with soil erosion controls approved by the Planning Board. When final grades have been established and construction activities have been completed, the entire property shall be suitably graded and, to the extent practicable, recovered with topsoil except that portion of the site covered by buildings or included in the roads.
- H. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by culverts or other permanent drainage structures. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way not less than 30 feet in width. All such structures and rights-of-way shall be of design and specification approved by the designated Town Engineer and the Town Highway Superintendent.
- I. Floodplains. If any portion of the land within the subdivision is subject to periodic inundation or flood hazard caused by stormwater, this portion shall be clearly depicted on the subdivision plat. The Planning Board may require the submission of a flood hazard study delineating the limits of the one-hundred-year floodplain. Such study shall be conducted by a licensed professional engineer.
  - (1) Land subject to flooding and land deemed by the Planning Board to be otherwise uninhabitable shall not be platted for residential or commercial occupancy nor for any such other use that may increase danger to health, life or property or aggravate the flood

hazard.

- (2) Any subdivision, including all proposed improvements and construction, must comply with all further applicable provisions of the National Flood insurance Act of 1968, including all amendments thereto.
- (3) Where applicable, the subdivider shall comply with the provisions of Section 3.3, Conservation Overlay District (COD) and Watercourse Protection Overlay District (WCPOD) of the Town Zoning Law.

**§ 118. Subdivision design standards.**

The subdivider shall additionally conform to all subdivision design standards as herein provided. These standards shall be considered minimum standards and shall be modified or waived by the Planning Board only as provided for in Article X of these regulations.

**A. Lots.**

- (1) Lots to be buildable. The lot arrangement shall be such that, in constructing a building in compliance with the Zoning Law, there will be no foreseeable impediments or prohibitions to development based upon soils, topography or other natural conditions, including the presence of wetlands or floodplains.
- (2) Corner lots. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line on both streets, as well as side yard requirements, for the zoning district in which the lot is located. A corner lot shall conform to Section 4.7, Corner Lots, of the Town Zoning Law.
- (3) Minimum lot size. Except as provided by Article VIII of these regulations in the case of cluster development, each lot shall be no smaller than the minimum lot area, lot frontage and lot width required by the Zoning Law for the district in which it is located, including the provisions of Section 4.5., Minimum lot area per dwelling unit or establishment, of the Town Zoning Law.
- (4) Driveway grade and design. Driveway grades between the street pavement and the required building setback line shall not exceed ten percent (10%) with a suitable negative grade provided within 20 feet of the intersecting street pavement. The remainder of the driveway shall be designed and built to afford suitable access to the building site in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code and to prevent adverse impacts from either stormwater drainage or erosion on the public street or roadway.
- (5) Access from public streets.
  - (a) The subdividing of land shall be such as to provide each lot with satisfactory access for routine and emergency purposes from the community's system of public streets and roadways. This access may be provided either directly or, in the case of an approved cluster or conservation density subdivision, by suitably improved and maintained private streets.
  - (b) Each lot permitted to front on a Town, County or State highway shall provide for an

improved on-site turn-around so as to obviate the necessity of any vehicle from backing onto such highway. Similar provision for on-site turnarounds on Town highways shall be encouraged and may be required by the Planning Board.

- (6) Access from private streets. Access from privately owned and maintained streets, as may be specifically authorized in accordance with § 280-a of the Town Law, shall be deemed acceptable only if such streets are designed and improved in accordance with section (B) below and means, satisfactory to the Planning Board, are provided for the long-term ownership and maintenance of said privately owned and maintained streets.

## B. Streets.

- (1) General objectives. Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic and normal road-maintenance equipment. The arrangement of streets shall be coordinated such that the streets compose a convenient system, cause no undue hardship to adjoining properties and render no property inaccessible from an existing street or from a proposed street in a subdivision for which a completion bond or similar performance guaranty has been posted.
- (2) Arrangement of streets. To the extent practicable, 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 by use of stub streets 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 services. Any stub street or other intended through street shall be constructed wholly to the property line and shall be provided with a temporary turnaround with a pavement radius of at least 50 feet. A note on the subdivision plat shall state that the land included within the turnaround which is outside the normal street right-of-way shall revert to abutters upon continuation of the stub street and shall be regraded and seeded by the subdivider proposing to extend the road to serve the future subdivision.
- (3) Street connections. Subdivisions containing twelve (12) or more lots shall have at least two connections with existing public streets, with streets shown on the Town's Official Map, as may be developed in accordance with § 270 of the Town Law, or streets shown on an approved subdivision plat for which a performance bond or similar performance guaranty has been posted.
- (4) Cul-de-sac streets.
  - (a) Cul-de-sac streets shall not be created to provide access to residential lots except in situations where, in the view of the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining properties. Where a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through-road network, not more than twelve (12) single-family residential lots or dwellings may gain access from such cul-de-sac street.
  - (b) A cul-de-sac street shall not exceed seven percent (7%) grade, and shall not be longer than 2,000 feet in the RA-3 Zoning District and 1,500 feet in the RA-2 Zoning

District. Cul-de-sacs are prohibited in the Hamlet Zoning District.

(c) A turnaround with a right-of-way radius of at least 60 feet and a pavement radius of at least 50 feet shall be provided at the end of any cul-de-sac or permanent dead-end street. The cul-de-sac street shall otherwise be governed by all requirements set forth in the Town Street and Highway Specifications.

(5) Minimum design standards. Streets and related improvements shall be laid out and constructed in accordance with the minimum design standards prescribed in the Town Street and Highway Specifications of the Town of Gallatin, as adopted by the Town Board and incorporated by reference in these regulations.

#### C. Parks and public open space.

Adequate lands for parks and public open space shall be provided in any Major Subdivision for residential purposes throughout the Town of Gallatin and may be otherwise required for any residential subdivision where reasonable. Before the Planning Board may approve a subdivision plan containing residential units, such subdivision plan shall also show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision plan will contribute.

(1) Amount of land dedicated. In general, the Planning Board may require up to 10% of the total land area within the subdivision be set aside and shown on the plat for park and public open space purposes, including trails and other linkages between neighborhoods. All land designated on the plat as park or public open space must be deemed suitable for this purpose by the Planning Board based upon overall consistency with the Town Comprehensive Plan and a site-specific analysis of the land's topographic, geologic, hydrological and locational characteristics. The Planning Board may establish such conditions on the subdivision concerning access, use and maintenance of such park and public open space lands as deemed necessary to ensure the preservation of the land, in perpetuity, for its intended purpose. Such conditions shall be clearly noted by the licensed land surveyor and/or professional engineer on the plat prior to final plat approval and subsequent recording of the plat in the Office of the Columbia County Clerk.

(2) Information to be submitted. In the event that an area to be used for parks or public open space is required to be shown, the subdivider shall submit this information, prior to final plat approval, to the Planning Board, drawings at a scale of not less than 20 feet to the inch of such area and the following features thereof.

(a) The boundaries of said area, giving lengths and bearings of all straight lines, and radii lengths, central angles and tangent distances of all curves.

(b) Existing features such as streams, ponds, clusters trees, outcrops and structures, existing and proposed.

- (c) Existing and, if applicable, proposed changes in grade contours of said area and of the area immediately adjacent for a distance of not less than 100 feet, with such contours to be at an interval of not more than two feet.
  - (d) Plans for improvements of said area, not limited to grading, seeding, fencing, landscaping, the provision of play and related equipment and the address of conditions relating to the protection of the public health and safety.
- (3) Payment In lieu of dedication. In the event the Planning Board makes a finding that the proposed subdivision plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plan, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the subdivision plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Town of Gallatin exclusively for park, playground or other recreational purposes, including the acquisition of property. Such payment shall be made a condition of approval of the final plat and shall be assessed as a per-lot or per-dwelling-unit basis in accordance with the subdivision fee schedule. This fee shall not apply to any proposed lot presently developed with a residential structure and legally occupied within the past 12 months for residential purposes. No final plat shall be signed by the Chairman of the Planning Board until such payment has been received by the Town Clerk and receipt therefore provided to the Planning Board.

D. Public improvements and utilities.

- (1) Placement of underground improvements required by the Planning Board in accordance with Section 112 and public franchise utilities shall be placed in the street right-of-way between the edge of street pavement and the right-of-way line. Where topography makes such placement impracticable, perpetual unobstructed easements at least 20 feet in width shall be provided along lot frontages abutting the street lines, with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and their layout shall be as regular as possible. Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the Town or by a special district may be installed by the Town in a private street, provided that a public easement of satisfactory size is obtained for such improvement or utility. Before the street is paved, the subdivider shall install underground service connections for all required improvements and utilities to the property line of each lot within the subdivision.
- (2) Service connections.
- (a) Water. Where an appropriate public water main already exists and is physically and legally accessible, the subdivider may connect into said main and provide a water connection for each lot in accordance with § 12 of the Town Law, the Public Health

Law and other applicable laws, rules and regulations. Where an appropriate water main does not exist or is not accessible, and where there is a public water system, the subdivider shall install at his own expense such main, together with all necessary valves, cutoffs, fire hydrants, pumps, storage tanks, meters and other equipment necessary to make such water system conform to the standards of the Town.

(b) Sanitary sewers. Where an appropriate public sanitary sewer system is reasonably accessible physically and legally, the subdivider shall install, at his expense, the necessary connections into the system and provide a sewer connection for each lot.

(c) Storm drainage system.

[1] The subdivider shall install all necessary stormwater infrastructure and appurtenant facilities at its expense and in accordance with standards of the Town and of all authorities having jurisdiction.

[2] The subdivider shall provide appropriate means and methods for stormwater runoff satisfactory to the Planning Board and all other authorities having jurisdiction. The stormwater facilities provided shall be fully consistent with storm drainage design standards which may be promulgated and from time to time, reviewed and modified by the Planning Board. At a minimum, stormwater facilities shall be designed in accordance with regulations promulgated by the New York State Department of Environmental Conservation. The Planning Board may require that the drainage system be sized to accommodate the calculated runoff from the upstream drainage area, whether inside or outside of the subdivision. The designated Town Engineer shall approve the design and size of facilities based on anticipated runoff from a twenty-five-year storm under conditions of total potential development permitted by the Zoning Law.

[3] The subdivider's engineer shall study and report on the effect of each subdivision on the existing down-stream drainage system outside the area of the subdivision, and this report shall be reviewed by the designated Town Engineer. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a twenty-five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the plat until provision has been made for the improvement of said condition.

E. Realignment or widening of existing streets. Where the subdivision borders an existing street proposed for realignment or widening, the Planning Board may require that land be reserved on the subdivision plat to permit the proposed improvement to be constructed. Similarly, the Planning Board shall require in its review of any subdivision plat abutting a user roadway, as defined under § 189 of the Highway Law, the reservation of 25 feet from the center line of such user roadway for highway purposes and may recommend Town Board acceptance of such land when offered for dedication by the subdivider.

F. Pedestrian ways.

(1) Adequate provision may be made for the convenient and safe movement of pedestrians and bicyclists in any subdivision of land for residential purposes throughout the Town of Gallatin by an improved pedestrian path, sidewalk or bikeway provided on at least one



side of the street.

- (2) To the extent considered practicable by the Planning Board and in consideration of public health, safety and convenience, the Planning Board may require that additional or alternatively located pedestrian ways be provided within a residential subdivision to provide access to parks or public spaces, school sites, school bus stops, neighborhood shopping facilities or similar destinations. Any such pedestrian way may be situated within either a public right-of-way or established within a suitable easement.

G. Private water supply and sewage disposal facilities. Where public water supply and/or sewage disposal facilities are not available, the Planning Board shall evaluate and determine, as a part of subdivision plat review and approval, that each prospective lot and dwelling unit may be adequately served by acceptable water supply and sewage disposal facilities and ensure that all such on-site water supply and sewage disposal facilities shall be designed and installed in accordance with the requirements of the Columbia County Health Department.

H. Street trees. Trees shall be planted on both sides of a newly installed street or roadway in locations approved by the Planning Board except where unnecessary due to the presence of significant, preservable existing vegetation, which shall be identified on the subdivision plat. Where existing trees are to be preserved, adequate assurances and easements may be required to ensure that the trees remain undisturbed if located on individual lots or within a private right-of-way. Street trees shall generally:

- (1) Be located on the property line and be spaced approximately 50 feet apart, subject to variations made necessary by driveways and street corners as well as by the species of trees planted.

- (2) Have a caliper of 2.5-3 inches or larger measured at breast height.

- (3) Be approved as to species by the Planning Board.

I. Street lighting and other forms of subdivision lighting. Lighting shall be designed so as to limit unnecessary glare. Full cutoff and shielded lighting may be required by the Board to protect the rural character of the community which includes limiting the impacts of intrusive light sources on the night sky.

## **ARTICLE VII. SUBMISSION REQUIREMENTS**

### **§ 119. Required compliance.**

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

### **§ 120. Sketch plat.**

The sketch plat initially submitted to the Planning Board shall be based on Tax Map information or some similarly accurate base map at a scale of not less than 100 feet to an inch. The entire sketch plat shall be shown on one sheet not exceeding 34 inches by 44 inches. The sketch plat shall show the following information:

- A. The proposed subdivision name.
- B. A vicinity or area map, showing the location of that portion of the tract which is to be subdivided in relation to the entire tract and the distance to the nearest street intersection. All streets shall also be shown within 500 feet of the subject property.
- C. All existing structures, wooded areas, streams, wetlands, topographic slopes of 15 percent to 20 percent, 20.01 percent to 34.99 percent, and 35 percent and greater, and other significant physical features, including stone walls and other man-made features, within the portion of the tract to be subdivided and within 200 feet thereof. Topographic contours shall also be indicated at intervals of not more than 10 feet. All elevations are to be referred to United States Geological Survey datum, with the location and description of bench marks included.
- D. General mapping of soils conditions based on United States Department of Agriculture soils data. The Planning Board may require that the sketch plat show prime farmland soils and soils of statewide significance.
- E. The name of the Property Owner and of all adjoining Property Owners and others within 200 feet of the subject property as indicated on the most recent Town tax assessment records. Property owners across any street are also to be shown. All distances are to be measured from all perimeter boundaries of the entire site. The Applicant name, if different from the Property Owner.
- F. The tax map sheet, block and lot numbers, for the subject property, as available from the Town Assessor's office, the applicable zoning district and bulk requirements
- G. All existing utilities and all streets, whether public or private, which are either proposed, mapped or built and will give access to the lots or streets within the subdivision.
- H. The proposed pattern and number of lots, including approximate lot areas, widths and depths; street layout, recreation areas, and systems of drainage, sewerage and water supply within the proposed subdivision.
- I. Information regarding all existing restrictions on the use of land, including easements, covenants and location of zoning district boundaries, including a Title Report for the property.
- J. Delineation of all portions of the land within the subdivision subject to periodic inundation or flooding by stormwater, including all wetlands, whether or not classified as designated wetlands by the NYSDEC. The 100-year floodplain, as depicted on Federal Emergency Management Agency maps, shall be shown.
- K. Information on all County or state permits required for subdivision plat approval.
- L. An environmental assessment form (EAF), as required by SEQRA.

**§ 121. Minor subdivision plat.**

- A. The completed subdivision application form (two copies) with notarized signature of all deeded owners, owner consent affidavit (if applicable), GML Section 809 affidavit, copy of

the current deed and six (6) copies of the proposed subdivision plat certified by a New York State licensed land surveyor or professional engineer, bearing the Planning Board's assigned case number, including individual stamp/signature blocks for the Town Planning Board and Columbia County Health Department, and suitable for filing in the office of the County Clerk. The subdivision plat shall bear no erasures and shall be of a sheet size not exceeding 34 inches by 44 inches.

B. In the case of a minor subdivision, the subdivision plat application shall include the following information:

- (1) The proposed subdivision name, Town of Gallatin, Columbia County, New York.
- (2) The date, north arrow, Meridian, map scale and name and address of record property owner and subdivider, if different from the property owner.
- (3) A location map at a scale of not less than 1 inch equals 2,000 feet.
- (4) The tax map sheet, block and lot number(s) for the subject property, as available from the Town Assessor's office, the applicable zoning district and bulk requirements.
- (5) An area map, at a scale not less than 1 inch equals 800 feet, showing the entire tract and that portion of the tract which is to be subdivided in relation to the entire tract, parcel boundaries, and showing the distance to the nearest street intersection. The drawing of the entire tract shall be by actual survey.
- (6) The names of all adjoining Property Owners within 200 feet of the subject property as indicated on the most recent Town tax assessment records. Property owners of property located across the street and within 200 feet are to be shown. All distances are to be measured from all perimeter boundaries of the entire site.
- (7) An actual field survey of the property boundary lines or portion thereof being subdivided, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The Planning Board may modify the requirement for a full field survey pursuant to Article X, 127, of these regulations. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced and shown on the plat. All proposed property lines for the lots to be subdivided shall be shown with metes and bounds indicated on the plan. Proposed bulk dimensions shall be indicated on the plan. Any property line extending into "user" roads shall be shown.
- (8) Floodplains and delineated wetlands including the 100-foot regulated area in the case of NYSDEC regulated wetlands.
- (9) Location of all existing buildings and structures.
- (10) Location of any existing well and septic or public utilities on the property and adjoining properties within 200 feet of the proposed subdivision, if data are available.
- (11) Location of approved septic area, with date of Columbia County Health Department approval, and with the design and installation details noted on the map. All on-site sanitation and water supply facilities shall be designed to meet the minimum

specifications of the Columbia County Department of Health. At a minimum, evidence of contact with the Health Department shall be presented at the time of application and a specific note regarding this requirement shall be stated on the plat. Written endorsement of the subdivision plat by the Columbia County Health Department must precede final stamping and signature by the Planning Board.

- (12) Location of existing and proposed driveways, including driveway grade.
- (13) Map date and revision dates.
- (14) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (15) Documentation regarding all easements, existing or proposed, which either affect or are intended to affect any portion of the subdivision plat.
- (16) An Environmental Assessment Form, as required by SEQRA.
- (17) Copies of any permit applications required for approval of the subdivision, including but not limited to permits or approvals from the following agencies:
  - (a) U.S Army Corps of Engineers;
  - (b) New York State Department of Environmental Conservation;
  - (c) New York State Department of Transportation;
  - (d) Columbia County Health Department;
  - (e) Columbia County Highway Department; and
  - (f) Town of Gallatin Highway Department.
- (18) Any additional requirements deemed necessary by the Planning Board due to the unique circumstances of the subdivision plat, which may include the submission of data required for a major subdivision plat. These additional data include but are not limited to: distinctive features such as ponds, rock outcrops, cliffs; topographic contours at two-foot intervals; and, stormwater management measures

**§ 122. Preliminary plat for major subdivision.**

- A. The complete subdivision application form, receipt for payment of required application fee as required by the Town Board and six (6) copies of the preliminary plat certified by a New York State licensed professional land surveyor or a professional engineer at a scale of not more than 100 but preferably not less than 50 feet to an inch. The preliminary plat sheet size shall not exceed 34 inches by 44 inches.
- B. The preliminary plat shall include, to the extent applicable, all information identified below:
  - (1) Information on existing site conditions:
    - (a) An actual field survey of the boundary lines of the tract or portion thereof to be subdivided, giving complete descriptive data by bearings and distances, made and certified by a New York State licensed professional land surveyor. The corners of the tract shall also be located on the ground and marked by monuments of such size and type as approved by the Planning Board and shall be referenced and shown on the

plat.

- (b) Street rights-of-way on the subdivision and within 200 feet of its boundaries, including the name, right-of-way width and location; the type, width and elevation of surface; and any legally established center line elevations, including those at intersections and other critical points.
  - (c) The location, width, identification, purpose and restrictions upon any other rights-of-way and easements on the subdivision.
  - (d) Drainage structures on the subdivision and within 200 feet of its boundaries, including the type of structure and location, invert elevations, gradients, types and sizes of all pipe and in all other drainage structures where applicable, including direction of flow.
  - (e) The location and size or capacity of all other utility structures, such as sewer, water, gas mains and power lines on the subdivision and within 200 feet of its boundaries.
  - (f) As contours affect proposed improvements or existing improvements that will be utilized, ground elevations on the tract shall be based on a datum plane approved by the designated Town Engineer. For land with a slope that is less than approximately 2%, spot elevations should be shown at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than 2%, contours should be shown at intervals of not more than two feet or as required by the
  - (g) Marshes, ponds, streams, the 100-year FEMA floodplain and all land subject to periodic or occasional flooding or similar conditions on the subdivision or within 200 feet of its boundaries, shall be indicated by the location, approximate land area, high water level based on the one-hundred-year storm and maximum depth of water at critical points.
  - (h) The location of rock outcrops, wooded areas and significant preservable trees, structures, stone walls and other significant existing features for the proposed subdivision area and within 200 feet thereof.
  - (i) Tabular data regarding soils characteristics from the United States Department of Agriculture Soil Conservation Service soil survey.
  - (j) If the lots in a proposed subdivision will be served by individual septic systems, subsurface data in accordance with Columbia County Health Department requirements, including the date, location and graphic representation of findings for all test holes, including the location and results of percolation and other tests to ascertain subsurface soil, rock and groundwater conditions, and depth of groundwater, unless pits are dry at a depth of five (5) feet.
- (2) Information on proposed site development:
- (a) Streets.

[1] The name, to be checked prior to submission with the Town Clerk to avoid

duplication and subject to subsequent approval of the Planning Board and Highway Superintendent.

- [2] The width and location of any streets or public ways or places shown on the Official Town Map, within the area to be subdivided.
  - [3] Street profiles of all streets or public ways proposed by the developer.
  - [4] Right-of-way width.
  - [5] Tentative center line elevations at intersections and at principal changes in gradient.
  - [6] Tentative center line gradient shown in percent of slope.
  - [7] The computed sight distance at all proposed intersections and other critical points with comparison to AASHTO requirements.
  - [8] Plans and cross sections, showing, as applicable, the proposed location and type of pedestrian walkways; street-lighting standards and details; 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; and the location of manholes, basins, underground conduits, and drainage ditches and culverts.
  - [9] Preliminary designs of any bridges which may be required.
- (b) Lot layout.
- [1] Lot lines and dimensions scaled to the nearest tenth of an inch.
  - [2] The proposed location of buildings and driveways in full accordance with the Town Zoning Law and other applicable regulations and requirements.
  - [3] Lot numbers and lot areas measured to the nearest square foot if less than one acre or nearest 0.1 of an acre for parcels greater than one acre.
- (c) Easements, parks, restricted areas and other improvements.
- [1] Purpose and restrictions.
  - [2] Designation of areas or rights-of-way which are to be offered for public dedication or deeded to homeowners' associations or other private corporations, with clear indication of proposed changes in grades and landscaping thereon. The Board may require special recreational improvements and planting of trees, shrubs, grass and other landscaping in all areas to be so dedicated.
- (d) Preliminary stormwater drainage system plan.
- [1] Drainage structures, indicating the approximate location and size of proposed lines and culverts and their profiles, including connection to existing storm system or alternate means of disposal.

- [2] Outline of watersheds tributary to drainage structures and their approximate area in acres, including those which extend beyond the boundaries of the subdivision.
- (e) Preliminary water supply and sewage treatment systems. If public or other common facilities are available or to be provided, the approximate location, size and profiles of all proposed water lines, valves, hydrants and sewer lines, including connection to existing facilities as required and provided in the Public Health Law. If private on-site facilities are provided, design data consistent with the requirements of the Columbia County Health Department shall be included.
  - (f) Easements. Where the topography is such as to make difficult the inclusion of any of the required facilities and improvements within the public areas as laid out, the boundaries of proposed permanent easements over or under private property shall be shown.
  - (g) Covenants, deed restrictions and other agreements. A copy of all covenants, deed restrictions or conservation easements which either presently affect or are intended to apply to all or part of the tract, from a Licensed Title Insurance Company.
  - (h) Temporary stakes or markers. The Planning Board may require the location of temporary stakes or markers adequate to enable the Planning Board to locate readily and appraise the basic layout in the field, including markers at the corners of the tract. Unless the subdivision is adjacent to an existing street intersection, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
- (3) A preliminary engineering report detailing the demands of the proposed subdivision on water, sewer, drainage, highways and related systems and detailing the methods through which these demands shall be accommodated and the methods, including available alternatives, through which any potentially adverse impacts shall be mitigated.
  - (4) Additional data or studies, including those studies submitted to comply with the SEQRA process, as initiated with the EAF submission at the sketch plat phase. Additional studies may include fiscal impact and traffic studies.
  - (5) Information regarding the status of all applications for Town, County and State permits which may be required, e.g., a NYSDEC wetlands permit, stream crossing or stream disturbance permit or a New York State Department of Transportation or Columbia County Department of Public Works access or work permit.

**§ 123. Final plat for major subdivision.**

- A. The completed subdivision application form, receipt for payment of the required application fee, as specified by The Town Board, and eight (8) copies of the final plat certified by both a licensed land surveyor and a professional engineer, as required by law, at a scale of not more than 100 but preferably less than 50 feet to an inch. The final plat shall bear the Planning Board's assigned case number, include individual stamp/signature blocks for the Planning Board and the Columbia County Health Department and be suitable for filing in the office of the County Clerk. The final plat shall bear no erasures and shall be of a sheet size not exceeding 34 inches by 44 inches.

B. To the extent applicable, the following information will be submitted for approval and shall constitute a final plat. The lot map of the entire subdivision shall be the same as that required on the preliminary plat, with the following additions:

(1) Lot layout.

- (a) Individual lot identification by a suitable system of consecutive numbers.
- (b) Lot lines with accurate dimensions to the nearest tenth of a foot and bearings to the nearest five seconds.
- (c) Lot areas for each lot measured accurately to the nearest square foot for lots of one acre or less and to the nearest 0.1 acre for lots greater than one acre.
- (d) Minimum building setback lines shown and dimensioned.

(2) Survey data.

- (a) Accurate tract boundary lines with bearings and distances.
- (b) Survey tie-lines, with accurate bearings and distances to nearest established street monuments or other official monuments, which are within reasonable distance of the property. When referenced to the State System of Plane Coordinates, they shall also conform to the requirements of the New York State Department of Transportation. New Monuments shall be placed as required by Section (f) (1) and (2) of this Article and as otherwise required by the designated Town Engineer and their location noted and referenced upon the plat.
- (c) Special district boundaries, e.g., water or sewer, as affect the subdivision, referenced to the subdivision survey by accurate bearings and distances.
- (d) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (e) Accurate dimensions to the nearest tenth of a foot.
- (f) Monuments and markers:
  - [1] Accurate location of all monuments (existing, proposed, or to be reset).
  - [2] Monuments or other suitable markers shall be of a type approved by the Town Engineer and shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as may be required by the Planning Board and Town Highway specifications.

(3) Required improvement plans and profiles.

- (a) The amount of all performance guaranties and conduct of all required inspections shall be based on these drawings, the final plat itself, these Subdivision Regulations



and other applicable Town specifications for such required improvements and utilities.

- (b) Unless a specific waiver is requested and granted, in writing, by the Planning Board, the proposed improvements and utilities shall be required to comply specifically with these Subdivision Regulations and the other applicable Town specifications for such improvements and utilities.
- (c) Basic drawing layout requirements are the same as those required for the preliminary plat and shall also include rights-of-way, gradients and directional arrows downhill.
- (d) Designs for water lines, sewers, streets, bridges and drainage structures shall be prepared by a New York State licensed professional engineer.
- (e) The complete drainage system for the entire subdivision, with appropriate development staging for each of the final plat sections, shall be shown graphically and related to all existing drainage features.
- (f) Utility system requirements.

[1] Water supply and distribution.

- (i) The location of the source on the property or, where piped in, the size of the supply main.
- (ii) The location and size of all distribution mains.
- (iii) The location of fire hydrants.
- (iv) The location of control valves.

[2] Sanitary waste disposal systems.

- (i) Sanitary sewer system design shall be indicated in all cases where public or private sewer connections exist or are proposed.
- (ii) Typical lot layout, indicating the location of the individual system, where appropriate, with reference to house and water supply, and detailed drawing of proposed sanitary waste disposal system shall be shown.

[3] The location of electric, telephone, cable television, gas and other energy-related lines.

[4] The location and description of street-lighting.

- (g) Profile drawing requirements.

[1] Drawings shall be prepared with a horizontal scale of one inch equals 50 feet and a vertical scale of one inch equals 10 feet, unless otherwise approved by the Planning Board.

- [2] All profiles shall show the existing natural grades, the typical cross section of existing or proposed roads, the center lines of intersecting roads and a system of survey stations.
  - [3] The center line profile of all proposed roads with dimensions on vertical curves and notations as to gradient and critical elevations.
  - [4] Detailed plans for bridges, culverts or similar structures.
  - [5] The invert profile and location of all storm and sanitary drainage structures (manholes, catch basins, etc.) in street rights-of-way, drainage or other easements.
- (h) Recreation and community improvements.
- [1] Landscape plans prepared by a registered landscape architect, or professional engineer, indicating proposed changes in existing grades and landscaping, including the following items: play areas, walkways, incidental shelters, lighting, walls, new trees and shrubs (location, caliper and botanical name) and other required improvements.
- (i) Final engineering approval of all requirements by the designated Town Engineer.
- (j) A soil and erosion control plan in accordance with the Columbia County Soil Conservation Service Sediment and Erosion Control Manual and NYSDEC regulations.
- (4) Certifications.
- (a) Certification of title showing that the applicant is the owner or duly authorized agent of the owner.
  - (b) Written offers of cession to the Town for all proposed public streets, rights-of-way, easements and open spaces shown on the subdivision plat and copies of agreements or other documents showing the manner in which open spaces, title of which is reserved by the subdivider, are to be maintained. 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. Nothing herein shall require the Town to accept a dedication of any streets, rights of way, easements or open space.
  - (c) A certificate by the designated Town Engineer certifying that the subdivider has complied with one or both of the following alternatives:
    - (1) All or part of the improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Board granting approval of the preliminary plat.
    - (2) A performance bond or cash bond has been posted available to the Town in sufficient amount to assure completion of all required improvements not already

installed.

- (d) Protective covenants and other appropriate devices in form for recording.
- (e) Letters directed to the Chairman of the Planning Board and signed by a responsible official or any governmental authority or district which must provide necessary utility service, approving the utility installation design and assuring that adequate service will be available to accommodate the needs of the subdivision. Assurance shall also be provided that the long-term ownership and maintenance of the utilities shall be provided in accordance with §12 of the Town Law or similarly acceptable mechanism.
- (f) A letter, in appropriate cases, directed to the Chairman of the Planning Board, signed by a responsible official of the State Department of Transportation or the Columbia County Highway Department, approving proposed construction and access on State or County rights-of-way respectively. If access or construction affects a Town highway, approval of the Town Highway Superintendent shall be similarly required.
- (g) To the extent required by the Public Health Law and the Columbia County Sanitary Code, endorsement and approval by the Columbia County Health Department for the plans for all water supply and sewage disposal facilities shown on the final plat.
- (h) A memorandum and copies of related documentation establishing specific compliance with each of the conditions stated within the preliminary plat approval resolution, including a copy of all necessary permits from County or state agencies which may be required due to the particular circumstances of the subdivision and the nature and location of the intended improvements.

## **ARTICLE VIII. RESIDENTIAL CLUSTER SUBDIVISIONS**

### **§ 124. Residential cluster subdivisions.**

Pursuant to resolution of the Town Board, the Planning Board is empowered to modify, to the extent provided within the Zoning Law, applicable provisions of said law in accordance with the provisions of §278 of the Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands. The following shall be the standards and procedure utilized by the Planning Board in reviewing applications for approval of a cluster subdivision within the Town of Gallatin.

- A. Request by subdivider. A subdivider may request, on his own initiative, or the Planning Board may require the use of §278 simultaneous with or subsequent to presentation of the sketch plat as per procedure described in Article IV, Section 106.
- B. Sketch plat.
  - (1) A subdivider shall present, along with the proposed cluster sketch plat, in accordance with the provisions of § 278, a standard sketch plat which is consistent with all the criteria established by these Subdivision Regulations, including lots being fully consistent with the Zoning Law. When establishing yield, the conventional lots shall specifically

meet the minimum lot area requirements set forth in Section 4.5 of the Zoning Law.

- (2) Upon review of the standard sketch plan, the Planning Board shall by resolution, determine the number of lots that could be accommodated on the land under a conventional subdivision approach and thus the number of lots or dwelling units that would be authorized through application of the cluster subdivision concept. Based upon review of the cluster subdivision plat, the Planning Board shall establish the minimum bulk requirements that would apply to lots within the cluster subdivision and said bulk requirements shall be noted on the plat. However, nothing herein shall permit the maximum building height set forth in Section 4.3 of the Zoning Law to be exceeded except by variance issued by the Zoning Board of Appeals.

C. Lands for park recreation, open space or other community purposes.

- (1) Conditions regarding the long-term ownership, use, maintenance and permanent protection of all common lands within a cluster subdivision shall be set forth by the subdivider in consultation with the Planning Board.

- (2) The following minimum standards shall be strictly met:

- (a) The open space land, which shall not be less than 40% of the area of the tract, shall be shown on the plat and shall be labeled in a manner to indicate that such land is not to be platted for building lots and is permanently reserved for open space purposes.

- (b) A perpetual conservation easement leaving the land forever wild or limiting use of such land to agricultural, managed-forest land, passive-recreational or open-space use and prohibiting residential, industrial or commercial use of such open space land, pursuant to § 247 of the General Municipal Law and/or § 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be reviewed and approved by the Planning Board and be required as a condition of plat approval hereunder, shall not be amendable to permit commercial, industrial or residential development and shall be recorded in the Columbia County Clerk's office simultaneously with the filing of an approved cluster subdivision plat.

- (c) Open space land may be owned in common by a home-owners' association, dedicated to the Town or held in private ownership, subject to a permanent conservation easement. If owned by a homeowners' association, the common open-space land shall be protected by conservation easement from future subdivision and development. The Planning Board shall assure that proper provision has been made for ownership and maintenance of the open-space land. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open-space lands by proceeding against all individual owners in the homeowners' association and the dwelling units they each own. Ongoing maintenance standards shall be established, enforceable by the Town against an owner of open-space land as a condition of subdivision approval, to assure that the open-space land does not detract from the character of the neighborhood.

- D. Plat submission. Upon determination that such sketch plat is suitable for the procedures under § 278 of the Town Law and subsequent resolution by the Planning Board authorizing the subdivider to proceed, a preliminary plat meeting all of the requirements of the resolution shall be presented to the Planning Board within six months, and thereafter the Planning Board shall proceed with the required public hearings and satisfy all other procedural requirements of these regulations.
- E. Filing, notation on Zoning Map. On the filing of a final plat in the office of the Columbia County Clerk in which § 278 has been used, the subdivider shall file a copy with the Town Clerk, who shall make appropriate notations and reference thereto on the Town Zoning Map. The Clerk of the Planning Board shall notify the Building Inspector when such a subdivision plat is filed.
- F. No further subdivision allowed. The maximum number of lots allowed in the cluster subdivision, as determined by the Planning Board, shall be noted on the plat. A note shall also be added to the plat which indicates that the future subdivision of any lot within the cluster subdivision is prohibited.

## **ARTICLE IX. CONSERVATION DENSITY SUBDIVISIONS**

### **§ 125. Conservation density subdivisions.**

Pursuant to the resolution of the Town Board, the Planning Board is further empowered to modify to the extent provided within the Zoning Law applicable provisions of said law for the purpose of encouraging the preservation of large tracts of open space by affording flexibility to landowners in road layout and design and road frontage requirements if and only if such landowners commit to the permanent preservation of significant open space resources. The following shall be standards and procedure utilized by the Planning Board in reviewing applications for approval of a conservation density subdivision within the Town of Gallatin.

- A. Location. A conservation density subdivision may only be created in the RA-2 or R-A3 zoning Districts.
- B. Minimum lot area. Each individual lot created in a conservation density subdivision shall require a minimum lot area of 5 acres within the RA-2 District and a minimum lot area of 10 acres within the RA-3 District. All lots created within a conservation density subdivision shall be permanently restricted by conservation easement from further subdivision and shall, by virtue of the expressed language of said easement, be restricted to the development of one single-family dwelling unit per approved lot. A conservation subdivision is not required to adhere to the requirements of Section 4.5 of the Zoning Law in determining the minimum lot area.
- C. Maximum number of lots and bulk requirements. The maximum number of lots within a conservation density subdivision shall be eight (8). A map note shall be added to the conservation subdivision plat that future subdivision of the lots included therein is prohibited. Each lot shall comply with the bulk requirements of the zoning district in which it is located. The required front yard shall be measured in accordance with the definition set forth in the Zoning Law, except that the yard shall be measured from the centerline of the private road.

D. Conditions for waiver of road frontage requirements and authorization of private roads. In a conservation density subdivision, the Planning Board may waive the requirement for lot frontage on a public road and may permit the construction of private roads to lesser specifications than normally required for Town roads, provided that the following conditions are met:

- (1) All road designs must be approved by the Planning Board and the Town Engineer. Specifications for such roads shall be adequate to service the maximum number of lots that can be developed on such roads, as provided on the plat and in the restrictions on future subdivision. Unpaved roads may be permitted, provided that all other Town highway specifications, except those related to the pavement surface and pavement width, are met
- (2) A homeowners' association or other mechanism acceptable to the Planning Board and the Town Attorney must be created to maintain all private roads and must have adequate powers to collect funds needed to assure road maintenance, including the ability to impose liens against all lot owners. The adequacy of the homeowners' association or other documents shall be reviewed and approved by the Town Attorney.
- (3) The homeowners' association or other documentation and conservation easements shall state that the private roads may not be deeded to the Town unless they are improved to Town highway specifications at the sole cost of the lot owners, each sharing equally in the cost of such upgrading of the road, which costs may be made a lien against the property.
- (4) All reasonable engineering and legal costs for Town review of the adequacy of the road designs, conservation easements and homeowners' association or other documents shall be paid by the applicant for a conservation density subdivision.
- (5) To the extent applicable, the requirements of § 352-e of the General Business Law relating to the filing with the Attorney General's office of common interests in real estate shall be strictly adhered to by the subdivider.

## **ARTICLE X. WAIVERS; MODIFICATIONS; REVIEW OF DECISIONS**

### **§ 126. Waiver of specific improvements.**

The Planning Board may waive, upon specific request and by specific resolution, subject to appropriate conditions and guarantees, for such period as it may determine, the requirements of these regulations relative to the provision and design of any or all required improvements which, in its judgment of the special circumstances of a particular plat or plats, are not requisite to the interests of the public health, safety and general welfare of the Town or are not appropriate because of the inadequacy or lack of connecting facilities adjacent to or in the proximity of the proposed subdivision.

### **§ 127. Modification of specific requirements.**

Where the Planning Board finds that compliance with these regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of these regulations may be modified upon specific request and by

specific resolution of the Planning Board to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these and other Town regulations.

**§ 128. Review of Planning Board decisions.**

- A. Any officer, department, board or bureau of the Town, with the specific approval of the Town Board, or any person or persons jointly or severally aggrieved by any decision of the Planning Board concerning a plat decision may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a court of record on the ground that such decision is illegal in whole or in part. Such proceeding must be commenced within 30 days after the filing of the decision in the office of the Town Clerk.
- B. Commencement of such proceeding shall stay all further proceedings upon the decision appealed from.

**ARTICLE XI. AUTHORITY TO SIGN PLATS AND ACT ON BEHALF OF PLANNING BOARD**

**§ 129. Authority to sign plats and act on behalf of Planning Board.**

The sole officer authorized to sign approved subdivision plats is the Chairman of the Planning Board or in his absence, the Vice Chairman. The Clerk of the Planning Board is authorized to carry out any ministerial acts on behalf of the Planning Board or its Chairman that are required by these regulations.

**ARTICLE XII. REVISION OF APPROVED PLAT**

**§ 130. Revision of approved plat.**

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

**ARTICLE XIII. CONFLICTS WITH OTHER LAWS; HIGHER STANDARDS to PREVAIL**

**§ 131. Conflicts with other laws; higher standards to prevail.**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the subdivision of land and the provision of required improvements within the Town of Gallatin. Should these regulations conflict with or otherwise be inconsistent with any provision or requirement of any other lawfully adopted rules, regulations, ordinances or laws, the more stringent provisions, or those imposing the higher standards, shall govern. All ordinances, or laws dealing with specific matters such as the Town Zoning Law, "Greenway Connections" "Alternate Care Housing and Residential Health Care facilities", or any other Local Laws are incorporated herein by reference.

**ARTICLE XIV. AMENDMENTS**

**§ 132. Amendments.**

The Town Board may amend this Local Law in accordance with the procedures set forth in Article 3 of the Municipal Home Rule Law. Under the authority granted in §271 of Town Law, the Planning Board may make recommendations to the Town Board relating to these land subdivision regulations. Adoption of any such recommendations by the Town Board shall be by local law.

**ARTICLE XV. GREENWAY CONNECTIONS**

**§ 133. Greenway Connections.**

By Local Law No. 1 of the Year 2004, the Town of Gallatin has adopted Greenway Connections: Greenway Compact Program and Guides for Columbia County Communities, as amended from time to time, as a statement of land use policies, principles, and guides to supplement other established land use policies in the Town. In its discretionary actions under these Land Subdivision Regulations, the Planning Board may take into consideration said statement of policies, principles and guides, as appropriate.

**ARTICLE XVI. REPEALER; SEPARABILITY; EFFECTIVE DATE.**

**§ 134. Repealer.**

These regulations are intended to supercede, repeal, and annul the existing subdivision regulations for the Town of Gallatin.

**§ 135. Separability.**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this Local Law even without any such part, provision, or application.

**§ 136. Effective date.**

This local law shall become effective upon its filing in the Office of the Secretary of State.