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Town of Rensselaerville

Subdivision Regulations

Draft V5 October 2007

Town of Rensselaerville
Town Hall
87 Barger Road
Medusa, NY 12120

SUBDIVISION REGULATIONS OF THE TOWN OF RENSSELAERVILLE

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Article I Authority, Policy, Title, Effective Date

Section 101: Authority of the Planning Board.

Pursuant to Article 16 of the Town Law, and the resolution of the Town Board of the Town of Rensselaerville (hereinafter referred to as the "Town Board"), duly adopted in 1977, the Planning Board of the Town of Rensselaerville (hereinafter referred to as the "Planning Board") is authorized and empowered to approve plats showing lots, blocks, or sites, with or without streets or highways, and to approve preliminary plats, within the municipal boundaries of the Town of Rensselaerville. Also, pursuant to the above-mentioned enabling law and resolution, the Planning Board is authorized and empowered to approve the development of plats already filed in the office of the County Clerk of the County of Albany in which such plat is located if such plats are entirely or partially undeveloped.

With respect to clustered development pursuant to Section 278 of Article 16 of the Town Law and Article V of the Town of Rensselaerville Zoning Law (hereinafter referred to as the "Zoning Law"), duly adopted on April 23, 2007, the Planning Board is authorized to vary the requirements set forth in the Zoning Law simultaneously with the approval of any proposed residential development or subdivision plat within the municipal boundaries of the Town of Rensselaerville.

Section 102: Adoption of Regulations.

By authority of Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Rensselaerville hereby adopts and enacts the following.

Section 103: Policy.

It is hereby declared to be the policy of the Planning Board to consider, review, approve, conditionally approve, with or without modification, and/or disapprove the subdivision of land within the Town of Rensselaerville. Such action shall be consistent with, and in furtherance of, the Zoning Law and Comprehensive Plan of the Town of Rensselaerville in order to provide: environmentally sound future growth and development of the Town, orderly, efficient, economical growth and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health, safety and welfare of the Town's population. This policy includes, among other things ensuring:

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- * that the Town's rural character, environment, quality of life, and agricultural resources are protected and preserved during subdivision activity including its farmland, forests, sensitive plant and animal habitats, mineral, groundwater, and surface water resources, designated historic structures, and scenic locations;
- * that land proposed to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or safety;
- * that adequate facilities be provided for drainage, water supply, sewerage and transportation;
- * that all proposed lots are laid out to be in harmony with the development pattern of the neighborhood or community and are compatible with the surrounding environment;
- * that proposed streets be of sufficient width and suitable grade and location so as to accommodate prospective traffic, facilitate fire protection, and provide access of fire-fighting equipment to buildings, and be coordinated to compose a convenient roadway system conforming to the official map and Comprehensive Plan of the Town if such exists and as may be amended from time to time;
- * that adequate provision be made for parks suitably located for playground and other recreational purposes; and
- * that flexibility be encouraged with respect to design and development of land in order to promote the most appropriate use of land and to facilitate the adequate and economical provision of streets and utilities.

Section 104: Title.

These Regulations shall be entitled and known as the "Subdivision Regulations of the Town of Rensselaerville".

Section 105: Effective Date and Prior Regulations.

These Regulations are effective as of the date of filing with the New York State Department of State. These Regulations supersede and repeal the prior existing subdivision of land officially known as the "Town of Rensselaerville Land Subdivision Regulations of Land". As such, any preliminary plat submitted to the Planning Board on or after the date that these Regulations have been approved by the Town Board, shall be subject to these Regulations.

Article II Definitions

Section 200: Meaning of Terms.

Unless otherwise expressly stated, the following terms shall, for the purposes of these Regulations, have the meaning indicated as follows:

Agricultural Data Statement: A written statement required when certain land use determinations within 500 feet of a farm operation located in an agricultural district takes place. The statement must include information about the proposed project and is to be included in the application for project approval. A notice of the project application is mailed to owners of land associated with the neighboring farm operation identified in the statement. The Planning Board is required to evaluate and consider the statement in its review of possible impacts of a project on nearby farm operations.

Agricultural District: An area of land designated by the Albany County Legislature according to Article 25-AA (Agricultural Districts) of the New York State Agriculture and Markets Law to protect and promote agricultural activities.

Agricultural Land: Land used for the production or raising of crops, animals or animal products, the selling of such products grown on premises, and any other commonly accepted agricultural operations, except animals or crops raised for personal consumption or recreational purposes. The term agricultural land also includes lands which are managed for commercial timber purposes.

Applicant: The owner, lessee, or contract vendee of land, including the authorized representative of such owner, lessee, or contract vendee, who submits a sketch plan, preliminary plat, or final plat to the Planning Board for the purposes of subdividing such land.

Buffer Area: Open space, landscape areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another use or property so as to visually shield or block noise, light, or other nuisances.

Buildable Area: Also referred to as the Building Envelope, the particular dimensional area within a buildable lot or parcel of land on which the proposed structure(s) and improvements can be located and built both within required setbacks, and with supporting utilities, including water supply and waste disposal, pursuant to acceptable engineering and environmental standards.

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Buildable Lot: A lot on which the proposed structures can be located and built both within required setbacks and with supporting utilities, including water supply and waste disposal, pursuant to acceptable engineering and environmental standards.

Clustered Subdivision: A subdivision approved pursuant to Town Law § 278 wherein the Planning Board modifies applicable provisions of the zoning law for the purposes of enabling and encouraging the most appropriate use of land, facilitating the adequate and economical provision of streets and utilities, and preserving the natural and scenic qualities of open land. In a cluster development, the resulting number of building plots or dwelling units will not exceed the number which can be permitted in the Planning Board's judgment, if the land is subdivided into lots conforming to the otherwise applicable minimum lot size and density requirements of the zoning law.

Code Enforcement Officer: The person appointed by the Town Board to carry out and enforce requirements of the Zoning Law, Subdivision Law, and other local laws and ordinances, as well as the New York State Building Code. Also known as Building Inspector or Zoning Enforcement Officer.

Common Driveway Access: A shared curb cut off a Town, County, or State highway. This does not include a shared driveway.

Comprehensive Plan: The Town of Rensselaerville Comprehensive Plan adopted by the Town Board of the Town of Rensselaerville and as may be amended or revised from time to time. Said Comprehensive Plan discusses and sets forth planning and development policies of the Town of Rensselaerville.

Conditional Approval: Approval by the Planning Board of a preliminary or a final plat subject to such conditions as may be set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor does it authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording it in the office of the County Clerk or Registrar as herein provided.

Conservation Advisory Committee or CAC: The duly appointed committee which is authorized to investigate areas and issues pertaining to the natural and cultural environment and to assist the Planning Board in matters of the environment.

Conservation Subdivision: A residential subdivision where the dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be placed on the parcel in a flexible manner, such that lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed, and where a majority of the remaining land is left in its natural open space condition in perpetuity. Conservation development

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results in: flexibility of design and development to promote the most appropriate use of land, facilitation of adequate and economical provisions of streets and utilities, and preservation of the natural and scenic qualities of open lands.

Cul-de-Sac: A dead-end street or a portion of a street having only one vehicular outlet.

Designated Historic Structure/Site/District: Any building, structure, site, parcel or district that is officially given the designation on the National Register of Historic Places, the New York State Register of Historic Places, or by the Town of Rensselaerville.

EAF: The Environmental Assessment Form which is required to be completed and submitted in conjunction with all subdivision applications which are subject to the State Environmental Quality Review Act (SEQRA). There are two types of EAF forms - the full EAF and the short EAF.

Easements: The authorization or conveyance of a property right by a property owner to another party to use a designated part of the owner's property for a stated particular purpose or purposes.

Environmental Impact Statement or EIS: A document prepared in accordance with SEQRA, (6 NYCRR Part 617), which is circulated for review and comment. The EIS may take the form of and be designated as a draft, final, or supplemental EIS.

Final Plat: A map or drawing which is prepared in the manner prescribed by these Regulations that shows a proposed subdivision and such additional information as may be required by these Regulations and the modifications, and any, if at all, required by the Planning Board at the time of the approval of the Preliminary Plat if such Preliminary Plat has been approved.

Grade, Finished: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Grading: The alteration of the surface or subsurface conditions of land, lakes, ponds, watercourses, or wetlands by excavation or filling.

Involved Agency: An agency that has legal jurisdiction to make a discretionary decision to fund, approve, or directly undertake an aspect of the proposed project.

Lead Agency: An involved agency that is principally responsible for carrying out, funding, or approving the proposed project, and which takes the lead role in conducting the SEQRA review of the proposed project.

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Lot: A parcel of land occupied or designed to be occupied by one (1) principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law, which is recorded by deed or survey in the office of the Albany County Clerk.

Lot, Coverage : That percentage of the lot covered by the footprint of the principal and accessory building area.

Lot, Flag: A lot that has its buildable area (the so-called "flag") located behind another existing or proposed lot, and that derives access by means of a narrow strip of land (sometimes referred to as "the flagpole") with frontage on a street. A flag lot allows the potential for the creation of two lots, one generally behind the other, which derive access from the same street.

Low Impact Development: A stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. Instead of conveying and managing / treating stormwater in large, costly end-of-pipe facilities located at the bottom of drainage areas, LID addresses stormwater through small, cost-effective landscape features located at the lot level.

Major Subdivision: A classification applied to any proposed subdivision in which land is to be divided into three or more lots within a period of two years from the date of approval of the first subdivision and that is not classified as a minor subdivision. Said term also includes any proposed division of land into two lots that does not meet the requirements set forth in Article V of these Regulations for a Minor Subdivision.

Minor Subdivision: The division of a parcel of land (a) into no more than two (2) lots; (b) both of which front an existing street; (c) which does not involve a new proposed street or extension of municipal facilities; (d) which does not adversely effect the development of the parcel or adjoining properties; (e) which does not adversely affect the surrounding environment (i.e., that the application is appropriate for the issuance of a negative declaration pursuant to SEQRA); (f) which has not been previously subdivided for a period of five (5) years; and (g) is in conformance with the Comprehensive Plan, the requirements of the Zoning Law, and the objectives of these Regulations.

Mortgage Cutout: A term used by financial institutions when they require a mortgage applicant who has a house with a large plot of land to have the proposed mortgaged property subdivided into two lots, with the house being included on a smaller lot. This

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pre-empts the Mortgage holder from having to take ownership of large plots of land if they are forced to foreclose.

Negative Declaration: A written determination, in accordance with SEQRA, by a lead agency that the implementation of the project as proposed will not result in any significant environmental effects. In accordance with SEQRA and Town Law §276, a Preliminary Plat or Final Plat shall not be considered complete until a Negative Declaration is filed or until a Notice of Completion of the Draft Environmental Impact Statement (DEIS) has been filed.

Official Map: The map and any amendments thereto adopted by the Town Board under §270 of the Town Law or by the County under §239-h of the General Municipal Law.

Official Newspaper: The Greenville Press or such other newspaper designated by the Town of Rensselaerville as the official publication for purposes of publishing media notices.

Open Space: Land left in a natural state for conservation, agricultural, scenic purposes, devoted to active or passive recreation, or devoted to the preservation of distinctive architectural, historic, geologic or botanic sites. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, or occupied by any structure or improvement, except for agricultural uses. Open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot, but shall not include private yards within 50 feet of a principal structure.

Open Space, Usable: An unenclosed portion of the ground of a lot that is not devoted to driveways or parking spaces, and that is free of structures of any kind.

Parcel: A tract of land that has legally defined boundaries and includes any tract of land that comprises or contains contiguous parcels separately acquired or separately delineated by deed and/or tax map identification but held in common ownership. For purposes of this definition, contiguous parcels shall include those parcels separated by a road or roads but which are held in common ownership and have the same tax parcel identification number. Such contiguous parcels, although split by a road or roads, are subject to the subdivision review process should an owner wish to convey and/or transfer title interest of any part of such contiguous parcel to another owner.

Parent Parcel: A parcel of land legally in existence on the effective date of this Chapter. For purposes of this Chapter the parent parcel shall be deemed to be that lot, parcel, or tract of land owned by the person or persons as shown on the records of the Town of Rensselaerville's Office as of the effective date of this Law.

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Performance Bond: An obligation in writing, under seal, issued by a surety company satisfactory to the Planning Board that binds the surety to pay a sum of money to the Town, if the Applicant fails to satisfactorily install and/or maintain improvements as may be required by the Planning Board as part of its approval.

Planning Board: The duly appointed Planning Board of the Town of Rensselaerville.

Plat: A drawing(s) or map(s) setting forth a proposed layout of lots and proposed streets, if any, and such other information as is required under these Regulations.

Positive Declaration: A written statement prepared in accordance with SEQRA by the lead agency indicating that the implementation of the action as proposed may have a significant effect on the environment, and that an environmental impact statement must be prepared.

Pre-Application Conference: The meeting of the Planning Board at which the Applicant presents a Sketch Plan of a proposed subdivision for purposes of discussing the requirements of these regulations as applied to the proposed subdivision, and the feasibility of such project.

Preliminary Plat: A drawing or drawings clearly marked "Preliminary Plat" prepared in the manner specified in Article VI of these Regulations, showing the layout of a proposed subdivision which complies with, and contains, the information specified in Section 603 of these Regulations.

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Recreation, Active: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, and taking place at prescribed places, sites, or fields. Examples include, but are not limited to: swimming, tennis and other court games, baseball and other field sports, track, and playground activities.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure time activities.

Recreation, Indoor: The conduct of sporting uses undertaken entirely within a building, including team or individual sports and related health and exercise facilities. Video parlors, computer gaming facilities, movie theaters and bars do not constitute indoor recreation facilities. However, an indoor recreation use may be accompanied by customary accessory uses, which may include food service facilities, meeting room or banquet facilities, serving of alcoholic beverages, video or computer game facilities, video theater facilities, sales of sport or exercise-related equipment or clothing, and other customary accessory uses.

Recreation, Outdoor: Includes but is not limited to golf: skiing, ball playing on ballfields, swimming; biking, hiking, and similar outdoor activities facilities on a commercial or fee basis.

Recreation, Passive: Activities that involve relatively inactive or less energetic activities such as walking, nature hikes, nature observation, sitting, picnicking, card playing, chess, and similar table games.

Regulations: The body of these regulations, officially entitled and known as the "Subdivision Regulations of the Town of Rensselaerville", as may be amended or revised from time to time.

Secretary: The duly appointed employee of the Planning Board who is responsible for taking minutes of Planning Board meetings, filings, and conducting administrative management at the direction of the Planning Board. Such person serves also as the clerk of the Planning Board and is responsible for those functions of a clerk as set forth in Article 16 of Town Law. As such, the Secretary may also be referred to as clerk or manager of the Planning Board.

SEQRA: The State Environmental Quality Review Act as codified in Article VIII of the Environmental Conservation Law (ECL) and the implementing regulations codified in Title 6 of the New York Code of Rules and Regulations Part 617. The terms "Type I action", "Type II action", "Unlisted action" and other terms directly relating to SEQRA are defined in Section 617.2 of SEQRA Regulations, Article VIII, 6 NYCRR Part 617.

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Setback: The distance between the road line and a building, structure, or use, measured from the right of way of the road line to the nearest point of the building, structure, or use. The setback from a stream or other watercourse or body shall be the distance between the shoreline and a building structure, or use, measured from the mean high water mark to the nearest point of the building, structure, or use.

Sketch Plan: The sketch or initial drawing of a proposed subdivision showing the information specified in Section 403 of Article IV of these Regulations for the purposes of the initial discussion between the applicant and Planning Board regarding the proposed layout and objectives and requirements of these Regulations.

Steep Slopes: All ground areas having a topographical gradient equal to or greater than fifteen percent (15%) measured by utilizing two (2) foot contours.

Street: A right-of-way for vehicular traffic, including road, avenue, lane, highway, or other way designed and constructed in accordance with the Town of Rensselaerville street standards.

Street Grade: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the "street grade."

Street Jog: An offset of a street or road at an intersection resulting in the street not continuing straight through the intersection.

Street Line: The dividing line between the street and the lot.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width: The distance between property lines.

Street, Arterial: A street that serves or is designed to be used primarily for cross-town movement by fast or heavy traffic.

Street, Collector: A street that carries traffic from local streets to the major system of arterial streets; the principal entrance and circulation streets within a development.

Street, Local: A street intended to serve primarily as an access to abutting residential properties.

Subdivision: The division of any parcel of land into two or more parcels, lots, plots, or sites of land, for the purpose or purposes of conveyance, transfer of any title interest,

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improvement, building development, or sale, whether or not such division of land creates a street or streets.

Submission Date: For purposes of these Regulations, the submission date shall be the first regularly scheduled Planning Board meeting after receipt by the Planning Board Secretary of a complete application, preliminary plat, final plat, or any other submission.

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

Town: The Town of Rensselaerville, a municipal corporation, as defined by Section 2 of Town Law

Town Board: The duly elected legislative body of the Town of Rensselaerville, organized and existing pursuant to §60 of the Town Law.

Town Engineer: The duly designated engineer, or retained consulting engineer, of the Town of Rensselaerville.

Wetland: Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act (ECL §24-0107), whether or not designated or delineated and/or mapped by the New York State Department of Conservation, any Federal agency, or the Town of Rensselaerville.

Zoning Board of Appeals: The duly appointed Zoning Board of Appeals of the Town of Rensselaerville.

Zoning Law: The local law officially entitled the "Town of Rensselaerville Zoning Law", as may be amended from time to time.

Zoning Officer: The person appointed by the Town Board to carry out and enforce the requirements of the Zoning Law and these Regulations, also known as Code Enforcement Officer, Building Inspector or Zoning Enforcement Officer.

Article III Procedures for Submitting Subdivision Applications

Section 301: Introduction.

When a subdivision of land is proposed to be made within the boundaries of the Town of Rensselaerville, and before a contract for the sale of any lots, or any offer to sell any lots in such subdivision or any part thereof is made, and before the commencement of clearing, grading, construction of roads, utilities or buildings in anticipation of a subdivision and before any zoning and/or building permit for the erection of a structure or use in such proposed subdivision shall be granted, the owner of such land, or his/her duly authorized representative, shall apply in writing to the Planning Board for subdivision approval in accordance with the procedures set forth in these Regulations.

Section 302: Boundary Line Change.

A. Criteria: The simultaneous division and transfer of land between adjacent property owners shall not be considered a subdivision within the meaning, and shall be exempt from the requirements of these Regulations provided such division of land does not (a) create a new lot, or (b) reduce the size of any existing lot area, dimensions or building setbacks below the minimum requirements for the zoning district in which such land is located, as provided by the Zoning Law. The purpose of this exemption is to encourage property owners to conform existing lots to the minimum area requirements set forth in the Zoning Law with minimal delay and expense.

B. Procedure: If such a division of land falls within the exemption described above, the adjacent property owners shall submit a combined Sketch Plan to the Planning Board of the proposed division and transfer of land together with the proposed deed effectuating such transfer between the parties. Further, they shall schedule and attend a Pre-Application Conference prior to effectuating such property transfer. The Planning Board at the Pre-Application Conference will study the Sketch Plan and issue a determination as to whether such exemption applies to the division of land in question.

C. Submission of Deed: If the Planning Board determines that the exemption applies, the property owners in question must thereafter submit to the Planning Board a copy of the executed deed which evidences such transfer's compliance with the Sketch Plan relied upon by the Planning Board in making its determination. The parcel transferred and the parcel to which it is being annexed or joined shall be considered one lot for purposes of all present or future uses.

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Section 303: Applicant's Familiarity with Regulations.

In order to facilitate the processing and review of subdivision applications, the Planning Board highly recommends that the potential Applicant examine and familiarize him/herself with these Regulations, the Zoning Law of the Town of Rensselaerville, and the Town of Rensselaerville Comprehensive Plan, as well as the parcel of land sought to be divided so that the Applicant is aware of what may be required and the time-frames involved in reviewing a particular subdivision application.

Section 304: Mortgage Cutout.

Planning Board approval of a Mortgage Cutout establishes a new lot. Therefore, any applicant seeking a Mortgage Cutout must apply for a Minor Subdivision and be subject to all the requirements of the Minor Subdivision approval process. The Planning Board does have the authority to waive requirements within the subdivision process due to the applicant's demonstrated financial hardship or other documented factors.

Article IV Sketch Plan/Pre-Application Conference Procedures

Section 401: Purpose.

The purpose of this initial required step in the subdivision review process is to acquaint the Applicant with the requirements of these Regulations and to discuss the feasibility of the project before the Owner has invested a substantial amount of money and/or time in the preparation of formal plats. This Sketch Plan or "pre-application" stage affords the Applicant with the opportunity to consult early and informally with the Planning Board before preparation of the preliminary plat, and formal application for approval is made, in order to more efficiently process the application and to save unnecessary expense. It must be emphasized that this stage of the subdivision review process does not entail a formal approval or disapproval of the project. The sketch plan phase is a critical step when a conservation/clustered subdivision is proposed.

Section 402: Procedures.

A. Request For Pre-Application Conference: Prior to the preparation and submission of a preliminary plat and subdivision application, any owner of land, or his/her duly authorized representative who desires to subdivide his/her property, shall contact the Secretary of the Planning Board and request an appointment with the Planning Board for the purpose of scheduling a pre-application conference with the Planning Board to review the Sketch Plan of the proposed subdivision. The Planning

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Board Secretary will notify the owner or his/her duly authorized representative as to the time, date, and place of the pre-application conference.

B. Scheduling: The pre-application conference with respect to the Sketch Plan should typically take place at the next regularly scheduled meeting of the Planning Board unless the agenda for such meeting is full. In such case, the conference shall take place at the following regularly scheduled meeting of the Board. The date of submission of the Sketch Plan shall be the date that the pre-application conference is held.

Section 403: Sketch Plan.

A. Submission: After the Applicant has been notified as to the date of the pre-application conference, the Applicant shall submit to the Planning Board Secretary, at least five (5) days prior to the conference date, eight (8) copies of a Sketch Plan of the proposed subdivision together with a completed Sketch Plan application and Pre-Application Conference fee (in the amount as determined by the Town Board from time to time which is set forth on the fee schedule attached to these regulations as Appendix "A"). The Sketch Plan shall comply with the requirements, and shall contain the information, specified in Paragraph "B" below. For proposed conservation/clustered subdivisions, the Sketch Plan shall also comply with the requirements of Article VII.

B. Required Specifications for Sketch Plan: The Sketch Plan shall consist of a drawing (based on tax map information or some other similarly accurate base map) at a scale preferably not less than 100 feet to one inch, and together with the Sketch Plan application, shall show:

1. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records;
2. The tax map sheet, block, and lot numbers, scale, north arrow, and total acreage involved;
3. The location and boundaries of the proposed subdivision in relation to municipal boundaries, if any, within 500 feet of the property;
4. Contour lines with intervals of no more than 20 feet (may be obtained from existing U.S.G.S. maps);
5. The proposed layout of lots, including the approximate dimensions and area of lots, and the proposed layout of streets;

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6. Location and identification of existing streets and significant natural features (for example, water bodies, steep slopes, wetlands, steep slopes > 15%, prime farmland soils, soils of statewide importance, significant single trees or significant stands of trees or wooded areas, as well as any historical resources or designated historical structures, sites, or districts);

7. Existing permanent buildings, structures, and utilities, if any;

8. All existing restrictions on the use of the land in question, including easements, covenants and current zoning classification;

9. A description of the proposed street layout, recreation areas, and systems of drainage, sewerage, and water supply within the subdivided area;

10. A description of building types and approximate locations within a building envelope;

11. Location and designation of zoning districts and any overlay districts that pertain to the parcel; and

12. Such other features as the Applicant may deem pertinent.

Section 404: Pre-Application Conference.

A. Nature of Conference: The Applicant, or his/her duly authorized representative, shall attend the Pre-Application Conference at the scheduled meeting of the Planning Board, in order to discuss the requirements of these Regulations for lot layout, street improvements, drainage, sewerage, water supply, flood protection, natural resources, and availability of existing municipal services, as well as any other similar aspects or other pertinent information relevant to the proposed subdivision.

B. Study of Sketch Plan and Classification: At the time of the Planning Board meeting to review the Sketch Plan (the "Pre-Application Conference"), the Planning Board shall review the proposed subdivision, as outlined on the submitted Sketch Plan and shall:

1. Determine whether the proposed subdivision of land will be classified as a Minor or Major Subdivision as defined in these Regulations;

2. Determine whether the proposed subdivision may involve a Federal agency or one or more other agencies as defined under SEQRA;

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3. Make a preliminary classification of the proposed subdivision as a Type I or Unlisted action, as such terms are defined under SEQRA;

4. Determine whether a full or short Environmental Assessment Form ("EAF") will be required;

5. Discuss arrangements with the Applicant for a site visit to be performed by members of the Planning Board, its consultants and/or designated representatives, including, but not limited to, the Town of Rensselaerville Conservation Advisory Committee;

6. Discuss whether the Sketch Plan meets the purposes of these Regulations and any recommendations that the Planning Board may specify for incorporation by the Applicant in the next submission, subject to any changes based upon the site visit and consultants reports, if any; and

7. At the time of the Sketch Plan review, the Planning Board may require that the proposed subdivision be subject to the conservation subdivision/clustered development criteria and requirements in accordance with Article V of the Rensselaerville Zoning Law and Article VII of these Regulations.

Section 405: Report of the Planning Board on Sketch Plan.

Within forty-five (45) days of the date of the pre-application conference, the Planning Board shall issue a written report to the Applicant based upon the information received by the Planning Board at the pre-application conference, the site visit, consultants reports, and any other sources. Said report shall set forth the initial determinations specified in Section 404, above, as well as whether the Sketch Plan meets the purposes of these Regulations and any specific recommendations that are to be incorporated by the Applicant in the next submission to the Planning Board. The report may also state those requirements that the Planning Board deems appropriate to be waived with respect to the next subdivision review stage. Note that the Planning Board may alter its initial determinations or recommendations as contained in said report if appropriate, based on additional information or further study pursuant to the next stage of review.

Section 406: Minor/Major Subdivision Classifications.

A. Effect: If the Planning Board classifies the Sketch Plan as a Minor Subdivision, the Applicant shall then comply with the procedures set forth in Article V of these Regulations. If the Planning Board classifies the Sketch Plan as a Major Subdivision, the Applicant shall then comply with the procedures outlined in Article VI and Article

VII, Clustered and Conservation Subdivisions. However, the Planning Board may require that a Minor Subdivision comply with all or certain parts of the requirements specified for Major Subdivisions if the Board deems that such requirements are necessary for the protection of the public health, safety, and welfare.

B. EAF: If the Sketch Plan is classified as a Minor Subdivision, the Planning Board shall provide the Applicant or his/her representative with a short Environmental Assessment Form, unless the Planning Board determines that a full Environmental Assessment Form would be appropriate. If the Sketch Plan has been classified as a Major Subdivision, the Applicant or his representative shall be provided with a full Environmental Assessment Form. Part I of either the full or short EAF shall be completed by the Applicant or his/her representative, and submitted with the Preliminary Plat in the case of a Major Subdivision, or with the final plat in the case of a Minor Subdivision. If a short EAF form is submitted, the Planning Board reserves the right to require supplemental environmental information or the full EAF form if the Planning Board determines such information is necessary pursuant to its further review of the proposed subdivision.

Article V Procedures for Minor Subdivisions

Section 501: Classification.

As set forth in Article IV above, the Planning Board, during the Sketch Plan/Pre-Application Stage, shall determine whether a proposed subdivision of land will be classified as a Minor or Major Subdivision as such terms are defined in these Regulations (See Article II). Such determination shall be based upon the information provided by the Applicant on the Sketch Plan submission. If the Planning Board classifies the Sketch Plan as a Minor Subdivision, the Applicant shall then comply with the procedures set forth in this Article V.

Section 502: Purpose of Classification.

The purpose of distinguishing proposed subdivisions of land into either Minor or Major Subdivision classifications is to save the Applicant time and expense by waiving, where appropriate, certain requirements applicable to Major Subdivisions, including, among other things, the requirements of the Preliminary Plat submission, review and approval.

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Section 503: Criteria for Minor Subdivision.

A. A Minor Subdivision is the division of a parcel of land (a) into no more than two (2) lots; (b) both of which front an existing street; (c) which does not involve a new proposed street or extension of municipal facilities; (d) which does not adversely effect the development of the parcel or adjoining properties; (e) which does not adversely affect the surrounding environment (i.e., that the application is appropriate for the issuance of a negative declaration pursuant to SEQRA); (f) which has not been previously subdivided for a period of five (5) years; and (g) is in conformance with the Comprehensive Plan, the requirements of the Zoning Ordinance and the objectives of these Regulations. However, even if the above conditions for a Minor Subdivision classification are met, the Planning Board may require that a Minor Subdivision comply with all or certain of the requirements for a Major Subdivision if the Planning Board deems that such requirements are necessary, under the circumstances involved, for the protection of the health, safety and general welfare of the public.

B. No more than a total of two (2) lots may be created either simultaneously or sequentially from a parent parcel under classification as a minor subdivision. Should more than that total number of lots be applied for at any time in the future, the applicant will have to include all the information required of a major subdivision for the previously subdivided lots as well as for the lots under consideration in the application.

Section 504: Application Procedures of Minor Subdivisions.

A. Submission of Minor Subdivision Plat: Provided that the Applicant (a) submits a Sketch Plan, and other information as specified in Article IV above; (b) attends the Pre-Application Conference; and (c) receives a report from the Planning Board which classifies the proposed two lot subdivision as a Minor Subdivision, the Applicant shall submit a Minor Subdivision Plat, a completed EAF Form, a completed Minor Subdivision application, and the other documents and information specified in Paragraph "B", below, to the Planning Board Secretary seven (7) days prior to the regularly scheduled Planning Board meeting.

B. Submission Requirements: The Minor Subdivision Plat and other submissions for a Minor Subdivision to the Planning Board Secretary shall include the following:

1. Eight (8) paper copies of the Minor Subdivision Plat drawn accurately to a scale not less than 200 feet to the inch which shall show:

a. all existing and proposed property lines, present zoning and building setbacks lines, easement and right-of-way lines with dimensions, bearings or angle data, and curve data;

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b. the name and address of the Applicant and record owner (if different from the Applicant), and proof that all real property taxes levied on the land are paid. If the Applicant is not the recorded owner, but an authorized representative of the owner, a notarized letter of consent signed by the land owner must also be submitted;

c. the bearings, distances, and locations of all iron pipes and other survey monuments, such pipes or monuments to be labeled existing or proposed;

d. all contiguous land owned or under purchase contract or option by the Applicant and/or record owner (parcels with large amounts of remaining lands may be shown on an insert map at a small scale, where appropriate, with the permission of the Planning Board);

e. existing adjacent streets;

f. names of owners of all adjacent property;

g. a location map, legend, scale and north arrow;

h. location of existing and/or proposed structures, as well as existing or proposed driveways, culverts, water lines, electric, cable and telephone utility lines. The Planning Board shall, wherever practicable, require underground installation of electric, telephone, and cable wires along private driveways. Where circumstances are considered impractical or the neighborhood character will not be adversely impacted, the Planning Board may waive this requirement;

i. location and lines of all existing permanent and intermittent water courses, drainage courses, lakes, ponds, wetlands, streams, one hundred (100) year flood plain boundaries, significant single trees or significant stands of trees, open fields, ridgetops, and other important land features such as state, federal, or local designated critical habitats;

j. contour lines with intervals of no more than 5 feet for the buildable area or building envelope and driveway unless otherwise specified by the Planning Board;

k. proposed use of each lot;

l. location of existing or proposed water wells (with proof of potable water supply) and septic systems (with percolation tests and any site modifications necessary for the installation of the system). As an alternative, the Applicant may provide, if an on-site water supply is to be utilized, a note stating that all lot sales are contingent upon a contract addendum for the location of such water supply, water flow capacity, and

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potability, as well as acceptable conditions for septic systems in accordance with New York State and Albany County Health Department standards;

m. the name, address, signature, and seal of a professional engineer and/or surveyor duly licensed by the State of New York.

n. boundary lines of the zoning district for parcel and any boundary line of an overlay district if such exists for parcel.

o. location of any actively farmed field, farm access road, and boundary of New York State certified agricultural district within 500 feet of the parcel;

2. A copy of the current deed or deeds of all involved parcels;

3. A completed Town of Rensselaerville Minor Subdivision Application form;

4. Short Environmental Assessment Form with Part I completed by Applicant (the Planning Board may require the full EAF form to be submitted where appropriate);

5. A check in the amount of the fee for a Minor Subdivision review as determined by the Town Board from time to time which is set forth on the fee schedule;

6. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the Town of Rensselaerville Zoning Law, Article VI, Section 2;

7. Agricultural Data Statement. If any portion of the project is located on property within a certified New York State agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, the application must include an agricultural data statement containing the name and address of the applicant, a description of the proposed project and its location, the name and address of any owner of land within the agricultural district, whose land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed, and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement. In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure, as per New York State Agriculture and Markets 25-aa, to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat or Site Plan;

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8. A note, prominently placed, on the plat indicating the number of total lots eligible to be created from the parent parcel as per Article V, Section 504 of these regulations;

9. Any other information required by the Planning Board as stated in the Planning Board report issued as a result of the Sketch Plan review and Pre-Application Conference. The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate;

10. A property owner submitting a subdivision plan shall be required to specify on his plan, and on any approved Minor Subdivision Plat, which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units to which the tract may be entitled.

C. Referral: Referral of Proposed Subdivision Plats to the County Planning Board shall be in accordance with §616 of these regulations.

D. Escrow and Consulting Services: Where the Planning Board deems services such as engineering, architectural, planning, or other professional services are advisable to assist in the examination of the proposed subdivision, the applicant shall be required to pay the cost of all such services. The Town Board shall establish an escrow account for this purpose.

E. SEQRA Requirements: The Planning Board shall follow all requirements as per Part 617 SEQRA.

F. Referral to Neighboring Municipalities: Pursuant to General Municipal Law §239-nn, for a subdivision review under this section involving property located within five hundred (500) feet of an adjacent municipality, notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than ten (10) days prior to the date of said hearing.

G. Receipt of Complete Minor Subdivision Plat: The application for a Minor Subdivision 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 initiation of review of such Plat shall begin upon filing of such Negative Declaration or Such Notice of Completion.

H. Public Hearing: The Planning Board shall schedule and hold a public hearing on the proposed subdivision within sixty-two (62) days after the receipt by the Planning Board Secretary of a complete Minor Subdivision Plat if the following conditions are

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met: (i) the Planning Board determines that the preparation of an environmental impact statement on the Minor Subdivision Plat is not required and files a negative declaration pursuant to SEQRA; (ii) the Planning Board Secretary has received a complete Application and other requirements for Minor Subdivisions set forth in Paragraph "B" above.

I. Public Hearing Notice: Notice of the public hearing shall be advertised in the Town's Official Newspaper at least five (5) days before such hearing. In addition, the Applicant shall deliver a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the property which abut, are adjacent to, or are situated across an established road from the proposed boundary lines of the property which is the subject of the hearing. Applicant shall also provide notice to such other persons as the Chairman of the Planning Board may direct.

J. Decision: Within sixty-two (62) days from the close of the public hearing on the proposed subdivision, the Planning Board shall, by resolution, conditionally approve (with or without modification), disapprove, or grant final approval. The time in which the Planning Board must take such action on the Minor Subdivision Plat may be extended by mutual consent of the Applicant and the Planning Board.

K. Notification & Filing of Decision: Within five (5) days of the date of the adoption of the resolution stating the decision of the board on the Minor Subdivision Plat, the Chairman or other duly authorized member of the Planning Board shall: (i) cause a copy of such resolution to be filed in the office of the Town Clerk; and (ii) cause a copy to be mailed to the Applicant within five (5) business days of the date the decision was rendered.

L. Effects of Decisions:

1. Final Approval: if the Planning Board grants approval, the Planning Board shall authorize the signing of the Minor Subdivision Plat as approved for purposes of filing the same with the Albany County Clerk and the Town Clerk of the Town of Rensselaerville. As such, the Applicant shall, after notification of such approval, submit two (2) mylar and two (2) paper copies of the Minor Subdivision Plat for purposes of signing and filing.

2. Conditional Approval: if the Planning Board grants conditional approval, the Planning Board shall empower a duly authorized officer of the Planning Board to sign the Minor Subdivision Plat subject to completion of requirements, including modifications, if any, which are stated in the resolution granting final approval. Within five (5) days of the resolution granting final approval, the Minor Subdivision Plat shall be certified by the Secretary of the Planning Board as conditionally approved. A copy of the final approval shall be filed in his/her office and a certified copy mailed to the

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owner. The certified copy shall also include statement of any requirements, which when completed, will authorize the signing of the conditionally approved Minor Subdivision Plat. The requirements of the conditional approval must be met, and two (2) mylar and two (2) paper copies of the Minor Subdivision Plat shall be submitted for signature within one hundred eighty (180) days after the date of the resolution granting conditional approval or such approval shall expire. The Planning Board may extend the time in which a conditionally approved Minor Subdivision Plat must be submitted for signature, if in the Board's opinion, such extension is warranted under the circumstances. Such extension shall not exceed two (2) additional periods of ninety (90) days each.

3. Disapproval: if the Minor Subdivision Plat is disapproved, the Planning Board shall state, in writing, the reasons for such disapproval, which shall be mailed to the Applicant within five (5) business days of the resolution of disapproval.

M. Endorsement of the Chairman: Upon approval of the minor subdivision plat, the applicant shall carry out the following steps prior to obtaining the Chairman's signature of approval:

1. Provide proof of compliance with Department of Health standards and approval of the plan for water supply and sewage disposal;

2. Provide proof of compliance with all other required local, state, and federal permits and approvals including, but not limited to: stream disturbance, wetland and wetland buffer disturbance, highway work, curb cuts, storm water connections, SPDES permit discharges, dams and impoundments, etc;

3. Make all required corrections or changes to the minor subdivision plat map as outlined in the resolution of the Planning Board and provide two (2) copies of the corrected Minor Subdivision Plat to the Secretary of the Planning Board for final review and approval by the Planning Board Chair.

Article VI Review Procedures for Major Subdivisions

Section 601: Introduction.

As set forth in Article IV, the Planning Board, during the Sketch Plan/Pre-Application Stage, shall determine whether a proposed subdivision of land will be classified as a Major Subdivision, as such terms are defined in these Regulations (See Article II). The determination shall be based upon the information provided by the Applicant on the Sketch Plan submission. If an application is classified as a Major Subdivision, such proposed subdivision is subject to two formal stages of review, the Preliminary Plat review stage and Final Subdivision Plat review stage. A separate public hearing shall be held on the Preliminary Plat and the Final Plat unless the Planning Board determines that the hearing for the Final Plat is not necessary pursuant to Section 610 below.

Section 602: Criteria for Major Subdivision.

A Major Subdivision is any proposed subdivision of land into three (3) or more lots. The Planning Board may also classify a division of land into two (2) parcels as a Major Subdivision if the Planning Board deems that such requirements are necessary, under the circumstances involved, for the protection of the health, safety and general welfare of the public. All major subdivisions shall be required to be designed in a clustered or conservation subdivision layout according to the Town of Rensselaerville Zoning Law Article V and Article VII, Clustered/Conservation Subdivisions of this local law.

Section 603: Preliminary Plat Submission Requirements.

A. Submission: For a Major Subdivision, an Applicant shall submit eight (8) copies of the Preliminary Plat together with a completed EAF Form, Major Subdivision application, and such other documents and information as specified in Paragraph "B" below, to the Planning Board Secretary at least seven (7) days prior to a regularly scheduled Planning Board meeting.

B. Submission Requirements: The Preliminary Plat and other submissions for a Major Subdivision to the Planning Board Secretary shall include the following:

1. Eight (8) paper copies of a map clearly marked "Preliminary Plat", drawn accurately to a scale not less than 200 feet to the inch, which shall show:

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a. the proposed buildable area and building envelope, all existing and proposed property lines, present zoning, zoning overlay district and building setback lines, easement and right-of-way lines with dimensions, bearings or angle data, and curve data;

b. the name and address of the Applicant and record owner (if different from the Applicant) and proof that all real property taxes levied on the land are paid. If the Applicant is not the recorded owner, but an authorized representative of the owner, a notarized letter of consent signed by the land owner must also be submitted;

c. the bearings, distances, and locations of all iron pipes and other survey monuments, such pipes or monuments to be labeled existing or proposed;

d. all contiguous land owned or under purchase contract or option by the Applicant and/or record owner;

e. existing adjacent and/or proposed streets;

f. names of owners of all adjacent property;

g. location map, legend, scale, and north arrow;

h. location of existing and/or proposed structures, water wells and septic systems; (Note: No more than a total of 49 lots may be created either simultaneously or sequentially from a parent parcel for which both central sewer and water services do not exist subject only to the waiver of the Commissioner of Environmental Conservation, State of New York, if warranted by soils characteristics. Should more than that total number of lots at any time be applied for, the applicant shall include a plan for providing central sewer and water services to the previously subdivided lots at no additional costs to their present owners as part of his present application for subdivision.);

i. proposed use of each lot;

j. percolation test information and sites of percolation tests;

k. all existing and/or proposed driveway locations;

l. location of all existing and proposed electrical, telephone and cable utility lines. The Planning Board shall, wherever practicable, require underground installation of electric, telephone, and cable wires along private driveways. Where

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circumstances are considered impractical, or the neighborhood character will not be adversely impacted, the Planning Board may waive this requirement;

m. the name, address, signature and seal of a professional engineer and/or surveyor duly licensed by the State of New York;

n. boundary lines of zoning district for parcel and any boundary line of an overlay district if such exists for parcel;

o. Site Analysis Map Required for Sketch Plan shall be included into the preliminary plat as per Section 704 (B) of this local law;

2. Open Space Management Plan Required. An open space management plan, as described in Section 704 (C) of this local law, shall be prepared and submitted along with the preliminary subdivision plat;

3. A copy of the current deed or deeds of all involved parcels;

4. Completed Town of Rensselaerville Major Subdivision application;

5. Full EAF form with Part I completed by the Applicant;

6. A summary table listing the number of lots proposed to be created, the size of each lot, total acreage of parcel, linear feet of streets and acreage devoted to streets and other right of ways, and acreage devoted to parks, recreational areas and/or open space areas along with a note, prominently placed on the plat, indicating the number of total lots eligible to be created from the parent parcel as per Section 618 of these regulations;

7. A property owner submitting a subdivision plan shall be required to specify on his plan and on any approved final plat which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units the tract may have;

8. Grading, drainage, erosion control and/or landscaping plans as required by the Town of Rensselaerville Zoning Law, Article VI, Section 2;

9. Design of all proposed on-site septic and water supply facilities which meet the minimum standards of the New York State Department of Health and Albany County;

10. Proposed construction detail sheets which show the following information:

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a. plans and street profiles of the location and a typical section and cross-section of street pavements, including shoulders, curbs, drainage facilities, culverts, proposed bridges, if any, and such other facilities as may be applicable;

b. where steep slopes exist, elevations of all proposed streets shall be shown at every five (5) feet along the center lines of all streets and each property abutting said street;

11. The Results of an Aquifer Pump Test: Due to the geology of the Town of Rensselaerville, and because ground water is the sole source of drinking water outside the hamlet of Rensselaerville, the Town has determined, as detailed in the Town of Rensselaerville Comprehensive Plan, there is a need to ensure that adequate water supplies exist for major new development, and at the same time, use of such water supplies will not reduce water quantities available for existing residents. The Planning Board shall determine the need for an aquifer pump test. Information used for that determination may be the New York Rural Water Association Ground Water Study and other information that has been gathered by the Planning Board. Major subdivisions, after discretionary review by the Planning Board, may require a pump test as follows:

a. The pump test must be conducted by a registered well driller, registered pump installer, engineer, or hydrogeologist as directed by the Planning Board;

b. The pump test shall be conducted at a constant pumping rate equivalent to the estimated amount of groundwater that will be withdrawn from the entire proposed subdivision over a twenty four (24) hour period;

c. The pump test shall be conducted for a maximum of twenty four (24) hours;

d. During the pump test, the groundwater level in "neighboring wells" must be monitored by a licensed engineer or practicing hydrogeologist. If a bedrock aquifer is being tested, "neighboring wells" are those existing wells within 500 feet of the proposed subdivision boundary. If an overburden aquifer is being tested, "neighboring wells" are those existing wells that are within 1,000 feet of the subdivision boundary. If a large number of such wells exist, then a number of representative wells will be selected by the professional engineer or practicing hydrogeologist;

e. The aquifer pump test well must yield a groundwater volume as described in Item (b) above for the length of the test, without lowering the neighboring wells' groundwater level by more than 15% of the total water column in the well during the twenty-four hour (24) pump test period; and

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f. Following the end of the pump test, recovering groundwater levels must be measured in the test well and neighboring wells. Groundwater levels in the test well and neighboring wells must recover to within 90% of the original groundwater level within twenty-four (24) hours;

g. The applicant shall forward to the Planning Board the results of the aquifer pump test. In the event that one or more of the foregoing conditions related to water supplies are not met, the Planning Board may require changes to the proposed major subdivision in order to ensure that adequate water supplies are available for new and existing residences in the area;

12. Agricultural data statement. If any portion of the project is located on property within an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, the application must include an agricultural data statement containing the name and address of the applicant, a description of the proposed project and its location, the name and address of any owner of land within the agricultural district, whose land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed, and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement. In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure, as per New York State Agriculture and Markets 25-aa, to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat or Site Plan;

13. A check in the amount of the applicable fee for Preliminary Plat review as determined by the Town Board from time to time which is set forth on the fee schedule attached to these Regulations as Appendix "A"; and

14. Any other information required by the Planning Board as stated in the Planning Board report issued as a result of the Sketch Plan review and Pre-Application Conference. The Planning Board may, where it deems appropriate, waive any of the above submission requirements.

Section 604: Coordination with County Planning Board, SEQRA, Scheduling of Public Hearing.

A. When Preliminary Plat Application Is Complete: In accordance with the requirements of SEQRA, a Preliminary Plat application is not complete until either a negative declaration has been filed or until a draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content, and adequacy.

B. SEQRA Determinations:

1. Planning Board as Single Involved Agency: If the Planning Board is the only "involved agency" with respect to the proposed subdivision, as such term is defined under SEQRA, the Planning Board shall determine the significance of the action (i.e., that the implementation of the project as proposed will not result in any significant effects (negative declaration), or that the implementation of the project as proposed may have a significant effect on the environment (positive declaration)). The Planning Board shall issue its SEQRA determination of significance within twenty (20) days of the date of its receipt from the applicant of the Preliminary Plat, Part 1 of the EAF completed by the Applicant, and any other information specified in Paragraph "B" of Section 603, above.

2. Planning Board With Other Involved Agencies: If other "involved agencies" are identified with respect to the proposed subdivisions (i.e., have discretionary approval jurisdiction over some aspect of the project), the Planning Board shall mail a copy of the Preliminary Plat, EAF and other information specified in Paragraph "B" of Section 603, above, and Major Subdivision Application to all such agencies notifying them that a lead agency must be agreed upon within thirty (30) calendar days of the date the Preliminary Plat is received by the Planning Board. If the Planning Board is designated as lead agency, it shall determine the significance of the action (as explained in Paragraph "1" above) within twenty (20) days of the date that it was designated as lead agency. If some other agency is designated as lead agency, the Planning Board shall not proceed further with its Preliminary Plat review procedures until such lead agency determines the significance of the action.

C. Scheduling Public Hearing When Negative Declaration Issued: If the Planning Board, as lead agency, or another agency as lead agency, determines that the implementation of the proposed project will not have a significant effect on the environment, and issues a negative declaration to that effect pursuant to SEQRA, the Planning Board shall schedule and hold a public hearing on the Preliminary Plat within sixty-two (62) days of the date that the negative declaration was issued. The public

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hearing shall be advertised in the Town's Official Newspaper at least five (5) days prior to the date of the hearing. In addition, the Applicant shall deliver a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the property which abut, are adjacent to, or are situated across an established road from, the proposed boundary lines of the property which is the subject of the hearing. The Applicant shall provide written copies of the certified mail receipts to the Planning Board. The Applicant shall also provide notice to such other persons as the Chairman of the Planning Board may direct.

D. Scheduling Public Hearing When Positive Declaration Issued: If the Planning Board or some other agency as lead agency determines that the implementation of the proposed project may have a significant effect on the environment and issues a positive declaration to that effect pursuant to SEQRA, the Applicant will be obligated to prepare and submit a draft environmental impact statement (DEIS) to the Planning Board or such other lead agency. The Planning Board, or such other lead agency, shall determine whether to accept the DEIS as satisfactory with respect to its scope, content, and adequacy for purposes of commencing public review within thirty (30) days of the submission of the DEIS (to be extended by an additional 30-day period if such is necessary). If the Planning Board, or other lead agency, determines to accept the DEIS as complete, the Preliminary Plat Application shall be deemed complete and the preliminary plat review may commence. Subsequently, the Planning Board shall hold a public hearing with respect to the Preliminary Plat within sixty-two (62) days of the date that the notice of the completion of the DEIS is filed. Where the Planning Board is lead agency, a joint SEQRA/Preliminary Plat public hearing shall be held. In the situation where another agency is acting as lead agency over the project, the Planning Board will attempt to coordinate the Preliminary Plat hearing and the SEQRA hearing if possible.

The public hearing shall be advertised in the Town's Official Newspaper at least fourteen (14) days before a joint SEQRA/Preliminary Plat public hearing. In addition, the Applicant shall deliver a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the property which abut, are adjacent to, or are situated across an established road from the proposed boundary lines of the property which is the subject of the hearing. The applicant shall also provide notice to such other persons as the Chairman of the Planning Board may direct.

E. Referral to County: In accordance with §616 of this local law, proposed subdivisions must be referred to the Albany County Planning Board for their review.

F. Referral to Neighboring Municipalities: Pursuant to General Municipal Law §239-nn, for a subdivision review under this section involving property located within five hundred (500) feet of an adjacent municipality, notice of any public hearing shall

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be given by mail or electronic transmission to the clerk of the adjacent municipality not less than ten (10) days prior to the date of said hearing.

Section 605: Decisions on Preliminary Plat.

A. Where Final Environmental Impact Statement (FEIS) Not Required: In the case where the Planning board or other agency, as lead agency, has not required the submission of a (FEIS) with respect to the Preliminary Plat application, the Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat within sixty-two (62) days after the date that the public hearing on such Preliminary Plat was held and closed. When approving a Preliminary Plat with modification, the Planning Board shall state, in writing, the modifications it deems necessary for submission of the Plat in final form. However, the sixty-two (62) day period in which the Planning Board must take action on the Preliminary Plat may be extended by mutual consent of the Applicant and the Planning Board.

B. Where FEIS Is Required: In the case where the Planning Board or other agency, as lead agency, has required the submission of a final environmental impact statement with respect to the Preliminary Plat application, the FEIS shall be filed within forty-five (45) days following the close of the public hearing. Within thirty (30) days, the Planning Board or other agency, as lead agency, shall issue a written statement of findings with respect to the SEQRA review of the project. Following the filing by the lead agency of the written findings statement required by SEQRA, the Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat. The Planning Board shall incorporate any requirements indicated in the FEIS written statement of findings as conditions on, or changes to the preliminary plat. To the maximum extent practicable, the Planning Board's decision on a Preliminary Plat for which a final environmental impact statement is required, shall occur within sixty-two (62) days of the date that the public hearing was held. However, the period in which the Planning Board must take action on the Preliminary Plat may be extended by mutual consent of the Applicant and the Planning Board and/or where the Planning Board or other agency, as lead agency, determines that additional time is necessary to adequately prepare the final environmental impact statement.

Section 606: Notification of Decision and Filing of Preliminary Plat.

Within five (5) days of 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. A copy of the resolution shall also be mailed to the Applicant within five (5) business days of the date the decision was rendered.

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Within five (5) days of the approval of the Preliminary Plat, two (2) copies of the Preliminary Plat shall be certified by the Clerk of the Planning Board as having been granted preliminary approval. The Clerk shall file one certified copy of the Preliminary Plat in his/her office, and shall mail one certified copy to the Applicant.

Section 607: Revocation of Approval of Preliminary Plat.

The Applicant must submit the Final Plat within six (6) months of the approval of the Preliminary Plat. If the Final Plat is not submitted within six (6) months, approval of the Preliminary Plat may be revoked by the Planning Board.

Section 608: Submission of Final Plat.

A. Submission: Within six (6) months from the date that the Planning Board approved, with or without modification, the Preliminary Plat, the Applicant must submit the plat in final form (such plat to be hereinafter referred to as the "Final Plat") to the Planning Board Secretary at least seven (7) days prior to a regularly scheduled Planning Board meeting. If the Final Plat is not submitted within the six (6) month time period referred to in the previous sentence and in Section 607 above, the Planning Board may revoke the Preliminary Plat approval.

B. Submission Requirements: The Final Plat submission shall include the following drawings, documents information and detail:

1. Eight (8) paper copies of a map clearly marked "Final Plat", drawn accurately to a scale not less than 50 feet to the inch, which shall show all information and detail required to be shown on the Preliminary Plat as set forth in Section 603 (b)(1)(a-q) and the modifications, if any, required by the Planning Board at the time of the approval of the Preliminary Plat, if such Preliminary Plat had been so approved;

2. A final summary table listing the number of lots proposed to be created, the percentage of development potential of the parent parcel included in this subdivision, the size of each lot, the total acreage of the entire parcel, the linear feet of streets and total acreage devoted to streets and other right-of-ways, and acreage devoted to parks, recreational areas and/or open space areas;

3. Grading, drainage, erosion control and/or landscaping plans as required by the Town of Rensselaerville Zoning Law Section Article VI, Section 2;

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4. Final design of all proposed on-site septic and water supply facilities as approved and endorsed by the New York State Department of Health and the Albany County Health Department;
5. Final construction detail sheets which show the following information:
 - a. plans and street profiles of the location and a typical section and cross-section of street pavements, including: shoulders, curbs, drainage facilities culverts, proposed bridges, if any, and such other facilities as may be applicable;
 - b. where steep slopes exist, two (2) foot contour lines shall be delineated in all proposed right-of-ways and any areas of proposed grading or at least within 150 feet of the center line of all streets; and
 - c. final designs of any bridges, culverts or other such structures;
6. An offer of cession in a form approved by the Planning Board of all land included in public right of ways, easements, recreation areas, streets, and passive open space areas not specifically reserved by the Applicant;
7. Letters of recommendations or approvals with respect to the adequacy of the proposed water supply and septic system as required by the Public Health Law and/or the Environmental Conservation Department of New York State;
8. Deed, easement, or other required description and proof of ownership and title insurance of any land to be ceded to the Town, at no cost or expense to the Town;
9. Protective covenants and restrictions in proper form for recording, including covenants or restrictions governing the maintenance of unceded public spaces or reservations, if applicable;
10. A completed Final Plat application;
11. All other requirements associated with clustered/conservation subdivisions pursuant to Article VII of this local law;
12. A check in the amount of the applicable fee, if any, for Final Plat review as may be determined by the Town Board from time to time, which is set forth on the fee schedule as adopted by the Town Board; and
13. Any other information required by the Planning Board as provided at the time of approval of the Preliminary Plat. The Planning Board reserves the right to

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waive any of the above-mentioned Final Plat submission requirements as it deems appropriate.

Section 609: Initial Review of Final Plat.

At the first Planning Board meeting in which the Planning Board considers the Final Plat, the Planning Board shall determine: (1) whether the Final Plat is in substantial agreement with the approved Preliminary Plat; (2) whether any additional information or detail is required to be submitted; and (3) whether further review under SEQRA is required.

Section 610: Final Plats In Substantial Agreement With Approved Preliminary Plats.

When the Planning Board determines that a submitted Final Plat does not have substantive changes and is in substantial agreement with a Preliminary Plat approved pursuant to this Article, the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove or grant final approval and authorize the signing of such Final Plat, within sixty-two (62) days of its receipt by the Secretary of the Planning Board. Upon notification of final approval, or conditional approval with or without modifications, the Applicant shall submit two (2) mylar and two (2) paper copies of the Final Plat as so approved for purposes of signing and filing.

Section 611: Final Plats Not In Substantial Agreement with Approved Preliminary Plats.

A. Further SEQRA Review: If the Planning Board determines that a submitted Final Plat is not in substantial agreement with the approved Preliminary Plat, the Planning Board shall either issue a new determination of significance and/or require a draft or supplemental environmental impact statement, whichever may be appropriate under the circumstances of the SEQRA review conducted at the Preliminary Plat review stage.

B. Scheduling Public Hearing: If a draft or supplemental environmental impact statement is not required by the Planning Board or other lead agency designated for the project, the Planning Board shall schedule and hold a public hearing within sixty-two (62) days of the receipt by the Planning Board Secretary of the Final Plat and other required documents as specified in Section 608 above. If a draft or supplemental environmental impact statement is required, the public hearing shall be scheduled and held within sixty-two (62) days of the date that such environmental impact statement has been accepted as complete by the Planning Board or other lead agency over the project. The public hearing on the Final Plat shall be held concurrently with the public hearing on the environmental impact statement, if such hearing is deemed necessary.

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C. Decision on Final Plat: If a supplemental or final environmental impact statement is not required by the Planning Board or other lead agency designated for the project; 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.

If a supplemental or final environmental impact statement (FEIS) has been required, the environmental impact statement shall be filed within forty-five (45) days following the close of the public hearing on the Final Plat. Within thirty (30) days of the filing of the FEIS, the Planning Board shall issue a written findings statement on such FEIS, and shall, by resolution, conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the Final Plat. The grounds for modification(s), if any, or the grounds for disapproval, shall be stated upon the records of the Planning Board.

Section 612: Extension of Time.

Notwithstanding the foregoing provisions of this Article, the time in which the Planning Board must take action on any plat may be extended by mutual consent of the Applicant and Planning Board.

Section 613: Endorsement of State and County Agencies Prior to Final Plat Approval.

Prior to final plat approval, the following approvals shall be submitted to the Planning Board:

A. Albany County Department of Health: Water and septic facility proposals contained in the Final Plat shall be properly endorsed and approved by the Albany County Department of Health. Applications for approval of plans for sewer or water facilities shall be filed by the Applicant with all necessary Town, County and State Agencies;

B. Transportation/Public Works Department: Ingress and egress onto County or State roads must bear the proper endorsement of the County Public Works Department or the New York State Department of Transportation;

C. Department of Environmental Conservation: Stormwater Pollution Prevention Plans, wetland disturbance permits, and other approvals required by the NYS DEC shall receive the proper endorsement of the NYS DEC prior to final Plat approval; and

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D. New York State Department of Law approval for an offering plan or instead an exemption pursuant to Cooperative Policy Statement 7 (CPS-7), or a "no-action" letter from the Department.

Section 614: Conditional Approval of Final Plats.

A. Certification of Plat: Upon resolution granting conditional approval of a Final Plat, the Planning Board shall empower a duly authorized officer to sign the Plat subject to completion of any requirements as may be stated in the resolution. Within five (5) days of such resolution, the Plat shall be certified by the clerk of the Planning Board as conditionally approved and a copy filed in such clerk's office. A certified copy of the resolution shall be mailed to the owner, which copy shall include a statement of such requirements that, when completed, will authorize the signing of the conditionally approved Final Plat.

B. Duration of Approval: Upon completion of such requirements, the Plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a Final Plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval, unless such requirements have been certified as completed.

C. Extension of Time: Notwithstanding the foregoing provisions of this section, the Planning Board may extend the time in which a conditionally approved Plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, which shall not exceed two additional periods of ninety (90) days each.

Section 615: 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 (2) 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 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.

Section 616: Albany County Planning Board Review.

A. Referral of Certain Proposed Subdivision Plats to the County Planning Board: In accordance with §239-n of the General Municipal Law (GML), certain applications

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for proposed subdivisions must be referred to the Albany County Planning Board for their review. Upon receipt of a Preliminary Plat and/or Final Plat that is subject to GML §239-n, the Town Planning Board Secretary shall notify the Albany County Planning Board of such Plat, and shall forward a copy of the Plat together with a copy of the application, EAF and such other information submitted by the Applicant, for the recommendation of the Albany County Planning Board. An application shall be subject to the requirements of GML §239-n if the application applies to real property within five-hundred (500) feet of the following:

1. The boundary of any city, village, or town; or
2. The boundary of existing or proposed county or state park or other recreation area; or
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
4. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
5. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
6. The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the Agriculture and Markets Law.

B. Time Frames Applicable to Albany County Planning Board Review: The Albany County Planning Board is obligated to respond in writing to the referral within thirty (30) days of receipt of the referral. If the County fails to respond within the thirty (30) day time frame, the Town Planning Board is free to render a decision on the application.

C. Extraordinary Vote: If the Albany County Planning Board disapproves, or recommends modification to the Preliminary Plat and/or Final Plat, the Town Planning Board shall not act contrary to such disapproval or recommendation of modification except by a vote of a majority plus one (1) of all of the members of the Town Planning Board, and after the adoption of a resolution, fully setting forth the reasons for such contrary action.

Section 617: Endorsement of the Chairman.

Upon approval of the final plat, the applicant shall carry out the following steps prior to obtaining the Chairman's signature of approval:

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A. Provide proof of compliance with Department of Health standards and approval by that Department of the plan for water supply and sewage disposal;

B. Provide proof of compliance with all other required local, state, and federal agency permits and approvals including but not limited to: stream disturbance, wetland and wetland buffer disturbance, highway work, curb cuts, storm water connections, SPDES permit discharges, dams and impoundments, etc;

C. Make all required corrections or changes to the final plat map as outlined in the resolution of the Planning Board, and provide two (2) copies of the corrected final plat to the Secretary of the Planning Board for final review and approval by the Department, the Town Engineer, and other designated Town officials for compliance with the resolution of the Planning Board;

D. Complete all applicable conditions of final approval as set forth in the resolution of the Planning Board.

Section 618: Reserved

Section 619: Assistance to Planning Board.

The Planning Board has the authority to call upon any department, agency or employee of the Town for such assistance in reviewing subdivision applications and Plats as shall be deemed necessary and authorized by the Town Board. The Planning Board may refer, or require the Applicant to submit, plans and information to the Conservation Advisory Committee of the Town for such Committee's assistance and opinion with respect to its expertise in environment matters. The Planning Board may also hire and retain engineers, consultants, and/or attorneys in order to assist the Board with SEQRA review of applications, and/or review of applications and Plats, when the Planning Board deems such expert assistance is necessary in order for the Board to properly carry out its functions and duties. The Planning Board, if duly authorized by the Town Board, may require the Applicant to reimburse the Planning Board for such consultant costs, and/or to set up an escrow account with the Town for purposes of reimbursing the Board for such consultant costs.

Section 620: Expiration of Approval.

The signature of the duly authorized officer of the Planning Board constituting final approval of the Planning Board of a Plat as herein provided; or the approval by the Planning Board of the development of a Plat or Plats already filed in the office of the Albany County Clerk 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

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failure of the Planning Board to take action within the time herein provided, shall expire within sixty-two (62) days from the date of such approval, or from the date such certificate is issued, unless within such sixty-two (62) day period, such Plat or a section thereof shall have been duly filed or recorded by the owner in the office of the County Clerk. In the event the owner shall file only a section of such approved Plat in the office of the County Clerk, the entire approved Plat shall be filed within thirty (30) 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 (10) percent 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 16 of the Town Law.

Section 621: Subdivision Abandonment.

The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of Section 560 of the New York State Real Property Tax Law.

Article VII Cluster and Conservation Subdivision Development

Section 701: Authority.

Pursuant to Article V of the Town of Rensselaerville Zoning Law, the Planning Board is authorized to vary the zoning requirements of said Zoning Law simultaneously with the approval of any proposed residential development or subdivision Plat with respect to land located within the boundaries of the Town of Rensselaerville subject to the purposes, standards, and procedures set forth in Article V of the Town of Rensselaerville Zoning Law and these Regulations. All major subdivisions shall be designed according to the standards and regulations below, and all other procedures and standards of Article VI of this local law shall also be met.

Section 702: Purposes.

A. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.

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- B. To provide residential development permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- C. To preserve in perpetuity, unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, hydric soils, woodlands, and wildlife habitat.
- D. To permit clustering of houses and structures on less environmentally sensitive soils so as to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- F. To promote interconnected greenways and corridors throughout the community.
- G. To promote contiguous greenspace with adjacent jurisdictions.
- H. To encourage clustering so as to promote interaction in the community, by orienting new houses closer to the street, providing public gathering places, and encouraging use of parks and community facilities as focal points in the neighborhood.
- I. To encourage street designs that reduces traffic speeds and reliance on main arteries.
- J. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- K. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to, and views of, open space.
- L. To preserve important historic and archaeological sites.

Section 703: Density and Development Standards.

A. Applicability of Regulations: A conservation subdivision or clustered development shall be required in all locations outside of the hamlet districts for all major subdivisions, and on subdivisions of lots ten (10) acres in size or larger. Applicant shall comply with all other provisions of the zoning law, and all other applicable laws, except those that are incompatible with the provisions contained herein. The tract of land to be subdivided may be held in single and separate ownership, or multiple ownership. If held in multiple ownership, however, the site shall be

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developed according to a single plan with common authority and common responsibility.

B. Density: In the approval of a clustered or conservation subdivision, the maximum density shall in no case exceed the density which could be permitted, in the Planning Board's judgment, if the land were subdivided into buildable lots (as such term is defined in Article II) conforming to the minimum lot size, density, and other requirements otherwise applicable to the district or districts in which such land is located. Except as specified herein, all development standards and controls normally applicable to residential subdivisions shall also be applicable to clustered developments.

C. Housing Density Determination: The maximum number of lots in the Conservation or Clustered Subdivision shall be determined through a net density approach as described in Town of Rensselaerville Zoning Law, Article IV, Section 3 as follows:

1. Calculation: In making the density calculation, the following shall not be included in the total area of the parcel:

- a. Slopes over fifteen percent (15%)
- b. Open water, including ponds, lakes, and streams
- c. All wetlands of any size and location
- d. Lands contained within a 100-Year Flood Hazard
- e. Lands contained within the Stream Corridor Overlay
- f. Lands designated as being within an aquifer
- g. Hydric soils;

2. The area of lands which may be required for parks, playgrounds, or recreation lands in a clustered subdivision, shall in no case, exceed the area of such lands that would be required in a nonclustered subdivision. The area of lands that would, in a nonclustered subdivision, be required for parks, playgrounds, or recreation lands pursuant to these Regulations and the area of lands devoted to the lay out of streets, right-of-ways, and areas which are not buildable areas of lots, shall be excluded in determining the number of dwelling units permitted in a clustered development.

Section 704: Application Requirements.

A. All application requirements of Article IV for sketch plan/pre-conference submissions and Article VI for major subdivisions shall be required.

B. Site Analysis Map Required: Concurrent with the submission of a sketch plan as required in the Town of Rensselaerville Subdivision Law, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that

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the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this section. This analysis map shall include an identification of primary and secondary conservation lands within a parcel(s), which includes those elements most highly valued by the community. The purpose of a sketch plan is to facilitate an expedient review of proposed new subdivisions in conformance with the Town Zoning Law and *Comprehensive Plan*. The sketch plan is not intended to be a highly engineered or exact document, but a general sketch illustrating the location and type of environmental features that are present on the site. The preliminary sketch plan shall include the following features:

1. Area's having slopes of fifteen percent (15%) or greater;
2. Wetlands, aquifer and aquifer recharge areas, if known, municipal water supply areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any;
3. Agricultural lands, including farmland within and adjacent to a New York State certified Agricultural District, and soils classified as being prime farmland or soils of statewide importance, if any;
4. Sites where community sewer, community water, or community water and sewer are available or planned, if any;
5. Lands within or contiguous to a Critical Environmental Area designated pursuant to Article 8 of the Environmental Conservation Law, if any;
6. Lands contiguous to publicly owned or designated open space areas, or privately owned and designated natural areas, if any;
7. Historic structures or areas of national, state, or local importance, if any;
8. Sites bordering on, or located within known scenic locations identified in the Town's *Comprehensive Plan* or in the *Scenic Vista's Overlay*;
9. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened, or special concern species, or unique natural or geological formations, if any;
10. General locations of vegetative cover conditions on the property according to general cover type including: cultivated land, grass land, old field, hedgerow, woodland, wetland, and the actual canopy line of existing trees and woodlands;

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11. Lakes, ponds, or other significant recreational areas, or sites designated as such in the Town's *Comprehensive Plan*, if any;

12. Existing trails, bikeways, and pedestrian routes of Town, State or County significance, if any;

13. Location of all existing streets, roads, buildings, utilities and other man-made improvements;

14. All easements and other encumbrances of property which are, or have been filed of record with the Albany County Clerk's Office.

C. Open Space Management Plan Required: An open space management plan, as described in Section 706(E), shall be prepared and submitted along with the preliminary subdivision plat.

D. Instrument of Permanent Protection Required: An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant, and as described in Section 706(E), shall be placed on the Open Space concurrent with the issuance of a subdivision approval.

E. A written statement describing the open space purpose(s) to be accomplished, and the proposed method of preservation and disposition of the open space.

F. A written statement describing the proposed method of providing, financing, and administering the water supply and sewage disposal systems.

G. Such additional information as the Planning Board or the Applicant may deem necessary in order to make a reasoned decision on the application.

H. Other Requirements: The applicant shall adhere to all other applicable requirements of the underlying zoning and the subdivision code.

Section 705: Development Standards.

A. **Vehicular Access**. At least two (2) means of vehicular access shall be provided for clustered developments of twenty (20) dwelling units or more.

B. **Maximum Coverage**. The permitted gross building coverage on any clustered development site shall not exceed fifteen percent (15%) of the gross land area.

C. **Minimum Lot Size**. The minimum lot size allowed in a clustered development shall be determined by the Planning Board on a site by site basis.

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D. Minimum Area. The minimum total area of the parcel to be subdivided and clustered shall be at least ten (10) acres in size. Such acreage shall be contiguous.

E. Minimum Number of Dwelling Units. The minimum number of dwelling units shall be three (3).

F. Minimum Setback Between Buildings: The minimum setback between each building containing dwelling units shall be thirty (30) feet.

Section 706: Open Space.

A. Definition: Open Space is the undeveloped and unimproved portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instruments.

B. Standards to Determine Open Space:

1. The minimum restricted Open Space shall comprise at least fifty percent (50%) of the gross tract area. The primary and secondary conservation areas, as defined below, together constitute open space areas to be preserved.

2. The following are considered Primary Conservation Areas and are required to be included within the Open Space:

- a. Lands within the Stream Corridor Overlay District including the regulatory 100-year floodplain;
- b. Slopes above fifteen percent (15%);
- d. DEC regulated wetlands, and those wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
- e. Populations of endangered or threatened species, or habitat for such species; and,
- f. Archaeological sites, cemeteries and burial grounds;

3. The following are considered Secondary Conservation Areas, and should be included within the Open Space to the maximum extent feasible.

- a. Important historic sites;
- b. Existing healthy, native forests of at least three (3) acres contiguous area;
- c. Other significant natural features and scenic viewsheds such as peaks and rock outcroppings, particularly those that can be seen from public roads and mapped on the Town of Rensselaerville Scenic Vista's Overlay District;

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- d. Prime agricultural lands of at least five (5) acres contiguous area; and,
- e. Existing trails that connect the tract to neighboring areas.

4. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space, but cannot be counted towards the fifty percent (50%) minimum area requirement. Large areas of impervious surface shall also be excluded from the Open Space.

5. At least 75 percent (75%) of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.

6. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

C. Permitted Uses of Open Space: Uses of Open Space may include the following:

1. Conservation of natural, archeological, or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of porous paving materials;
4. Passive recreation areas;
5. Active recreation areas, provided that they are limited to no more than ten percent (10) of the total Open Space, and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
6. Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
7. Nonstructural stormwater management practices;
8. Easements for drainage, access, and underground utility lines; or

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9. Other conservation-oriented uses compatible with the purposes of this ordinance.

D. Prohibited uses of Open Space:

1. Golf courses;
2. Roads, parking lots, and impervious surfaces, except as specifically authorized in the previous sections;
3. Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
4. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

E. Ownership and Management of Open Space:

1. **Ownership of Open Space.** The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners' Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners' Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner. All open space owned by Homeowners' Association shall comply with the applicable provisions of Section 352-E of the New York State General Business Law, and file an offering plan approved by the New York State Department of Law or, obtain from the New York State Department of Law one of the following: (i) approval of an offering plan for the sale of the real property, (ii) a letter granting the applicant an exemption from the filing of an offering plan pursuant to Cooperative Policy Statement 7 (CPS-7), or (iii) a "no-action" letter advising that the Department of Law will not take any action against the applicant for failure to file an offering plan." In the event that the New York State Department of Law grants CPS-7 treatment or issues a no-action letter, the applicant shall impose an open space obligation on all properties served by the open space for maintenance in a form that shall be approved by the Town Attorney and which agreement, when executed by all parties, shall be recorded in the Albany County Clerk's office.

2. **Management Plan:** Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:

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- a. allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
- b. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space, and outlines the means by which such funding will be obtained or provided;
- c. provides that any changes to the Plan be approved by the Board of Commissioners; and,
- d. provides for enforcement of the Plan.

3. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the Town of Rensselaerville may assume responsibility for its maintenance, and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowners' Association, or to the individual property owners that make up the Homeowners' Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

F. Legal Instrument for Permanent Protection:

1. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

- a. A permanent conservation easement in favor of either:
 1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 2. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not [the jurisdiction], then a third right of enforcement favoring [the jurisdiction] shall be included in the easement;
- b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
- c. An equivalent legal tool that provides permanent protection, if approved by the Town of Renssealerville.

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2. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

G. Homeowners Association:

If the open space is owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall conform with all applicable legal requirements and shall include, but are not necessarily limited to, the following:

1. The Homeowners' Association must be established before the homes are sold;
2. Membership must be mandatory for each homebuyer and any successive buyer, and a unanimous vote of the Association membership must be required in order to dissolve such Association;
3. The open space restrictions must be permanent, not just for a period of years;
4. The Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
5. Homeowners must pay their pro rata share of the cost, and the assessment levied by the Association can become a lien on the property if allowed in the master deed establishing the homeowners association; and
6. The Association must be able to adjust the assessment to meet changed needs.

H. Maintenance of Open Space Areas:

The person or entity identified in Section 1008 as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

I. Other Open Space Standards:

1. The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. The proposed subdivision

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design shall strictly minimize disturbance of these environmentally sensitive areas. Primary Conservation Areas shall be included in the required open space area to the greatest extent practical. The applicant shall also demonstrate that such features will be protected by the proposed subdivision plan. Secondary Conservation Areas include special features of the property that would ordinarily be overlooked or ignored during the design process such as agricultural lands, woodlands, significant natural areas/features, stone walls, hedgerows, meadows, historic structures/sites, historic rural corridors, scenic viewsheds, and trails. Secondary Conservation Areas shall be included in the required open space area to the greatest extent practical such that protecting these resources will, in the judgment of the Planning Board, achieve the purposes of this section.

2. Open space lands shall be laid out in general accordance with the Town's Comprehensive Plan to better enable an interconnected network of open space.

3. Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the tract, by a setback as per Town of Rensselaerville Zoning Article III, Section 19.

4. Open space land shall be contiguous to create a critical mass of land available for agriculture or left in a natural state. Open space lands shall be designated as a conservation lot owned in common or designated and included as part of one (1) or more lots. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites, or unique natural features requiring common ownership protection.

5. No portion of any house lot may be used for meeting the minimum required open space land unless encumbered with a permanent restriction that prevents destruction or development of that portion of the lot.

6. The required open space may be used for community septic systems.

7. The setting aside of open space, forested land, or active agricultural land in a clustered subdivision shall in no case preclude the Planning Board from requiring the dedication of parks, playgrounds, or recreation lands within a subdivision pursuant to these Regulations.

8. Lands set aside in a clustered or conservation subdivision development for parks, playgrounds, or recreation purposes shall be provided in such a manner that the

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lands are usable for recreation or other activities and are accessible to all residents of the subdivision or, where such lands have been conveyed to the Town, accessible to the public.

9. Where active agricultural lands are set aside in a clustered development, such lands may remain in active agricultural use. In approving such a clustered development, the Planning Board shall consider the potential incompatibility of residential and agricultural uses in establishing appropriate screening, buffer area, setback or other requirements.

Section 707: Design Process for Clustered/Conservation Subdivisions.

A. Determine the number of lots as per Article V, Section 2 of the Town of Rensselaerville Zoning law.

B. Step 1: Delineation of Open Space Lands. Proposed open space lands shall be designated as follows:

1. Delineate Primary Conservation Areas;

2. Delineate Secondary Conservation Areas; and

3. A total of fifty percent (50%) of the original parcel shall be preserved as open space. This open space shall constitute both the primary and secondary conservation areas and other lands as necessary to meet the fifty percent (50%) open space requirement.

C. Step 2: Location of House Sites. Building envelopes shall be tentatively located within the potential development areas. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.

D. Step 3: Align Streets and Trails. After designating the building envelopes, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified herein, and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding fifteen percent (15%). Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be developed and maintained, and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate only when they support greater open

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space conservation or provide extensive pedestrian linkages. All road standards of the Town shall be met.

E. Step 4: Draw Lot Lines. Upon completion of the preceding three (3) steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

Section 708: Site Design Criteria.

A. Residential structures in a clustered or conservation subdivision should be located according to the following guidelines, which are listed in order of significance (some of which may conflict with each other on a particular site, in which case, the Planning Board may use its discretion to resolve such conflicts):

1. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use;
2. Away from the boundaries of any preserved farm, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm;
3. In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses;
4. To avoid disturbance to the existing environmental, cultural, and scenic features;
5. To be as visually inconspicuous as is practical when seen from state, county, and local roads, and particularly from designated scenic routes;
6. Next to other residences or building lots on adjacent properties;
7. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads;
8. On suitable soils for subsurface sewage disposal (where applicable);
9. Within woodlands or along the far edges of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.

B. Other Layout Criteria

1. Views of house lots from exterior roads and abutting properties shall be

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minimized by the use of changes in topography, existing vegetation, or additional landscaping.

2. House lots shall generally be accessed from interior streets, rather than from roads bordering the tract. New intersections with existing public roads shall be minimized. Although two (2) access ways into and out of subdivisions containing twenty (20) or more dwellings are generally required for safety, proposals for more than two (2) entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow or unduly impact the environment.

3. Open space shall be directly accessible or viewable from as many home sites as possible.

4. The layout shall leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. A deep no-build, no-plant buffer is recommended along the road where those views or vistas are prominent or locally significant.

5. The layout shall maintain or create a buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to wetlands and surface waters, including: creeks, streams, springs, and ponds.

6. Designs around and preserves sites of historic, archeological, or cultural value insofar as needed to safeguard the character of the feature.

7. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the New York State Department of Environmental Conservation.

C. Streets and driveways.

1. Common driveway access may be provided. A pedestrian circulation and/or trail system may be designated and installed sufficient for the needs of residents, at the discretion of the Planning Board.

2. Where appropriate, the Planning Board shall work with the Highway Department to ensure that the Town of Rensselaerville road specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a clustered/conservation subdivision.

3. From an aesthetic and speed control perspective, curving roads are preferred in an informal rural cluster to avoid long straight segments. Shorter straight segments connected by ninety (90) degree and one hundred thirty-five (135) degree bends are preferred in a more formal or traditional arrangement.

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4. Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.

5. The use of reverse curves should be considered for local access streets in clustered subdivisions in conjunction with long horizontal curve radii (at least two hundred fifty (250) feet) and where traffic speeds will not exceed thirty (30) mph.

6. Single-loaded streets are encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.

7. Landscapes common areas and both sides of new streets with native species of shade trees.

D. Sewage treatment systems.

Sanitary sewage disposal systems of either an individual or community nature may be located within or extend into required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed, and the ownership and maintenance responsibilities associated therewith are clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually, or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law.

Article VIII Design and Environmental Standards

Section 801: Purpose.

In considering applications for the subdivision of land, the Planning Board shall be guided by the design and environmental standards which are set forth in this Article and requirements set forth in the Town of Rensselaerville Zoning Law. The purposes for such standards are to facilitate sound, functional, and attractive subdivisions and related development, to minimize adverse impacts on neighboring properties, the community and the environment, and to ensure that a project will be an asset to the community. These standards shall be considered to be minimum requirements in which to guide the Planning Board and Applicants for the convenience, health, safety, and welfare of the residents of the town.

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Section 802: Waivers.

The planning board may waive information requirements where it determines that such information is not relevant to, or is not otherwise required, to conduct review of the application. The Planning Board may waive, when reasonable, any requirements for improvements for the approval, approval with modifications, or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare, or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. Such waiver, however, shall not have the effect of nullifying the intent and purpose of these regulations.

- A. The applicant shall apply for and justify a request for waiver in writing.
- B. The Planning Board, in consideration of a request for a waiver, shall consider the impact of granting the waiver, and may require a public hearing.
- C. When granting a waiver, the Planning Board shall issue, in writing, its decision and reasons for granting such waiver.

Section 803: General Considerations and Standards.

A. Character of Land: Land to be subdivided and/or developed shall be of such character that it can be used safely for building and related purposes without danger to health or peril from fire, flood, erosion, or other menace. Land subject to such hazards shall not be subdivided nor developed for residential purposes, nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard, but such land may be set aside for such uses as shall not involve such danger nor produce unsatisfactory living and/or environmental conditions. The optimal use and conservation of natural and physical resources shall be the guide for determining the inherent constraints and potentials for development on the proposed site.

B. Conformance to Comprehensive Plan and Official Map: Subdivisions and/or developments shall conform to the Comprehensive Plan, as may be amended from time to time, and to the Official Map of the Town, as may be amended from time to time.

C. Frontage on Improved Streets: The area proposed to be subdivided and/or developed, and each lot therein, shall have frontage on and direct access to a street duly placed on the Official Map of the Town in compliance with the requirements of the Town Zoning Law and, if such street is private, it shall be improved pursuant to conditions imposed by the Planning Board.

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D. Specifications for Required Improvements: All required improvements shall be designed, constructed, installed, and maintained to conform to Town specifications, if any, and/or the conditions imposed by the Planning Board.

E. Preservation of Existing Natural Features and Cover: Land to be subdivided and/or developed shall be laid out and improved in reasonable conformity to existing topography in order to minimize grading, cut, and fill, and to retain, to the maximum extent practicable, the natural contours and features of or on the subject land, limit storm water runoff, and conserve the natural cover and soil. Existing natural features that enhance the attractiveness of the site, and that add value to residential or other development, or to the Town as a whole, such as trees, vegetation, stone walls, hedgerows, watercourses, ponds and similar resources, shall be preserved insofar as possible by harmonious design of the subdivision and building areas. The Planning Board may make reasonable modifications in standards for the layout and construction of streets to accomplish the preservation of existing natural features and land cover. Where practicable, the Planning Board may request that natural boundaries, i.e., water courses, stone walls, forested edges, hedgerows, etc., be incorporated into the boundary configuration of new lots.

All minor and major subdivisions shall meet the following standards to minimize adverse impacts on natural features. Major subdivisions designed in a clustered or conservation layout shall also meet standards of Article VII (Clustered/Conservation Subdivisions):

1. The proposed subdivision shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities. Low impact development methods to control stormwater shall be used to the maximum extent practical. Appropriate engineering should include use of one (1) or more of the following Low Impact development techniques:

- a. Soil Amendments - this consists of incorporating compost within the root zone to improve soil quality, plant viability and soil hydraulic conductivity. Soil amendments increase the infiltration and water storage capabilities to reduce runoff from a site;
- b. Bioretention / Rain Garden - a bio-retention cell (strip or trench) is an engineered natural treatment system consisting of a slightly recessed landscaped area constructed with a specialized soil mixture, an aggregate base, an underdrain, and site-appropriate plant materials that tolerate both moist and dry conditions. The site is graded to intercept runoff from paved areas, swales, or roof leaders. The soil and plants filter and store runoff, remove petroleum products, nutrients, metals, and sediments, and promote

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groundwater recharge through infiltration. The cells are designed to drain in twenty-four (24) hours, with no risk of standing water and breeding of mosquitoes;

- c. Grassed Swale - a vegetated or grassed swale is an area with dense vegetation that retains and filters the first flush of runoff from impervious surfaces. It is constructed downstream of a runoff source. After the soil-plant mixture below the channel becomes saturated, the swale acts as a conveyance structure to a bio-retention cell, wetland, or infiltration area;
- d. Disconnectivity (Rain Barrel)- capture of rainwater or stormwater coming off permeable surfaces for storage and use elsewhere;
- e. Permeable Pavers - permeable concrete pavers placed on a permeable, open-graded crushed stone bedding layer (typically No. 8 stone). This layer is placed over an open-graded base (typically No. 57 stone) and sub-base (typically No. 2 stone); and
- f. Minimizing Imperviousness - minimizing any surface that inhibits infiltration of stormwater including, but not limited to, concrete roads, driveways, sidewalks, and rooftops.

2. Disturbance to streams, drainage swales, wetlands, and areas with seasonally high water tables shall be minimized. All requirements of the Zoning Law, Article III, Section 4 shall be met.

3. Because of their resource values, all woodlands on any parcel proposed for subdivision shall be evaluated by the applicant to determine the extent to which such woodlands should be conserved or developed. Evaluation criteria for this shall include size, present conditions, site potential, ecological functions, and relationship of woodlands on adjoining properties. Woodlands along roadways, property lines, streams, and hedgerows, shall be preserved. Lot layout should preserve the largest, unfragmented expanse of woodlands possible.

4. Preferred locations for development include the non-prime agricultural soils and lower topographic settings where development will be visually less intrusive. Building envelopes and structures may be placed below ridgelines so that the roof of the structure is not higher than the highest peak of the ridgeline.

5. Areas of steep slope shall be preserved in accordance with the Rensselaerville Zoning Law. In addition, grading on slopes greater than fifteen percent (15%) shall be minimized; no site disturbance shall be allowed on slopes exceeding twenty-five percent (25%). All grading, erosion, and stormwater requirements of Zoning Law Article III, Section 4 shall be met.

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F. Rural Siting Guidelines: In addition to the specific district regulations pursuant to the Town of Rensselaerville Zoning Law, the Planning Board may require the following design standards to protect agriculture and the environment and promote rural character:

1. All subdivisions shall be platted to preserve the maximum amount of prime and statewide important farmland soils for continued agricultural use. During subdivision review and insofar as practicable, building envelopes shall be identified and located in a manner to protect the maximum amount of prime and statewide important farmland soils as follows:

- a. On the least fertile soils for agricultural uses, and in a manner which permits access to active agricultural land. Prime farmland soils and soils of statewide importance shall be avoided;
- b. Within any woodland contained within the parcel, or along the far edges of open fields adjacent to any woodland, so as to reduce impact on agricultural operations and enable new construction to be visually absorbed by natural landscape features;
- c. In locations least likely to block or interrupt scenic vistas as seen from public roadways;

2. Rural Siting Principles

- a. Siting of all structures shall, to the maximum extent practicable, avoid placement on lands within the parcel that have been identified as having steep slopes greater than fifteen percent (> 15%).
- b. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls).
- c. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
- d. Use existing vegetation and topography to buffer and screen new buildings if possible. Group buildings in clusters or tuck them behind

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treelines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.

- e. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
- f. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selectively cutting small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees. Existing vegetation shall be preserved to the maximum extent practical. Structures should blend in with natural surroundings through preferred use of natural or neutral colors. All outdoor light sources mounted on poles or buildings or trees to illuminate driveways, sidewalks, walkways, parking lots, or other outdoor areas shall use fully shielded light fixtures. All electric, telephone, television, and other communication lines, both main and service connections, servicing new development, shall be provided by underground wiring within easements of dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. Cut and fills are minimized, and where practical, driveways are screened from public view.
- g. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.
- h. Where possible, place utility lines and driveways on less productive land and site driveways on the edge of farm fields, rather than through the middle.
- i. Locate new development so that the flow of water to farm properties is not impeded, such that it flows in ways that are compatible with existing field drainage patterns.

G. Other Standards to Promote Rural Character: In addition to the specific district regulations pursuant to the Town of Rensselaerville Zoning Law, the Planning Board may require the following design standards to promote rural character and reduce uniformity and monotony of new subdivisions to the maximum extent practical:

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1. Porches, pent roofs, roof overhangs, hooded front doors, or other similar architectural elements that define the front entrance to all residences are encouraged;

2. Buildings shall define the streetscape through the use of setbacks along the build-to-line for each block. A minimum of eighty percent (80%) of all buildings on the block shall conform to the build-to-line with the remaining twenty percent (20%) allowed to vary by being further setback no greater than seventy-five (75%) of the distance from the right-of-way to the build-to-line. Buildings shall be allowed to come forward of the build-to line by no greater than twenty-five percent (25%) of the distance between the right-of-way and the build-to-line. This is especially important in clustered and hamlet style subdivisions;

3. Variation of Lot Width and Area. Lot areas and lot widths shall vary at random to the greatest extent possible, in order to eliminate the appearance of a standards subdivision. To the extent possible, no more than two (2) lots in a row shall have the same width. Lots shall vary by a minimum of five (5) foot increments;

4. Building mass, design, and floor plans shall be such to create significant visual differences between structures, and new building shall be consistent with the traditional character of Rensselaerville. Monotony and similarity shall be minimized through use of changes in façade planes, use of porches, changes in location of entry ways, varying the width of the units, and varying roof orientation, roof styles, building orientation, and trim detailing.

H. Consistency with Historic Structures and Districts: In reviewing the plans, the Board shall give consideration to requirements of the Zoning Law Article III, Section 7 (E) and the following:

1. The historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;

2. Consistency with existing conditions in the district and the general appropriateness of the exterior design arrangement, texture and materials proposed to be used;

3. The scale of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the district;

4. Visual compatibility with surrounding properties, including the proportion of the property's front facade, proportion and arrangement of windows and other openings within the front facade, roof shape, and the rhythm of spacing of properties on streets, including setback;

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5. New architecture shall relate to the traditional historic buildings in regard to design, mass, scale, proportion, materials, texture, and color. Building components such as windows, rooflines and pitch, doors, eaves, and parapets shall be compatible with historic structures in the Town. Vertical, double-hung windows, and steeply pitched roofs are encouraged;

6. Context and Compatibility. Compatibility with respected neighborhood buildings can be judged by the following major points of comparison:

- a. Roof shapes, slopes, and cornices are consistent with the prevalent types in the areas;
- b. Rhythm of building spacing along the street and overall scale are not interrupted;
- c. Proportions for facades and window openings are in harmony with historic types;
- d. Materials textures, and colors are similar, with natural and traditional building materials preferred;
- e. Site details (porches, entrances, signs, landscaping, lighting, screened parking and mechanical systems) complement traditional examples in the area.

I. Clustered Subdivisions. All clustered subdivisions shall be designed as a planned small community using hamlet dimensions and development designs pursuant to the Town of Rensselaerville Zoning Law.

Section 804: Lots.

A. General: The lot size, width, depth, shape, and orientation, as well as the minimum building setback lines, shall be appropriate for the location of the subdivision, the type of development and use contemplated, and shall be in compliance with the Zoning Law. To the maximum extent practical, natural boundaries such as streams, hedgerows, or woodland edges shall be used to configure new lots.

B. Layout and Access: The layout or arrangement of lots shall not create foreseeable difficulties, for reasons of topography or other existing natural conditions, with respect to constructing a structure(s) in compliance with the requirements of the Zoning Law, and in providing safe driveway access to structures. The lot layout or arrangement shall be such as to promote a sound and attractive design for the location and type of subdivision and/or development. Ingress/Egress points along Town, County, and State roads should be limited to decrease vehicle and pedestrian hazards,

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and the integrity of the existing pedestrian pathways should be maintained. Access from private streets shall be acceptable only if such streets are designed and improved in accordance with these regulations.

C. Dimensions and Corner Lots: Density, lot area, and dimensions shall conform to the requirements of the Zoning Law (Article IV, Sections 2 and 3). In general, corner lots shall be larger and have extra width than interior lots to provide for compliance with the front yard setback from both streets, and to provide a desirable building site. Where lots are more than double the minimum area required by the Zoning Law, the Planning Board may require that such lots shall be of such dimensions and arrangement as will allow further subdivision and the opening of future streets where necessary to serve potential lots which will also be in compliance with the Zoning Law and these Regulations.

D. Lot Lines and Setbacks: Side lot lines shall be substantially at right angles to straight streets, and radial to curved street lines, unless a variance from this rule will provide a better street or lot plan. Where extra width has been dedicated as a right of way for widening an existing street, lots shall begin at such right of way line and lot dimensions, and setbacks shall be measured from such line.

E. Access Across a Water Course: Where a water course separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure in compliance with the Department of Environmental Conservation permitting standards, and of a design approved by the Planning Board.

F. Monuments and Lot Corner Markers: Permanent monuments of either concrete or metal shall be set at such lot corners, angle points, points of curves in streets, and other points as the Planning Board may require, and their location shall be shown on the plat. Other methods of providing permanent markings of lot corners and/or angle points may be accepted by the Planning Board if demonstrated by the Applicant to be an appropriate and accurate method.

G. Driveway Grade: The grade of driveways shall not exceed a slope of ten percent (10%) measured over driveways which are greater than fifty (50) feet in length or five percent (5%) within fifty (50) feet of the connecting street.

H. Flag Lots: Lots which meet the definition of "flag lot" shall meet the following additional standards:

1. The access to the flag lot shall be by way of a driveway placed within the "flagpole", or "panhandle" portion of the lot or parcel, as recorded;
2. Only that portion of the lot having adequate width to meet the minimum lot

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width requirements and allow for provision of meeting the minimum yard and setback requirements of the district shall be counted as part of the minimum lot area. The accessway (i.e. the "flagpole" or "panhandle") shall not be included in the calculation of minimum lot area;

3. The accessway shall maintain a constant minimum width of not less than forty-eight (48) feet.

4. The flagpole shall be parallel to the closest existing lot line;

5. The flagpole shall not cross a flowing or intermittent stream, ravine, or similar topographic feature, without provision of an adequate structure or fill and culvert to carry traffic;

6. In no event shall a flag lot be permitted to access a private road;

7. The flagpole shall be conveyed with the ownership of the rear lot or parcel, and shall be considered a permanent part of that lot or parcel never to be re-subdivided or conveyed separately from the parcel to which it provides access;

8. A flag lot parcel shall not be approved which would create a flagpole that would be generally parallel to a public street, unless the flagpole is separated from the public street by distance of not less than two hundred (200) feet.

9. Flag lots shall not comprise more than twenty-five percent (25%) of the total number of lots in any proposed subdivision;

10. Adjoining flag lots are prohibited. The minimum distance between driveways serving individual flag lots shall be not less than one hundred (100) feet as measured along the public road or highway frontage;

11. Flag lots shall be permitted in both major and minor subdivisions at the discretion of the Planning Board;

12. Where one flag lot parcel is pre-existing the adjoining lot or parcel shall not be divided into a flag lot shape;

13. Notwithstanding any inconsistent provisions of this Chapter or the Zoning Law, flag lots shall be permitted for the erection and maintenance of single-family dwellings only;

14. Flag lots may not be further subdivided.

Section 805: Streets Layout.

A. General: The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to the Comprehensive Plan and Official Map of the Town, and shall be considered in their relation to: (1) existing and planned streets, (2) the accommodation of prospective traffic, (3) existing topography and natural features,

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(4) public convenience and safety, including access for emergency vehicles, (5) the proposed uses of the land to be served by such streets, and (6) character of the neighborhood. The street layout shall form an interconnected system of streets primarily in a rectilinear grid pattern. In any hamlet, new development should maintain the existing street grid pattern. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, such parcels shall be arranged so as to allow the opening of future streets and logical further re-subdivision in accordance with the requirements contained in this section.

B. Relation to Topography: The proposed streets of a proposed subdivision shall bear a logical relationship to the topography of the property. All streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of streets. Grades of streets shall conform as closely as possible to the original topography.

C. Minor/Residential Streets: Minor or residential streets shall be arranged so as to promote vehicle and pedestrian safety and connectivity and accessibility between adjacent existing neighborhoods, or future new subdivisions.

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

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

F. Provision for Future Re-Subdivision: Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

G. Dead-End Streets: Dead-end streets including cul-de-sacs, shall be discouraged, and should only be utilized when inclusion of this street design facilitates preservation of open space, agricultural lands, or rural character in a way that grid or modified grid streets could not. Use of T- or Y-shaped turnarounds or eyebrow streets (a small loop

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that functions as an access street and parking area, and usually incorporates landscaped islands), are preferable. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation shall be provided for by connecting sidewalks that link the end of the cul-de-sac with the next street. Cul-de-sacs shall be limited in length to four hundred (400) feet with a "bulb" forty-five (45) to fifty (50) feet. A larger "bulb" will be acceptable only if landscaped islands are included. In the case of dead-end streets, where needed, desirable, and where such type of development will not interfere with normal traffic circulation in the area, the Planning Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street or public property. Subdivisions containing twenty (20) lots or more shall have at least two (2) street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

H. Block Size: The street shall be designed to create blocks that are generally rectilinear in shape, a modified rectilinear shape, or another distinct geometric shape. Amorphously shaped blocks are generally discouraged, except where topographic or other conditions necessitate such a configuration. To the greatest extent possible, blocks shall be designed to have a maximum length of four hundred eight (480) feet.

I. Intersections with Collector of Major Arterial Roads: Minor or secondary street openings into such road shall, in general, be dependent on proposed lot size and zoning district classification.

J. Street Jogs: Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided. The center line of a street shall cross an intersecting street as a straight line. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided. All intersections shall be at right angles where practical but in no case shall be less than seventy-five (75) degrees.

K. Angle of Intersection: In general, all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins. Intersections of minor streets with arterial or collector streets shall be held to a minimum to avoid hazard and delay. Such intersections shall be at least eight hundred (800) feet apart, if possible. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets. Grades shall be limited to no more than two percent (2%) within fifty (50) feet of an intersection.

Section 806: Street Design.

A. Widths of Rights-of-Way: When not indicated on the Comprehensive Plan or Official Map of the Town, the classification of streets shall be determined by the

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Planning Board. As such, streets shall have a minimum right of way width of twenty-five (25) feet and a minimum road surface width of eighteen (18) feet.

B. Improvements: Streets shall be constructed in accordance with standards established by the Town. Streets shall be graded and improved with pavement, curbs, gutters, pedestrian walkways, storm drainage facilities, water and/or sewage facilities, street signs, lights, shade trees, and fire hydrants as the Planning Board may require for the public, health, safety, and general welfare. Installation of, and specifications for fire hydrants, shall be in conformity with all State requirements.

C. Pedestrian Improvements: Any existing pedestrian routes through the site shall be preserved and enhanced. All clustered subdivisions and all subdivisions within new or existing hamlets shall provide for pedestrian networks as below. Use of the following provisions shall also apply for other subdivisions required by the Planning Board to include sidewalks or other pedestrian uses:

1. Pedestrian Circulation: All streets shall be provided with continuous sidewalks on one or both sides of the street. Sidewalks shall be three (3) to five (5) feet wide and constructed of concrete, asphalt, masonry materials, or slate. Any new sidewalk shall be connected to existing sidewalks. Sidewalks shall comply with all applicable requirements of the American with Disabilities Act;

- a. Crosswalks shall be provided at all street intersections, and shall be clearly marked with contrasting paving materials at the edges or with striping;
- b. Where feasible, bicycle routes through the subdivision shall be created. Facilities for bicycle travel may include off-street bicycle paths (shared with pedestrians and other non-motorized uses). Linkages to adjacent developments and neighborhoods with pedestrian and bicycle paths are required where feasible;

2. Motor Vehicle Circulation: The street system shall act as a functional and visual link between the subdivision and existing built and un-built areas. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians.

- a. Traffic calming features such as curb extensions, medians, road narrowing, surface textures, and modified intersections with narrowed intersection radii may be used to encourage slower traffic speeds.

3. Bicycle circulation: Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other nonmotorized users), and separate, striped, four-foot bicycle lanes on streets.

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D. Streetscape standards: Streets shall be designed to serve as a public space that encourages social interaction and that balances the needs of all users, including: pedestrians, bicyclists, and automotive drivers. To create the appropriate character of the street as a public space, the following streetscape specifications shall apply:

1. **Planting strips:** Where sidewalks are required, they shall be separated from street edges or curbs by a planting strip three to six feet wide and planted with shade trees;

2. **Shade Trees:** Shade trees shall be provided along each side of all streets, public or private, existing or proposed, and at the expense of the owner of the subdivision. In locations where healthy and mature shade trees currently exist, these should be maintained, and the requirements for new trees may be waived or modified. Shade trees shall be located in the planting strip between the street curb and the sidewalk where sidewalks are present. When a new street has a sidewalk on only one side, the shade tree shall be planted at the same distance from the street edge or curb on both sides of the street;

- a. Shade trees shall have a minimum caliper of two (2) inches measured at chest height at the time of planting, and shall be spaced a maximum of thirty (30) feet on center, with exact spacing to be evaluated on a site-specific basis;
- b. Street trees shall be irrigated and fertilized for a minimum of two (2) years after installation. Any tree that dies within two (2) years of planting, or any tree that is removed shall be replaced;

3. **Street Furniture:** Street furniture shall be permitted and shall be located so as not to obstruct sight lines of vehicles or pedestrians. Benches, when provided, shall be placed to face sidewalks and other pedestrianways;

4. **Street Lighting.** Lighting shall meet all standards specified in the Town of Rensselaerville Zoning Law Article VII, Section 16. Where a new lighting district is to be created or an existing district expanded, the applicant shall petition the Village Board to create said district or expansion before final approval. In addition, the following standards shall apply in new subdivisions:

- a. Streetlights shall be provided on both sides of all streets at intervals of no greater than seventy-five (75) feet on center and at intersections;
- b. Streetlights shall not exceed twelve (12) feet in height. Lighting posts and fixtures shall be consistent with the architectural style of the neighborhood and shall complement the predominant architectural theme of the

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subdivision. All streetlights shall use full cut-off fixtures to direct light downwards on streets and sidewalks and to reduce glare;

- c. Streetlights shall be located between the street curb or pavement edge and the sidewalk, or at an equal distance from the edge on both sides of the street.

E. Utilities:

1. In Streets: The Planning Board shall, wherever practicable, require underground utilities (electric, telephone, cable wires, water, sewer, and gas utilities) and require that such utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines. The Applicant shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

2. Easements: Where topography is such as to make impracticable to the inclusion of utilities within the street right-of-way, perpetual unobstructed easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block, and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

F. Grades: Grades of all streets shall conform in general to the terrain, and shall not be less than one half (1/2) nor more than six percent (6%) for major or collector streets, or ten percent (10%) for minor streets in residential area, but in no case more than three percent (3%) within fifty (50) feet of any intersection.

G. Changes in Grade: All changes in grade shall be connected by vertical curves of such length and radius as to meet with the Town Road Design Standards so that clear visibility shall be provided for a safe distance.

H. Curve Radii at Street: All street right-of-way lines at intersection shall be rounded by curves of at least fifteen (15) feet radius, and curbs shall be adjusted accordingly.

I. Steep Grades and Curves: Visibility of Intersections: A combination of steep grades and curves shall be avoided. If directed, ground shall be excavated to achieve better visibility.

J. Dead-End Streets (cul-de-sacs): Where dead-end streets are designed to be so permanently, the length of such dead-end street shall be determined by the Planning Board and shall be a function of the number of lots which are proposed to front said street and the zoning district in which it is located. Such streets shall terminate in a

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circular turn-around having a minimum right-of-way radius of sixty (60) feet and pavement radius of fifty (50) feet. At the end of temporary dead-end streets, a temporary turn-around with a pavement radius of fifty (50) feet shall be provided, unless the Planning Board approves an alternate arrangement.

K. Watercourses: Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer. Where a subdivision is traversed by a watercourse, drainage way, or channel of stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Engineer and in no case less than twenty (20) feet width.

L. Curve Radii: In general, street lines within a block, deflecting from each other at any one point by more than ten (10) degrees, shall be connected with a curve, the radius of which for the centerline of street shall be not less than four hundred (400) feet on major streets, two hundred (200) feet on collector streets, and one hundred (100) feet on minor streets.

M. Sight Distances: Clear sight triangles shall be maintained at intersections unless controlled by traffic signal devices as follows:

1. Low volume residential street and medium volume residential street: one hundred twenty (120) feet, minimum clear sight distance;
2. Medium volume residential street and medium volume residential street: one hundred thirty (130) feet, minimum clear sight distance;
3. Medium volume residential street and arterial: fifty (50) feet, minimum clear sight distance.

Section 807: Street Names.

No street shall have a name which will duplicate, or so nearly duplicate as to be confused with, the names of existing streets in the area. A continuation of an existing street shall have the same name. Generally, streets shall have names, and not numbers or letters.

Section 808: Easements.

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

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B. Drainage Way: Where a subdivision is traversed by a water course, channel, or drainage way, as defined herein, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. The Board may require parallel streets or parkways in connection with such drainage way.

Section 809: Water Management.

In addition to the following, all Town of Rensselaerville Zoning Law requirements related to stormwater management shall be met. To the maximum extent practical, water management techniques shall utilize low impact methods.

A. Removal of Spring and Surface Water: The subdivider may be required by the Planning Board to carry away by pipe or open channel any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

B. Drainage Structure to Accommodate Potential Development Upstream: A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on the anticipated run-off from a "ten (10) year storm" under conditions of total potential development permitted by the Zoning Law in the watershed.

C. Responsibility from Drainage Down Stream: The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. This study shall be reviewed by the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "ten (10) year storm", the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall require alternative drainage measures, if any, until provision has been made by the Town Board for the improvement of said condition off-site.

D. Storm Water Management:

1. Design of the storm water management system shall be consistent with general and specific concerns, values, and standards of the Comprehensive Plan, the Town of Rensselaerville Zoning Law, and applicable county, regional, and state storm drainage control programs, if applicable. Design shall be based on environmentally sound site planning and engineering techniques, and shall be designed to result in

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stormwater run-off rates after development equal to the run-off rates prior to development.

2. The appropriate technology shall be used to minimize off-site storm water runoff, increase on-site filtration, encourage natural filtration functions, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water. Such technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swales.

3. Easements within the subdivision or project site to ultimate point of stream discharge shall be furnished.

4. The pattern of drainage shall be included in the grading plans if such plans are required by the Planning Board. This plan clearly indicate the direction of flow of all surface water, the location, size, and type of drainage structures, and notation as to final point of discharge of the surface water. The subdivider shall make suitable entrances to private driveways, and driveway culverts shall be installed as approved by the Planning Board.

5. The Planning Board reserves the right to require special provisions in any case where, in the opinion of the Planning Board, runoff cannot be adequately handled by the drainage structures shown on the typical sections.

6. All subdivisions shall be laid out to be compatible with the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development.

7. Right-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated run-off that will occur when property at a higher elevation in the drainage basin is developed.

8. Whenever possible, lots shall be graded so that drainage from the lot flows to a street, municipally owned drainage facility, or natural watercourse, without crossing other lots.

E. Land Subject to Flooding/Compliance with Flood Damage Prevention Law:

1. All requirements pursuant to the Town of Rensselaerville Stream Protection Overlay District shall be met for all lands with a mapped flood plain included in the Stream Protection Overlay District. In addition, and for all other designated flood plain areas, pursuant to the Town of Rensselaerville's Flood Damage Prevention Law (Local

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Law No. 1 of 1992), a flood plain development permit may be required if the proposed subdivision is located in areas of special flood hazard as defined in said Flood Damage Prevention Law. If such is the case, the Planning Board and the Applicant shall consult with the Town's Code Enforcement Officer for consideration of, and compliance with, the Flood Damage Prevention Law. The Applicant may be required to provide base flood elevation data if such data is not available from other sources. The Planning Board shall consult with the Code Enforcement Officer for purposes of reviewing a proposed subdivision, in order to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards as set forth in the Flood Damage Prevention Law. For those lands identified as being within the Stream Corridor Protection Overlay District, all requirements shall also be met.

2. Land subject to flooding by a hundred (100) year frequency storm or less, or land deemed by the Planning Board to be uninhabitable shall not be subdivided for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy such hazardous conditions.

F. Wetlands: If any wetlands of any kind or size lie within the boundaries of the proposed subdivision or within one hundred (100) feet of the proposed subdivision, the Applicant shall comply with the requirements of the New York State Freshwater Wetlands Act, Army Corps of Engineers, and the Town Zoning Law, Article VI, Section G. The Preliminary and Final Plats shall indicate such compliance prior to approval by the Planning Board.

Section 810: Environmental Considerations.

A. Preservation of Natural Features: The Planning Board shall, wherever possible, require the preservation, conservation and/or maintenance of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses, lakes, ponds, wetlands, waterfalls, beaches, stone walls, hedgerows, bedrock outcropping, historic structures/sites, scenic vistas, and similar irreplaceable assets.

1. Natural Terrain: Subdivision design shall preserve, so far as possible, the natural terrain, natural water courses, improvements, and drainage areas. Subdivision design shall preserve all trees and shrubs which exist on the site to the maximum extent practical. On individual lots or parcels, care shall be taken to preserve selected trees to enhance the landscape treatment of the development. Significant single trees or

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significant stands of trees shall not be removed unless such tree or trees are within the right-of-way of a street as shown on the Final Plat. Removal of additional trees shall be subject to the approval of the Planning Board.

2. Soil: Natural fertility of the soil shall be preserved by disturbing it as little as possible, and no topsoil shall be removed from the site.

B. Flood Areas: Land subject to serious or regular flooding shall not be subdivided for residential occupancy or for such other uses as may increase danger to life or property, or aggravate the flood hazard. Such land may be used for such uses, subject to zoning regulations (Article III, Section 4), or in such a way, that the flood danger to this property and other upstream or downstream properties will not be increased and periodic or occasional inundation will not be a substantial threat to life or property. The provisions of this section shall apply to all land falling within the one hundred (100) year flood limit as shown on maps prepared and amended by the Federal Emergency Management Agency.

C. Steep Slopes: Development of steep slopes, over fifteen percent (15%), will be conditionally acceptable only if there is no prudent or feasible alternative site, and erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development according to standards set by Town of Rensselaerville Zoning Law.

D. Vegetation: Development shall preserve, to the maximum extent practicable, existing vegetation within a development site. This includes, where necessary, planting of appropriate native species.

E. Wildlife Habitat: Development shall preserve, to the maximum extent practicable, existing wildlife habitat within a development site.

F. Erosion and Sediment Control: The Applicant shall provide effective erosion and sediment control measures for planning and construction of subdivisions pursuant to the Town of Rensselaerville Zoning Law. Where appropriate, the Applicant shall be required to submit a plan which shows acceptable control measures for the mitigation of erosion from the site. Such plan shall also include the time schedule and placement for installation of such measures and their removal, if of a temporary nature. Use of the following technical principles shall be applied as deemed appropriate by the Planning Board and, where applicable, the Albany County Soil and Water Conservation District.

1. The smallest practical area of land shall be exposed at any one time during the development.

2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

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3. Temporary vegetation and/or emulsion shall be used to protect critical areas exposed during development.

4. Sediment basins, debris basins, silting basins and/or silt traps, shall be installed and maintained to remove sediment from run off waters on land undergoing development.

5. Provision shall be made to effectively accommodate the increased run off caused by changing soils and surface conditions during and after development.

6. Permanent final vegetation and structures should be installed as soon as practical in the development.

7. The development plan should be fitted to the type of topography and soils so as to create the least erosion potential.

8. Wherever feasible, natural vegetation should be retained and protected.

G. Performance Standards: The interpretation of design and environmental standards will be guided by the following performance criteria such that the subdivision:

1. Will not result in undue water or air pollution;

2. Will have sufficient water available for the reasonably foreseeable needs of the subdivision or development;

3. Will not cause unreasonable burden on an existing water supply if one is to be utilized;

4. Will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

5. Will not have post development run off greater than pre-development run off;

6. Will not cause unreasonable highway congestion or unsafe condition with respect to the use of the highway, existing or proposed;

7. Will not cause an unreasonable burden on the ability of a municipality to provide educational services;

8. Will not place unreasonable burden on the ability of local governmental services;

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9. Will not have an undue adverse effect on the scenic or natural beauty and aesthetics of the area, historic sites, or irreplaceable natural areas;

10. Will be in conformance with the Town's Comprehensive Plan and zoning laws;

11. Will have suitable soils existing on site to adequately maintain a proper treatment of household wastes;

12. Will not have an adverse impact upon wildlife, vegetation, and/or an ecosystem.

H. Special Circumstances (Waiver): Where the Planning Board finds that, due to the special circumstances of a particular subdivision, the provision of certain required improvements is not required in the interests of the public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent, or in proximity to, the proposed subdivision, it may waive such requirements subject to appropriate conditions and pursuant to Article VIII, Section 802 of this local law, provided that such waiver will not have the effect of nullifying the intent of the Official Map, the Comprehensive Plan, the Zoning law, or these regulations as well as any other regulation which may be applicable.

I. Design Innovations: When design concepts which are beneficial to the public interests are proposed by an Applicant, the Planning Board may modify the requirements and standards as set forth above and impose additional conditions as necessary to permit the accomplishment of such concepts.

Article IX Required Improvements

Section 901: General.

Pursuant to Section 277 of the Town Law, the Planning Board, in its discretion, shall require that the Applicant complete the installation of, and/or furnish financial guarantees to insure the completion and maintenance, of all improvements required by the Planning Board prior to the approval, or as a condition to the approval of, a Final Plat prior to development. All required improvements shall be made by the Applicant at his/her expense, without reimbursement by the Town.

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Section 902: Construction Plans.

A. Approval Required Before Construction: During the subdivision application process as described in Articles III through VII, the Applicant shall have prepared, at his/her expense, construction plans for all improvements required by the Planning Board. The installation of such improvements, development and/or construction work of any kind shall not be commenced until: (1) after the applicable construction plans have been approved by the Planning Board or the Town Engineer in accordance with these regulations; (2) after the applicable construction plans have been approved and endorsed on such plans or drawings by the appropriate County, State, or other agencies having jurisdiction by law for same; and (3) after the Applicant has paid to the Town an amount equal to the estimated Town fees for inspecting the construction and work.

B. Modifications: If at any time before or during the construction of the required improvements, the Applicant and Town Engineer determine that unforeseen conditions make it necessary to modify the location or design of such required improvements, or that additional improvements be provided, the Planning Board or Town Engineer may require such modifications upon written request of the Applicant, provided such modifications are within the spirit and intent of the Planning Board's Plat approval, and do not extend or waive, or substantially alter the function of any improvement required by the Planning Board. The Town Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board for its records.

C. Installation: All required improvements shall be installed in accordance with approved construction plans or drawings.

D. Estimated Cost of Improvements: The Applicant shall submit his/her engineer or contractor's estimate of the full cost of all required improvements, and the Planning Board shall review the cost estimates for accuracy.

Section 903: Completion of Improvements and Guarantees of Performance.

A. Purpose: The Planning Board may require the full completion of all improvements, or appropriate guarantees for such full performance, or both, prior to its signing of the Final Plat. Improvement guarantees shall be provided to insure the complete and proper installation and maintenance of required streets, utilities, and other improvements required by the Planning Board. Such guarantees may include actual completion of the required improvements, or financial guarantees in proper form. As such, the Applicant shall be subject to the procedures set forth in Paragraphs "B", "C", and/or "D", as will be agreed upon by the Planning Board and the Applicant.

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B. Completion of Improvements: The Planning Board may require that the Applicant shall complete all required improvements to the satisfaction of the Planning Board and/or Town Engineer before the Planning Board signs the Final Plat, and before any building permits are issued. The Planning Board may also require the Applicant to file, with the Town, a financial guarantee, in one of the forms provided in paragraph "C" below, in an amount determined by the Planning Board to be adequate to assure the preservation of existing topographic and natural assets, pursuant to Section 810, above, as well as continued satisfactory conditions of the subdivision improvements for a period of one (1) year following their completion. Such financial guarantee shall be satisfactory to the Town Attorney and the Town Board as to form, sufficiency and manner of execution. The financial guarantee shall be released only by resolution of the Town Board when all requirements have been satisfactorily met. The construction and completion of improvements may be placed in conjunction with the approval of sections of Plats as set forth in Section 615 of Article VI.

C. Financial Guarantees: Before the Planning Board signs the Final Plat, or as a condition of approval of the Final Plat, and before any building permits are issued, the Planning Board may require that the Applicant furnish to the Town a financial guarantee for performance of the required improvements within one (1) year from conditional approval of the Final Plat in one of the forms discussed below. The time allowed for installation of the improvements, for which the performance guarantee has been provided, may be extended by the Planning Board. The following forms of security must be provided pursuant to a written security agreement with the Town, approved by the Town Board. It must also be approved by the Town Attorney as to form, sufficiency, manner of execution, and, if not delivered to the Town, such security shall be held in a Town account at a bank or trust company.

1. **Performance Bond:** Such bond shall be in an amount not to exceed one hundred twenty percent (120%) of the cost of installation for improvements. Such bond shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution, and satisfactory to the Town Board as to the surety. The bond shall be released only by resolution of the Town Board when all requirements and completion of improvements have been satisfactorily met by the Applicant.

2. **Letter of Credit:** An irrevocable letter of credit from a bank located and authorized to do business in the State of New York may be accepted in lieu of a performance bond. Such letter of credit shall be satisfactory to the Town Attorney as to form, sufficiency, manner of execution, and institution.

3. **Escrow Account:** The deposit of cash, by the Applicant, in, or a certificate of deposit issued by, a bank or trust company located and authorized to do business in the State of New York, to be held in escrow pursuant to an escrow agreement. The escrow

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agreement shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution, and financial institution.

4. Obligations: Obligations of the United States of America or any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements.

D. Maintenance Guarantee: The Planning Board may also require the Applicant to provide a maintenance guarantee for a period not to exceed two (2) years after final acceptance of the improvements, in an amount not to exceed fifteen percent (15%) of the costs of such improvements. Such maintenance guarantee may be in one of the forms described in Paragraph "C" above, as the Planning Board may prescribe.

E. Other Agencies: In the event that other governmental agencies or public utilities will own the utilities or improvements simultaneously with the completion of installation of such utilities or improvements, or the improvements are covered by performance and maintenance guarantees to another governmental agency, no performance and/or maintenance guarantee shall be required by the Planning Board for such utilities or improvements so covered.

F. Subdivider's Responsibility: If the Town Engineer or other authorized inspector finds, upon inspection, that any of the required improvements have not been constructed or installed in accordance with approved construction plans, the Applicant shall be responsible for the completion of such improvements to the satisfaction of the Planning Board. Wherever the cost of improvements is covered by a performance bond, the Applicant and the bonding company shall be jointly and severally liable for completing said improvements to the satisfaction of the Planning Board.

For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Board in its resolution approving the Plat, the approval shall be deemed to have expired. In cases where a performance bond has been posted and required improvements have not been completed within the term of such bond, the Town Board may thereupon declare said performance bond to be in default.

Section 904; Inspection of Improvements.

A. General Requirements: The Planning Board shall provide for the inspection of required improvements during construction to insure their satisfactory completion. The Applicant shall pay to the Town an inspection fee in accordance with a fee schedule fixed by the Town Board, and at such time as may be stated in its resolution. The Final Plat shall not be signed by the Planning Board until such fee has been paid.

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B. Timing of Inspection: In order to facilitate inspection of required improvements during construction, the subdivider shall notify the Town Engineer at least three (3) days before he proceeds with each of the following stages of construction:

1. Grading of streets and/or lots;
2. Back-filling of underground utilities and/or drainage facilities;
3. Paving or surface treatment; and
4. Within three (3) days after completion of all improvements.

C. Copy of Contract Specifications: Prior to the start of construction of any required improvements, the Applicant shall furnish to the Planning Board and/or Town Engineer a copy of the specifications included in any contract entered into by the Applicant for such construction.

D. Supervision of Construction: The construction of all required improvements shall be supervised by a licensed professional engineer, employed by the Applicant. After completion of construction, the said engineer shall certify to the Planning Board that all required improvements have been constructed as required and approved by the Planning Board, or as such requirements have been modified under Section 902(B), above.

E. Reports: The Town Engineer or representative of the Town and the Applicant's engineer shall make reports to the Planning Board after each inspection. If the engineer or his authorized inspector finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved construction plans, he shall inform the Applicant and the Board in writing.

F. Responsibility for Completion: The Applicant is solely responsible for completion of required improvements in accordance with the approved plans.

G. Certificates of Completion: The Planning Board shall not give final approval of required improvements, nor recommend to the Town Board, the release of a bond or other performance guarantee, until the Engineer has submitted a report stating that all required improvements have been satisfactorily completed, and until the Applicant's engineer or surveyor has furnished a statement certifying that all improvements conform to such record drawings and the standards and specifications of the agency having jurisdiction.

Article X Parkland, Reservations and Dedications

Section 1001: General Requirements and Plat.

Pursuant to Section 277 of the Town Law, before the approval of a Plat by the Planning Board, such plat shall show in proper cases, and when required by the Planning Board, a park or parks suitably located for playground or other recreation purposes. Reservation of land for street purposes, drainage ways, and easements also may be required by the Planning Board and by County or State agencies having jurisdiction. Any land offered for dedication or reserved by the owner for a particular purpose, and all easements, shall be shown and appropriately marked on the Plat.

Section 1002: Parkland.

A. Finding by Planning Board: Pursuant to Town Law Section 277, land for park, playground, or other recreational purposes, may not be required unless 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 plat will contribute. If the Planning Board makes such finding, the portion of land to be set aside for such a park or parks shall not be more than five (5) to ten percent (10%) of the tract proposed for development, unless land in excess of such amount is offered to be set aside by the Applicant.

B. Fee in lieu of land: In the event the Planning Board makes a finding pursuant to paragraph A of this Section that the proposed subdivision plat 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 plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board (pursuant to a fee schedule adopted by the Town Board). In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for parks or recreational facilities. The Planning Board shall also examine 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 exclusively for park, playground, or other recreational purposes, including the acquisition of property.

Article XI Administration & Enforcement

Section 1101: General.

A. Jurisdiction: Pursuant to Section 278 of the Town Law, no Plat of a subdivision of land showing lots, blocks or sites, with or without streets, shall be filed or recorded in the office of the Albany County Clerk until it has been approved by the Planning Board, and such approval is endorsed in writing on the Plat.

B. Compliance Mandated: No subdivision or portion thereof shall be offered for sale or sold and no clearing, grading, or construction work of any kind shall be commenced within such subdivision until: (1) a Final Plat of such subdivision shall be filed with, and approved by the Planning Board, (2) a Final Plat endorsed as approved by the Planning Board shall have been filed in the office of the clerk of Albany County, and (3) a copy certified by the Albany County Clerk's office showing such filing dates, shall have been thereafter filed in the office of the Town Clerk of the Town of Rensselaerville. No construction, grading, excavation, site preparation or demolition shall take place within any subdivision and no building or zoning permit shall be issued until such filings herein required are complete.

C. Monitoring Lot Splits: The Town of Rensselaerville recognizes that proper administration of the average density concept is important in meeting the intent of this law. The following procedures have been established to help ensure proper monitoring of lot splits:

1. Concurrent with the adoption of this law, an official parcel map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information:
2. The Town shall maintain a record of the estimated allotment of dwelling units possible under this law for each parcel under review:
3. The Planning Board shall calculate density allotments as per Article V, Section 2 of the Town of Rensselaerville Zoning law:
4. As allotments are used up, the official parcel map and register shall be updated to reflect these changes: and
5. The official map and register shall be maintained by the Town Clerk and copies made available for inspection by the public.

Section 1102: Processing of Applications.

The Planning Board and its employees, including the Secretary of the Planning Board, shall be responsible for processing applications for the subdivision of land within the Town. These Regulations shall be deemed the minimum requirements for the future growth and development of the Town, which will provide adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health, and general welfare of its population.

Section 1103: Variance.

A. Review by Zoning Officer: Unless otherwise provided by law, the Town Zoning Officer, pursuant to authority from the Town Board, is authorized to review subdivision Plats or applications that propose to divide a parcel of land into two (2) lots, either by referral from the Planning Board or upon an Applicant's own initiative, for the limited purpose of determining whether such proposed lots meet the minimum dimensional requirements of the Zoning Law, and rendering a written determination as to whether such proposed lots, if approved by the Planning Board pursuant to its review of the proposed Plat, comply with such Zoning Law requirements.

B. Appeal to Zoning Board of Appeals: An Applicant of any party aggrieved by such determination of the Zoning Officer may be allowed to appeal such determination to the Zoning Board of Appeals.

C. Determination: The determination of either the Zoning Officer or Zoning Board of Appeals shall be binding upon the Planning Board for the limited purpose that such determination is intended, subject to any conditions the Zoning Board of Appeals or Planning Board may deem appropriate and subject to all of the other applicable requirements set forth in these Regulations.

D. Area Variances: Where a Plat (submitted on or after 7/1/93) contains one (1) or more lots which do not comply with the Zoning Law regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 277-b of the Town Law, without the necessity of a decision or determination by the Zoning Officer. In reviewing such application for an area variance, the Planning Board shall provide a written recommendation concerning the proposed variance to the Zoning Board of Appeals.

Section 1104: Enforcement Authority.

Pursuant to Section 268 of the Town Law, and the Local Laws of the Town of Rensselaerville, the Zoning Officer has the authority to enforce the requirements and

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provisions of these Regulations. The Zoning Officer may issue notices of violation, and stop-work orders and/or appearance tickets for the enforcement of these Regulations.

Section 1105: Violations, Penalties and Remedies.

A. Penalties and Fines For Violations A violation of any of the provisions of the Town of Rensselaerville Zoning Law shall be enforced as follows:

1. Violations. Where a violation of this Law has been committed or shall exist, with regard to the building, structure, or lot where the violation has been committed or exists, the following persons shall be guilty of a violation of this law as applicable under the circumstances: owner, agent, contractor, tenant, lessee, resident, contractor, architect, or such other person who takes part or assists in such violation.

2. A violation of this Law is punishable by a fine as follows:

- a. Three hundred fifty dollars (\$350) for conviction of a first offense;
- b. For conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700);
- c. Upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000);
- d. The zoning officer is hereby authorized to issue an appearance ticket to any person causing a violation of this Law, and shall cause such person to appear before the Town Justice;
- e. The town board may also maintain an action or proceeding in a court of competent jurisdiction in the name of the town, to compel compliance with, or to restrain by injunction, any violation of this law notwithstanding that this law provides for a fine for such violation;
- f. A person who has violated any of the provisions of this Law and who desires to compromise and settle his civil liability therefor, may appear with the Zoning Officer before a court or justice having jurisdiction in civil actions, and thereupon such person may, upon the consent of the representative of the department appearing, compromise and settle his

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liability for the civil fine, for an amount agreed upon between said court or justice, the representative of the department, and the person who committed such violation;

- i. The agreed amount shall not be less than one hundred dollars (\$100.00) nor more than the amount for which such person would be liable for a fine.

B. Pursuant to Section 268(2) of the Town Law, in the case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used, or any land is divided, or cleared in anticipation of being divided, into lots, blocks, or sites in violation of these Regulations or the Zoning Law, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceeding, to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Upon the failure or refusal of the proper local officer, board, or body of the Town to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the Town to proceed, any three (3) taxpayers of the Town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board, or body of the Town is authorized to do.

Section 1106: Severability.

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

Section 1107: Court Review.

Any person aggrieved by any decision of the Planning Board relative to a subdivision application, or a decision rendered by the Planning Board, may have such decision reviewed by the Supreme Court, Albany County in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board, as all set forth in Section 282 of Town Law.