

Town of Claverack  
Subdivision Law Update V7

February 2012

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1. Partial funding for development of this Subdivision Law was received from the New York State Hudson River Valley Greenway.



# **SUBDIVISION REGULATIONS**

## **SECTION I – GENERAL PROVISIONS**

### ***1. Title and Purpose***

- a. This local law shall be known as the Town of Claverack Subdivision Regulations.
- b. This chapter establishes rules, regulations, and standards governing the subdivision of land within the Town of Claverack excluding lands within the incorporated Village of Philmont, Columbia County, New York, pursuant to Article 16 of the Town Law of the State of New York. This law also establishes the procedures to be followed by the Planning Board in administering these rules, regulations, and standards.
- c. The Town of Claverack authorizes the Planning Board to consider, review, approve, conditionally approve, with or without modification, and/or disapprove the subdivision of land within the Town of Claverack. Such action shall be consistent with, and further the vision and goals of the Claverack Comprehensive Plan and Claverack Zoning Law. The purpose of these regulations are to provide for environmentally sound future growth and development of the Town; orderly, efficient, and economical growth; and to afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health, safety and welfare of the Town's population. It is also the policy of the Town to ensure:
  1. 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, surface water resources, designated historic structures, and scenic locations;
  2. 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;
  3. that adequate facilities be provided for drainage, water supply, sewerage and transportation;
  4. 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;
  5. 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.

6. that there be a convenient roadway system conforming to the Comprehensive Plan of the Town and the official map if such exists and as both may be amended from time to time;
7. that adequate provision be made for parks and open spaces suitably located for playground and other recreational purposes; and
8. 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.
9. that affordable housing opportunities be provided to the residents of Claverack.
10. that potential negative fiscal impacts that may result from future development be minimized or eliminated.

## ***2. Self-imposed Restrictions***

Nothing in this local law shall prohibit any subdivider from placing self-imposed restrictions on the development of lots shown on a subdivision plan provided such restrictions are not in violation of this local law and Zoning Law, and the Planning Board approves placement of such restrictions as notes on the approved plan.

## **SECTION II - DEFINITIONS**

1. For the purpose of these regulations, the following words and terms shall have the meanings indicated:

**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. The Planning Board is required to evaluate and consider the statement in its review of possible impacts of a project on nearby farm operations. A notice of the project application is mailed to owners of land associated with the neighboring farm operation identified in the statement.

**Agricultural Disclosure Notice** - 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 any preliminary and approved subdivision Plan as well as recorded in the deed.

"As-Built" Drawing - Plans and Plan/Profiles submitted by the Owner, prior to dedication of roads or utilities to the Town, showing all construction as it has occurred in the field, i.e., roads, monuments, sanitary sewer, storm sewer, water lines, gas mains, electric lines, telephone lines, cable TV, etc.

Board - Means the Planning Board of Claverack or any person authorized by the Planning Board to act as its representative.

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.

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.

Building Envelope – The area that encompasses all areas that are or are proposed to be disturbed for structures including but not limited to house sites, driveway areas, septic system areas, lawns, and other accessory structures.

Class 1 Minor Subdivision - Minor subdivision for realignment or adjustment of interior boundary lines (lot lines).

Complete Application – An application for subdivision approval which includes all of the following:

- a. All information concerning the proposed subdivision in the format required by the applicable provisions of these regulations;
- b. All application fees required by these regulations and the escrow deposit for development review costs, if required;
- c. An Environmental Assessment Form assessing the potential environmental impacts of the proposed application;
- d. A determination by the Planning Board, or by the lead agency in the event of a

coordinated review involving other agencies, that the proposed action is not likely to have a significant impact on the environment (Negative Declaration), or the filing of a Notice of Completion of a DEIS or SEIS in accordance with the provisions of SEQRA.

Comprehensive Plan –The Town of Claverack Comprehensive Plan adopted by the Town Board of the Town of Claverack 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 and adopted pursuant to Town Law 272-a.

Conditional Approval: Approval by the Planning Board of a preliminary or a final Plan subject to such conditions as may be set forth by the Planning Board in a resolution conditionally approving such Plan. Such conditional approval does not qualify a final Plan for recording nor does it authorize issuance of any building permits prior to the signing of the Plan 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 Easement – An easement, covenant, restriction or other interest in real property created under Article 49 of the Environmental Conservation Law of the State of New York which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property.

Conservation Subdivision – 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 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.

Construction - Refers to paving, utility and miscellaneous construction in public rights-of-way or easements as shown on the subdivision Development Map and not privately owned construction covered by building permits.

Design Criteria – Standards that set forth specific improvement requirements.

Double Frontage Lots - Are lots with two (2) lot lines abutting existing or proposed streets.

Engineer, Licensed Professional – Means a person licensed as a professional engineer by the State of New York.

Environmental Assessment Form – 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.

Escrow - Monies to be paid by the Owner to the Town for Plan Review and Construction Observation services. This money will be held in non-interest bearing accounts. The base term shall be three years, but may be extended pursuant to Town Law 277.

Final Plan - Means the final map upon which the owner's plan of subdivision is presented to the Planning Board for approval, and which, if approved shall be submitted to the county clerk *for* recording. The Final Plan is submitted as part *of* the Final Submission.

Final Review - Refers to the complete process of reviewing a Final Submission and issuing a final approval or disapproval by the Board.

Final Submission - Refers to the Final Plan and all other documents the subdivider is required to submit for Final Review of a subdivision by the Board.

Grade – The slope of a road, street, or other public way specified in percentage terms.

Letter of Credit - Is a letter taken out by the owner from a bank which guarantees the Town that a specific amount of money will be kept available for the completion of subdivision construction to be drawn on only by the Town.

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. LID techniques could include use of soil amendments, bioretention of rain gardens, grassed swales, rain barrels, permeable pavers or paving materials, and other methods to minimize impervious surfaces.

Major Subdivision - Means any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or road or extension of municipal facilities, or any series of minor subdivisions that have created five or more lots on contiguous land.

Minor Subdivision - Means any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities, not involving the creation of public improvements, and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Official Map; or Zoning Law, if such exists, or these regulations. A series of related minor subdivisions that have been

approved since the date of this law's passage and on contiguous land cumulatively totaling five or more lots shall be construed to be a major subdivision.

Official Map - Is a map established by the Town Board under Section 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of the Town Law.

Open Space – An area that is intended to provide for environmental, scenic, agricultural, or recreational purposes. It includes any land, water, or submerged land that is provided for, preserved for, or used for park or recreational purposes; conservation of land or other natural resources; cultural, historic, or scenic purposes; assisting in the shaping of the character, direction, and timing of community development; or wetlands. May include, but not be limited to bikeways, outdoor recreation areas, wooded areas, greenways, and water courses. The computation of open space shall not include driveways, parking lots, or other surfaces designed or intended for motorized vehicular traffic, or to buildings.

Owner - Means the owner of the land proposed to be subdivided, or his agent.

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.

Performance Bond - An obligation in writing, under seal, issued by a Surety Company satisfactory to the Town binding the obligor to pay a sum of money to the town if the obligor fails to satisfactorily install and/or maintain improvements as required under Section 277 (1) of the Town Law, as amended, or as required by the Town of Claverack Zoning Law.

Pre-Construction - Any activity disturbing five (5) or more acres of ground whether or not the disturbance is contiguous or occurs on contiguous tracts except excavation for sewer, water and utility lines; emergencies, site investigations; and customary agricultural activity.

Preliminary Plan - Means a drawing showing the salient features of a proposed subdivision submitted to the Planning Board for its consideration prior to submission of the Final Plan. The Preliminary Plan is submitted as part of the Preliminary Submission.

Preliminary Review - Refers to the complete process of reviewing a Preliminary Submission and issuing a conditional approval, conditional approval with modifications, or disapproval by the Board.

Preliminary Submission - Refers to the Preliminary Plan and all other documents required for Preliminary Review of a Subdivision by the Board.

Public Improvement – any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, parking area, lot improvement or other facility for which the Town may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which town government responsibility is established.

Right-of-Way – A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term “right-of-way” for land planning purposes shall mean that every right-of-way hereafter established and shown on a final plan is to be separate and distinct from the lots or parcels adjoining right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plan on which such right-of-way is established.

Roadway - Refers to the portion of a street which is designated for vehicle use.

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.

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.

Sketch Plan - Means a sketch of a proposed subdivision showing the information specified in Part I, Section IV - Preapplication Conference, of these regulations to enable the Owner to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

Subdivision - Is the division of any parcel of land into two or more lots, plots, sites or other divisions of land for immediate or future sale or for building development whether or not the subdividing creates a street.

The term "subdivision" is also used to denote the act of subdividing or the property which is subdivided.

Street - Means a way for vehicular traffic, whether designated as a street, highway,

thoroughfare, parkway, thruway, road, avenue, boulevard, lane, cul-de-sac, place or however otherwise designated and includes the entire area within the right-of-way.

- a. Arterial streets and highways are those used or destined to be used primarily for fast or heavy traffic whether existing or proposed.
- b. Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways. Collectors may also serve as secondary arteries to carry some through traffic. A street which is the outlet toward an arterial street for more than 100 acres or is a main entrance to a residential developments shall be considered a collector street.
- c. Local streets are those which are used primarily for access to the abutting properties.
- d. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

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 Plan, final Plan, or any other submission.

Surveyor, Land - Means a person licensed as a land surveyor by the State of New York.

Town - Means the Town Board of Claverack, Highway Superintendent of Claverack or other official responsible by law for the function referred to. It may also refer to the person authorized to act as the representative of the responsible official or officials.

## **SECTION III – APPLICABILITY**

### ***1. General***

Whenever a time limit is specified in these regulations, the Planning Board may extend that limit only by mutual consent of the owner/applicant and the Planning Board.

### ***2. Applicability***

When any subdivision of land is proposed to be made within the unincorporated sections of the Town and before any contract for the sale of, or any offer to sell such subdivided land, or any part thereof, is made, and before any construction is begun, and before any building permit shall be granted, the owner or designated representative shall apply for and secure approval of such proposed subdivision in accordance with these procedures. The Planning Board shall also have the authority to review and approve, conditionally approve or disapprove the further subdivision of lands subdivided after the effective date of this Local Law as follows:

- a. A series of minor subdivisions on contiguous land, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider shall meet all requirements of this Local Law as a major subdivision when such series creates a fifth lot.
- b. Depending on how the application has been classified by the Planning Board, future applications shall also conform to the requirements listed in Section V for a Minor Subdivision, Section VII for a Major subdivision or Section VI for a Class I subdivision, whichever is applicable. For a minor subdivision, the preliminary plan shall be equivalent to a final plan as defined in these regulations. The Building Inspector shall review minor and major applications for completeness and if determined to be complete, will forward the application within 5 business days to the Planning Board for preliminary and/or final subdivision review.

## **SECTION IV - SKETCH PLAN**

### **1. Sketch Plan Pre-application Conference:**

- a. All Class I, minor and major subdivisions shall require the submission of a sketch plan. The purpose of this step is to determine feasibility of the project before the Owner has invested a substantial amount of money. The pre-application conference is also to determine if the plan is to be processed as a Class I, Minor, or Major subdivision and whether the application shall require submission of a conservation subdivision plan. If a conservation subdivision plan is required, the procedures set forth in 7.2 of the Zoning Law and this law shall also be followed.
- b. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least ten (10) business days prior to the regular meeting of the Board ten copies and one digital version using the best available technology of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Section IV for the purposes of classification and preliminary discussion. All application materials of Section IV shall be provided to the Planning Board.
- c. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.
- d. Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Class I, Minor or Major Subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision

comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Section V of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Section VII of this law, and the Town of Claverack Zoning Law including Section 7.2 of that Law. If it is classified as a Class I subdivision, the subdivider shall then comply with the procedures outlined in Section VI. The Owner shall present such information as outlined in these regulations or as the Board may require. The Board will inform the applicant of general requirements as well as particular requirements for the Subdivision under review as dictated by the Comprehensive Plan, Official Map, Zoning law, or other considerations.

- e. The Sketch Plan shall also outline all pre-construction activities including any soil conservation measures deemed appropriate by the Board. Based upon this plan, a Bond or Letter of Credit shall be established to ensure compliance with said soil conservation measures and shall be approved by the Chairman of the Planning Board.
- f. For minor subdivisions a sketch plan and preliminary submission may be made simultaneously.
- g. The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated into the application by the applicant in the next submission to the Planning Board. The Planning Board shall advise the subdivider of any general recommendations on layout, arrangement of lots and required improvements, taking into consideration the requirements of this local law and the Town Zoning Law. It shall informally advise the subdivider of the extent to which the proposed subdivision conforms to the relevant standards of these regulations, and may suggest possible plan modifications that would increase its degree of conformance. Data obtained during the more detailed preliminary and final plan and/or SEQRA review may further necessitate revision of the initial proposal as presented in the sketch plan.
- h. After the sketch plan has been reviewed at a Planning Board meeting, a field walk by up to three members of the Board may be required.
- i. Where the proposed subdivision is also situated in an adjoining municipality, the Planning Board shall send a copy to said municipality for informational purposes and preliminary comment. In such situations, the Planning Board shall make best efforts to coordinate its review of the subdivision with the review being conducted by the Planning Board of the adjoining municipality.
- j. The Board and, when requested by the Board, the Building Inspector and Town

Consultants, will review the sketch plan against local policies, standards, and planning strategies. The Planning Board shall advise the applicant regarding project feasibility and/or any foreseen considerations regarding the subdivision design. If pre-construction is considered, the plans may also be reviewed in an effort to establish a formal soil conservation plan to be followed by the Owner. Pre-construction, if undertaken, shall include limited clearing, grubbing, and grading to improve site access for support equipment during the subdivision design.

- k. A fee shall be paid with the submission of the Sketch Plan as determined by the most recent fee schedule adopted by the Town Board.
- l. Upon designation of the sketch plan as a Class I, Minor or Major subdivision, the subdivider may proceed with procedures for review in accordance with the provisions of Sections V, VI, and VII.

## **2. Sketch Plan Application Materials**

- a. The Owner shall furnish ten (10) copies and one digital version using the best available technology of a Sketch Plan to the Secretary of the Planning Board ten (10) business days prior to the regular monthly Planning Board meeting together with the required application and fee. The Sketch Plan shall be to a scale not less than one hundred (100) feet to the inch and preferably showing the entire subdivision tract on one (1) sheet. The sketch plan shall be submitted, showing the following information:
  - 1. For major subdivisions, all information pursuant to Section 7.2 of the Zoning Law (Conservation Subdivision Process).
  - 2. The location of that portion to be subdivided in relation to the entire tract, and the distances to the nearest existing street intersection.
  - 3. The zoning district(s) in which the property is located.
  - 4. Whether or not the property is located within a New York State certified Agricultural District, and if so, location of prime farmland soils or soils of statewide significance as listed in the Columbia County Soil Survey.
  - 5. All existing structures, such as buildings, stone walls, and all pertinent natural features that may influence the design of the subdivision such as wooded areas, streams, wetlands, and other significant physical features, within the portion to be subdivided and within 200 feet thereof.
  - 6. Contours and an identification of areas containing slopes in excess of 20%

shall be indicated at intervals of ten (10) feet for Major Subdivisions. Contours for Minor Subdivisions will not be required unless directed by the Planning Board. For the purpose of sketch plan submissions only, the contour information may be based upon maps produced by the United States Geological Services, 1:24,000 scale.

7. The name of the Owner and all adjoining property owners as disclosed by the most recent municipal tax records.
  8. The tax map sheet, block and lot numbers.
  9. All the utilities available, and all streets which are either proposed, mapped, or built.
  10. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewage and water supply within the subdivided area.
  11. All existing restrictions on the use of land including easements, covenants, or zoning lines and restrictions.
  12. An agricultural data statement and required disclosure, if required, as per New York State Agriculture and Markets Law 25-aa.
  13. In addition to the above, the applicant shall also furnish a narrative description of the site to be subdivided in its existing condition. The narrative shall give particular consideration to water supply demands and source requirements, wastewater disposal, traffic and site-access, and open space, soil, and natural resource conservation of the site both during and after construction.
  14. A completed part I of an environmental assessment form as per SEQRA, Part 617.
- b. After the sketch plan has been reviewed at a Planning Board meeting, a field walk by the Board may be required. No more than three Board members shall conduct the field walk and then report their findings to the full Board at the next regularly scheduled meeting of the Planning Board.
  - c. The Board and, when requested by the Board; the Building Inspector and Town Consultants will review the sketch plan against local policies, standards, and planning strategies. The Planning Board shall advise the applicant regarding project feasibility and/or any foreseen considerations regarding the subdivision design. If pre-construction is considered, the plans will also be reviewed in an effort to establish a formal soil conservation plan to be followed by the Owner. A

Bond or Letter of Credit, as approved by the Chairman of the Planning Board, shall be established prior to the issuance of a pre-construction permit. Pre-construction, if undertaken, shall include limited clearing, grubbing, and grading to improve site access for support equipment during the subdivision design.

- d. A fee shall be paid with the submission of the Sketch Plan as determined by the most recent fee schedule adopted by the Town Board.

## **SECTION V. MINOR SUBDIVISIONS**

### **1. Procedures for Minor Subdivisions:**

- a. Within six months after classification of the Sketch Plan by the Planning Board, the subdivider shall submit an application for preliminary review to the Building Inspector. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- b. All applications for minor subdivision approval shall be accompanied by a fee in accordance with the most recent fee schedule adopted by the Town.
- c. Ten copies of the Subdivision Plan application and one digital version using the best available technology shall be presented to the Secretary of the planning Board at least ten (10) business days prior to a scheduled monthly meeting of the Planning Board along with (1) true copy of all offers of cession, covenants, and agreements, the required information as required by the Board and included under Section V, Minor Subdivision, at least ten (10) business days in advance of the regular monthly Planning Board Meeting at which it is to be officially submitted.
- d. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plan. The date of the submission shall be the date of the meeting at which it is presented.
- e. A field walk by the Board with the applicant may be required. No more than three representatives from the Planning Board shall conduct the field walk with the applicant. This field walk shall not be considered a meeting of the Planning Board. The attending planning board members shall report findings to the full Board at the next regular meeting of the Planning Board.
- f. The Planning Board shall review the minor subdivision plan and shall determine whether it is a complete application for purposes of commencing a public hearing. If the Planning Board deems the application incomplete, the Board shall detail the application deficiencies in writing, to the subdivider. No procedures or time frames for public hearing and decision making shall start until the

application is deemed complete. The Planning Board shall schedule a hearing once the application is deemed complete.

- g. 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.
- h. The Planning Board shall refer the proposed subdivision plans to the Columbia County Planning Board in accordance with New York State GML 239-n prior to any decision.
- i. SEQRA Requirements: The Planning Board shall follow all requirements as per Part 617 SEQRA. The Claverack Planning Board will request lead agency status as appropriate.
- j. Subdivision in a New York State Agricultural District: The Planning Board shall follow all requirements as per AML 25-aa in order to evaluate and minimize any potential impacts of the proposed subdivision on agricultural activities taking place within the NYS Agricultural District. The Planning Board may require submission of the Agricultural Disclosure Notice as described in Section II of this local law and New York State Agriculture and Markets Law 25-aa directly on the final subdivision plans and on the deeds.
- k. Public Hearing: If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing on the proposed subdivision shall be held within sixty-two (62) business days after the receipt of a complete Minor Subdivision plan. If an environmental impact statement is required, and if the Planning Board determines that a public hearing on that statement is also required, the Planning Board shall hold a public hearing on the minor subdivision plan and draft environmental impact statement jointly with the public hearing otherwise required by this law. The joint public hearing shall be held within 62 business days after the filing of the notice of completion of the draft environmental impact statement.
- l. Public Hearing Notice: the hearing on the minor subdivision plan shall be advertised at least once in the town's Official Newspaper at least five (5) business days before such hearing if held independently of the hearing on the draft environmental impact statement or fourteen (14) business days before a hearing held jointly. In addition, the Applicant shall deliver or cause to be delivered a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the properties which are listed on the Agricultural Data Statement.

- m. 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) business days prior to the date of  
said hearing.
- n. Decision: The Board will review the proposal with regard to compliance with  
Town ordinances and regulations, whether the lot (or lots) is (are) buildable, and  
compatibility with neighboring lands. Within sixty-two (62) business days from  
the close of the public hearing on the proposed subdivision, the Planning Board  
shall, by resolution, approve (with or without modification), disapprove, or grant  
final approval. Such decision shall be the final decision for minor subdivision  
plans. The time in which the Planning Board must take such action on the Minor  
Subdivision Plan may be extended only by mutual consent of the Applicant and  
the Planning Board. When approving a minor subdivision plan with  
modifications, the Planning Board must state in writing the modifications it  
deems necessary before the plan will be endorsed by the Chairman. The  
Planning Board shall specify in writing its reasons for any disapproval. If the  
Final Submission is disapproved, resubmissions may be made within six (6)  
months of the date of disapproval with no additional fee required. A  
resubmission made after six (6) months from the date of disapproval may be  
treated like a new submission and require Final Review and Fee.
- o. Notification & Filing of Decision: Within five (5) business days of the date of the  
adoption of the resolution stating the decision of the board on the minor  
subdivision plan, or in the case of a major subdivision, a preliminary plan, 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. The applicant shall file the approved minor  
subdivision plan in the Office of the County Clerk within 62 business days from  
the date of final approval or such approval shall expire. Upon filing, a Town of  
Claverack "Notice of Filing" must be endorsed by the Columbia County Clerk's  
Office and returned to the Planning Board within 60-business days before any  
building permits are issued for construction. If the Final Plan is not filed within  
this time, the approval shall expire, as provided in Section 276 of the Town  
Law.
- p. Application for Area Variance. Where a proposed subdivision contains one or  
more lots that do not comply with the dimensional regulations of the zoning  
law, an application may be made to the ZBA for an area variance without the  
necessity of a decision or determination of an administrative official charged  
with the enforcement of the zoning regulations. In reviewing such application,  
the ZBA shall request the Planning Board to provide a written recommendation

concerning the proposed variance.

- q. Endorsement of the Chairman: Upon approval of the minor subdivision plan, 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 Plan map as outlined in the resolution of the Planning Board and provide six (6) copies and one digital version using the best available technology of the corrected Minor Subdivision Plan to the Secretary of the Planning Board for final review and approval by the Planning Board Chair.
- r. The Owner may obtain building permits and begin building construction only after filing of the Final Plan and receipt by the Town of the Notice of Filing.

## **2. Minor Subdivision Application Materials**

### **a. Preliminary and Final Submission**

After the sketch plan for a minor subdivision is prepared and discussed by the Planning Board, a Preliminary Submission and Final Submission for a minor subdivision may be made simultaneously.

### **b. Final Submission**

The submission for a minor subdivision shall include the following to a scale not smaller than fifty (50) feet to the inch drawn accurately to scale with approximate dimensions shown and including bearings, distances and locations of iron pipes. The subdivision plan for a minor subdivision shall include:

- 1. Data required in Section IV and V of this local law.
- 2. Highways, or other major public or private improvements planned for future construction on or near the proposed subdivision, including those shown on the Official Map or Comprehensive Plan shall be shown.
- 3. All contiguous land owned or under option by the Owner shall be shown.

4. Water elevations and subsurface information including groundwater elevation shall be noted where required.
5. All existing and proposed property lines, present zoning and building setback lines, easement and right-of-way lines with dimensions, azimuths or angle data, and curve data;
6. All monuments, iron pipes and bench marks (existing and proposed);
7. Names of owners of all adjacent property;
8. A north arrow;
9. Standard title block with current revision date;
10. Key map;
11. Water courses, marshes, rock outcrops and other important land features;
12. An Agricultural Data Statement and location of any actively farmed field, farm access road, and boundary of New York State certified agricultural district within 500 feet of the parcel;
13. If an on-site water supply is to be utilized, a note stating: On-site water supply as to flow capacity and potability are not guaranteed by the filing of this map. Each purchaser of a plot shall be responsible for assuring adequate water supply and potability.
14. The location of any existing and/or proposed structures, wells and septic systems (if applicable);
15. Location of existing wells and septic systems on adjacent parcels (if required by the Board);
16. All regulated floodplains, wetlands, classified streams and one hundred (100) year flood plain boundaries shall be included where appropriate.
17. The Plan shall contain the signature and seal of a professional engineer and/or a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208, paragraph (n) of the Education Law.
18. All Sheets shall be 34" x 44", 30" x 42", 24" x 36", 22" x 36", 17" x 22" or 8 1/2" x 14" in size. When more than one sheet is required, all shall be the same size and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.

19. The location of any historic structure included on the State or National Register of Historic Places.
20. The Submission shall also include the following:
  - a. Completed Town of Claverack Subdivision Application forms;
  - b. Request for any zoning changes proposed for the area to be subdivided.
  - c. Completed Long Environmental Assessment Form unless the Board determines a Short Form adequate.
  - d. Proposed use of each lot;
  - e. Proposed water and sanitary wastewater disposal location including percolation information;
  - f. Proposed building envelope(s).
  - g. Contour lines at two (2) foot intervals tied to a USGS Datum. Contour intervals may be increased to five (5) or ten (10) feet at the discretion of the Board. The Board may also waive the requirement for field topography. In these cases, the applicant will be required to submit at a minimum contour information as interpolated from USGS mapping.
  - h. If wastewater will be treated by an on-site subsurface disposal system, percolation data must be submitted and an appropriate system for the site must be designed and approval by the Columbia County Health Department must be secured before final approval.
  - i. Deed description and proof of ownership of the land to be subdivided.
  - j. Approval from controlling agency for driveway or curb cut.
21. A Fee shall be paid with the Minor Submission as determined by the most recent fee schedule adapted by the Town Board.
22. More detailed information may be required by the Planning Board as determined from the Sketch Conference.

## **SECTION VI. REVIEW PROCESS FOR CLASS I MINOR SUBDIVISION**

1. Class I Subdivisions constitute the realignment or adjustment of an interior boundary line of two or more adjacent parcels that does not result in

- a. the creation of any additional buildable lots,
- b. the creation of a non-conforming lot or structure, or
- c. the creation of any new street.

This class of subdivision may result in a reduction of the number of buildable lots.

## **2. Final Plan Submittal for Class I Minor Subdivisions**

Following the acceptance of the sketch plan and the classification, the applicant(s) shall have prepared by a licensed surveyor and/or engineer, new survey maps and other documents that shall comply with the requirements of Section V and this Section.

The applicant shall also have prepared new deeds that reflect the proposed lot line adjustments. The deeds shall specifically include a clause that the parcel(s) created to accomplish the lot line adjustment shall be merged with and become part of the adjacent lands and not form a separate building lot, referring to the owner's name and recording information of the adjacent property to which this new parcel is to become a part. The deed shall be submitted to the Town Attorney for review and approval.

Within sixty (60) business days of the date of acceptance and classification, ten copies and one digital version using the best available technology of the new survey map and deeds and a completed Short form Environmental Assessment Form shall be submitted to the Secretary of the Planning Board at least 10 business days prior to a regularly scheduled meeting. Failure of the applicant to submit such information within sixty (60) business days of the date of acceptance and classification will be deemed an abandonment of the application.

## **3. Notice and Hearing**

Provisions of Section V (1) of this local law shall govern the procedure for final approval after notice and hearing pursuant thereto.

## **4. Fees and Costs**

The fees shall be governed by the most recent fee schedule adopted by the Town Board. For the purposes of a Class 1 Subdivision, the number of lots for fee purposes shall be determined by counting the number of lot(s) involved in such subdivision to be added to an adjacent parcel, plus one lot being the property from which the parcel is taken. In addition to the fees, the cost for public notice and any expert services necessary and appropriate retained by the Planning Board shall be

borne by the applicant(s).

#### **5. Zoning Board of Appeals Approval.**

Town of Claverack Zoning Board of Appeals approval is not required for Class 1 Minor Subdivisions. Specific authority is given to the Town Planning Board to grant relief for Class 1 Minor Subdivisions and the lot being created by such action to be added to, and become part of, an adjacent property shall not be deemed to be a separate lot for the purposes of requiring any area variance from the Town of Claverack Zoning Board of Appeals.

### **SECTION VII. MAJOR SUBDIVISIONS**

#### ***1. Preliminary Plan Review Procedures***

- a. Within six months after classification of the Sketch Plan by the Planning Board, the subdivider shall submit an application for preliminary review to the Building Inspector. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- b. All applications for preliminary subdivision approval shall be accompanied by a fee in accordance with the most recent fee schedule adopted by the Town.
- c. Ten copies and one digital version using the best available technology of the Preliminary Subdivision Plan shall be presented to the Secretary of the planning Board at least ten (10) business days prior to a scheduled monthly meeting of the Planning Board.
- d. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Subdivision Plan. The date of the submission shall be the date of the meeting at which it is presented.
- e. A field walk by the Board with the applicant may be required. No more than three representatives from the Planning Board shall conduct the field walk with the applicant. This field walk shall not be considered a meeting of the Planning Board. The attending planning board members shall report findings to the full Board at the next regular meeting of the Planning Board.
- f. The Planning Board shall review the Preliminary Subdivision Plan and shall determine whether it is a complete application for purposes of commencing a public hearing. If the Planning Board deems the application incomplete, the Board shall detail the application deficiencies in writing, to the subdivider. No procedures or time frames for public hearing and decision making shall start

until the application is deemed complete. The Planning Board shall schedule a hearing once the application is deemed complete.

- g. 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.
- h. The Planning Board shall refer the proposed subdivision plans to the Columbia County Planning Board in accordance with New York State GML 239-n prior to any decision.
- i. SEQRA Requirements: The Planning Board shall follow all requirements as per Part 617 SEQRA. The Claverack Planning Board will request lead agency status as appropriate.
- j. Subdivision in a New York State Agricultural District: The Planning Board shall follow all requirements as per AML 25-aa in order to evaluate and minimize any potential impacts of the proposed subdivision on agricultural activities taking place within the NYS Agricultural District. The Planning Board may require placement of the Agricultural Disclosure Notice as described in Section II of this local law and New York State Department of Agriculture and Markets Law 25-aa directly on the final subdivision plans and on the deeds.
- k. Public Hearing: If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing on the proposed subdivision shall be held within sixty-two (62) business days after the receipt of a complete Preliminary Subdivision plan. If an environmental impact statement is required, and if the Planning Board determines that a public hearing on that statement is also required, the Planning Board shall hold a public hearing on the preliminary subdivision plan and draft environmental impact statement jointly with the public hearing otherwise required by this law. The joint public hearing shall be held within 62 business days after the filing of the notice of completion of the draft environmental impact statement.
- l. Public Hearing Notice: the hearing on the preliminary subdivision plan shall be advertised at least once in the town's Official Newspaper at least five (5) business days before such hearing if held independently of the hearing on the draft environmental impact statement or fourteen (14) business days before a hearing held jointly. In addition, the Applicant shall deliver or cause to be delivered a copy of the public hearing notice, by certified mail, return receipt requested, to all owners of the properties which are listed on the Agricultural Data Statement.

- m. 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) business days prior to the date of said hearing.
- n. Decision: The Board will review the proposal with regard to compliance with Town ordinances and regulations, whether the lot (or lots) is (are) buildable, and compatibility with neighboring lands. Within sixty-two (62) business days from the close of the public hearing on the proposed subdivision, the Planning Board shall, by resolution, approve (with or without modification), disapprove, or grant preliminary approval. For major subdivisions, such decision shall be considered preliminary approval and final review as per Section VII (3 and 4) of this law shall be followed. The time in which the Planning Board must take such action on the Preliminary Subdivision Plan may be extended only by mutual consent of the Applicant and the Planning Board. When approving a preliminary subdivision plan with modifications, the Planning Board must state in writing the modifications it deems necessary before the plan will be endorsed by the Chairman. The Planning Board shall specify in writing its reasons for any disapproval. If the submission is disapproved, resubmissions may be made within six (6) months of the date of disapproval with no additional fee required. A resubmission made after six (6) months from the date of disapproval may be treated like a new submission and require Final Review and Fee.
- o. Notification & Filing of Decision: Within five (5) business days of the date of the adoption of the resolution stating the decision of the board on the preliminary subdivision plan 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.
- p. Application for Area Variance. Where a proposed subdivision contains one or more lots that do not comply with the dimensional regulations of the zoning law, an application may be made to the ZBA for an area variance without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application, the ZBA shall request the Planning Board to provide a written recommendation concerning the proposed variance.
- q. The Owner may obtain building permits and begin building construction only after review, approval and filing of the Final Plan pursuant to Section VII (3) and (4).

## ***2. Preliminary Plan Application Materials***

The Preliminary Submission for a major subdivision shall include the following.

- a. All information required on the Sketch Map as required by the Planning Board.
- b. All data required in Section IV (2) of this local law drawn to a scale not smaller than fifty (50) feet to the inch drawn accurately to scale with approximate dimensions shown except monuments and iron pipes and the certification of standards of accuracy.

In addition, highways or other major public or private improvements planned for future construction on or near the proposed subdivision, including those shown on the Official Map or Master Plan shall be shown.

All contiguous land owned or under option by the Owner shall be shown with a street and lot plan for its development.

Water elevations and subsurface information including groundwater elevation shall be noted where appropriate.

- c. Profiles of present surface shall be shown on centerline and both right-of-way lines of all streets and on centerline of all easements.
- d. All Sheets shall be 34" X 44", 30" x 42", 24" X 36", 22" x 36", 17" x 22" or 8 1/2" x 14" in size. When more than one sheet is required, all shall be the same size and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.
- e. In addition to the required drawings the following information shall be submitted as part of the Preliminary Submission.
  1. Completed Town of Claverack Preliminary Submission form;
  2. Request for any zoning changes proposed for the area to be subdivided;
  3. Locations, and conditions of dedication of areas proposed to be dedicated to public use or preserved open space;
  4. Preliminary location and design of roads, driveways, and bridges and culverts. Note any street, driveway or parking lot lighting proposed;
  5. Preliminary location and proposed type of utility lines;
  6. Preliminary signage and landscape plan.

7. Draft of any protective covenants whereby the owner proposes to regulate land use in the Subdivision and otherwise protect the proposed development.
8. Proposed use for each lot.
9. Contour lines at two (2) foot intervals tied to a USGS Datum. Contour intervals may be increased to five (5) or ten (10) feet at the discretion of the Board on recommendation of the Town Engineer.
10. Watercourses, marshes, rock outcrops and other important land features;
11. The location of any historic structure included on the State or National Register of Historic Places.
12. Completed Part I of the Full Environmental Assessment Form.
13. Water Supply and Wastewater Disposal submissions for pump tests, water quality analysis, well logs, and percolation tests shall be made in accordance with Part II - Subdivision Design and Construction Standards.
14. A Fee shall be paid with the Preliminary Submission as determined by the most recent fee schedule adopted by the Town Board.
15. More detailed information may be required by the Planning Board as a part of the Preliminary Submission in special cases.

### ***3. Final Plan Procedures***

- a. All requirements and procedures of Section VII (1) and (2) (Preliminary Plan Review) and Section 7.2 of the Zoning Law shall be met for major subdivisions. If the Preliminary Plan is approved, the owner shall within six months after the approval of the Preliminary Plan, file with the Planning Board an application for approval of the Subdivision Plan in final form, using the approved application form available from the Town Building Inspector.
- b. All applications for Final Plan approval shall be accompanied by a fee in accordance with the most recent fee schedule adopted by the Town.
- c. If the Final Plan is not submitted within six months after the approval of the Preliminary Plan, the Planning Board may refuse to approve the Final Plan and require re-submission of the Preliminary Plan.
- d. The applicant shall submit a completed application and ten (10) copies and one digital version using the best available technology of the final submission plans, the original and one (1) true copy of all offers of cession, covenants, and agreements,

the required and all other information as required by the Board and included under Section VII, Major Subdivision, at least ten (10) business days in advance of the regular monthly Planning Board Meeting at which it is to be officially submitted.

- e. The time of submission of the Subdivision Plan and support information shall be considered to be the date of the regular monthly meeting of the Planning Board at least ten (10) business days prior to which the application for approval of the Subdivision Plan, complete and accompanied by the required fee and all data required under Section VII. A final plan shall not be considered complete until the application, accompanied by the required fee and all data required under Section VII, Major Subdivision, has been accepted by the Planning Board.
- f. Approval of Plan in Sections: In granting conditional or final approval of a plan in final form, the Planning Board may permit the plan to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plan be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plan may be granted concurrently with conditional or entire approval of the entire plan, subject to any requirements imposed by the Planning Board.
- g. When final plan is in substantial agreement with an approved preliminary plan. When a final plan is submitted which the Planning Board deems to be complete and in substantial agreement with a preliminary plan approved after public hearing pursuant to these regulations, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plan, within 62 business days of its receipt by the Planning Board.
- h. When Final plan is not in substantial agreement with approved preliminary plan. When a final plan is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plan approved pursuant to this local law, the following shall apply:
  - 1. Planning Board as lead agency; public hearing; notice; decision.
    - a. Public hearing on final plans. The time within which the Planning Board shall hold a public hearing on such final plan shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA, as follows:
      - 1. if the Planning Board determines that the preparation of an environmental impact statement, or a Supplemental Environmental Impact Statement ("SEIS"), as the case may be, is not required, the public hearing on a final plan not in substantial agreement with a preliminary

plan shall be held within 62 business days after the receipt of a complete final plan application by the Planning Board; or

2. if the Planning Board determines that an environmental impact statement or an SEIS is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plan and the draft environmental impact statement, or Draft SEIS ("DSEIS"), shall be held jointly within 62 business days after the filing of the notice of completion of such draft environmental impact statement or DSEIS in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement or DSEIS, the public hearing on the final plan shall be held within 62 business days following filing of the notice of completion.
- b. Public hearing; notice, length. The hearing on the final plan shall be advertised at least once in a newspaper of general circulation in the town at least five (5) business days before such hearing if no hearing is held on the draft environmental impact statement, or 14 business days before a hearing held jointly therewith. 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) business days prior to the date of said hearing. Further, there shall be notification of adjacent landowners, as well as those landowners identified in the agricultural data statement, if any.
- c. Decision. The Planning Board shall make its decision on the final plan as follows:
1. If the Planning Board determines that the preparation of an environmental impact statement or SEIS, as the case may be, on the final plan is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plan within 62 business days after the date of the public hearing; or
  2. If the Planning Board determines that an environmental impact statement or SEIS is required, and a public hearing is held on the draft environmental impact statement or DSEIS, the final environmental impact statement shall be filed within 45 business days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement or DSEIS, the final environmental impact statement or Final SEIS ("FSEIS") shall be filed within 45 business days following the close of the public

hearing on the final plan. Within 30 business days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plan.

3. Grounds for decision. The ground for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
2. Planning Board not as lead agency; public hearing; notice; decision.
    - a. Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final subdivision plan jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the final plan within 62 business days after the receipt of a complete final plan by the Planning Board.
    - b. Public hearing; notice, length. The hearing on the final subdivision plan shall be advertised at least once in a newspaper of general circulation in the town at least five (5) business days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen business days before a hearing held jointly therewith. 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) business days prior to the date of said hearing.
    - c. Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the plan as follows:
      1. If the preparation of an environmental impact statement on the final plan is not required, the Planning Board shall make its decision within 62 business days after the close of the public hearing on the final plan.
      2. If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plan within 62 business days after close of the public hearing on such final plan or within 30 business days of the adoption of the findings by the lead agency, whichever period is longer.

3. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
3. Certification of final plan. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plan, such plan shall be certified by the Planning Board as having been granted conditional or final approval and a copy of such resolution and plan shall be filed in the Planning Board office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plan, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plan shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plan shall be filed in the Planning Board office or filed with the Town Clerk as determined by the Town Board.
4. Duration of conditional approval of final plan. Conditional approval of the final plan shall expire within 180 business days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of 90 business days each, the time in which a conditionally approved plan must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.
5. Filing of decision on final plan. Within five (5) business days from the date of the adoption of the resolution stating the decision of the board on the final plan, the Chairperson 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.
6. Endorsement of the Chairperson. Upon approval of the final subdivision plan, the subdivider shall carry out the following steps prior to obtaining the Chairperson's signature of approval:
  - a. Provide proof of compliance with the Department of Health standards and approval 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 adjacent area disturbances, highway work; curb cuts; stormwater connections; SPDES permit discharges.
  - c. Make all required corrections of changes to the final subdivision plan as outlined in the resolution of the Planning Board and complete and meet all applicable conditions of the Planning Board resolution approving the final plan.

- d. Pay all outstanding escrow fees and inspections fees. Recreation and inspection fees, if applicable, are due and payable prior to the Chairperson endorsing the final plan map.
7. Filing of final plan; expiration of approval. The owner shall file in the office of Columbia County Clerk the approved final plan or a section of such plan within 62 business days from the date of final approval or such approval shall expire. The following shall constitute final approval:
  - a. the signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plan; or
  - b. the approval by such board of the development of a plan or plans already filed in the office of the Columbia County Clerk if such plans are entirely or partially undeveloped; or
  - c. the certificate of the Town Clerk as to the date of the submission of the final plan.
  - d. In the event the owner shall file only a section of such approved plan in the office of the Columbia County Clerk, the entire approved plan shall be filed within thirty business days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the plan is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved plan and the approval of the remaining sections of the approved plan shall expire unless said sections are filed before the expiration of the exemption period to which such plan is entitled under the provisions of subdivision two of 265-a of New York State Town Law.
  - e. Failure to Act. The time period in which the Planning Board must render its decision on the site plan may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and board, shall not constitute Planning Board approval of the site plan as submitted or last amended, and shall not be deemed automatic approval.
8. Filed plan map. Within seven (7) business days of the date the final subdivision plan is filed with the County Clerk, the subdivider shall submit to the Planning Board three copies of the plan and one digital version using the best available technology showing the endorsement of the County Clerk.
9. Deed required for filing. Prior to or simultaneously with the filing of the subdivision plan, deeds or other legal instruments that are required as a condition of approval shall be submitted to the Town Attorney. Said filings and any fees shall be held in escrow to be filed by the Town Attorney upon filing of

the subdivision plan. Filing fees shall also be deposited for such documents. Such deeds or documents may contain restrictions on the use of the land including, but not limited to, easements and covenants, which form part of the subdivision approval.

10. Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of 560 of New York Real Property Tax Law.
11. Plan void if revised after approval. No changes, erasures, modifications, or revisions shall be made on any final plan after approval has been given by the Board. In the event that any final plan, when recorded, contains any such changes, the plan shall be considered null and void, and all building permits and Certificate of Occupancy's will be withdrawn, and the Board shall institute proceedings to have said plan stricken from the records of the County Clerk.

#### ***4. Final Plan Submission Materials***

- a. This Submission shall include the following at a scale not smaller than fifty (50) feet to the inch:
  1. All information required on the Preliminary Major Subdivision plan.
  2. The title shall note that the submission is a "final" subdivision plan. Standards of accuracy meeting Town of Claverack requirements shall be noted on the map and certified by a land surveyor registered in New York State. The final Plan shall contain the signature and seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208, paragraph (n) of the Education Law.
  3. Location, width and name of each proposed street, and typical cross sections showing street pavement and, where required, curbs, gutters and sidewalks.
  4. Lengths and deflection angles of all straight lines and radii, length, central angles, chords and tangent distances of all curves for each street proposed.
  5. Profiles showing existing and proposed elevations along the center lines of all proposed streets and the elevations of existing streets for a distance of one hundred (100) feet on either side of their intersection with a proposed street.
  6. Present elevations of all proposed streets shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, said elevation points being indicated at the center line of the street, each property

line and points thirty (30) feet inside each property line (only when required by the Board because of existence of steep slopes).

7. Building setback lines.
8. Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants.
9. Location of street trees, street lighting standards and street signs.
10. Area of all lots in hundredths of an acre.
11. Location, material and size of all permanent monuments.
12. Accurate location of all property to be offered for dedication for public use, with the purpose indicated thereon, and of all property to be reserved by deed covenant for the common use of the property owners of the subdivision.
13. Necessary agreements in connection with required easements or releases.
14. Formal irrevocable offers of dedication to the Town of all streets, public parks, and other rights in a form acceptable to the Town Attorney if such dedication has been accepted by the Town. If such dedication is not accepted by the Town, the developer must submit documents acceptable to the Town Attorney which delineate the organization or individual(s) responsible for the upkeep of all streets and open space/green space.
15. Easements of ingress and egress for the public over mapped streets prior to acceptance of dedication.
16. A statement that the subdivision and its development is subject to continuing compliance with all the terms and conditions of approval of these regulations, and all other applicable ordinances and local laws of the Town.
17. All existing and proposed property lines, present zoning and building setback lines, easement and right-of-way lines with dimensions, azimuths or angle data, and curve data;
18. All monuments, iron pipes and bench marks (existing and proposed);
19. Names of owners of all adjacent property;
20. Street names;
21. All property reserved by the owner or dedicated to the public use;

22. A house number or fire number for each lot;
  23. A North arrow;
  24. Standard title block;
  25. Key map;
  26. Standards of accuracy meeting Town of Claverack requirements shall be noted on the map and certified by a land surveyor registered in New York State;
  27. Right-of-way lines, street paving and street stationing;
  28. Sanitary sewers, storm drains, gas lines and water lines with all appurtenances labeled to show size and material of each and with plans for continued maintenance of sewers and storm drains.
- b. If an on-site water supply is to be utilized, a note stating: On-site water supply as to flow capacity and potability are not guaranteed by the filing of the map. Each purchaser of a plot shall be responsible for assuring adequate water supply and potability.
  - c. Standards of accuracy of elevations meeting Claverack requirements shall be noted on the map. The final plat shall contain the signature and seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208, paragraph (n) of the Education Law.
  - d. Plan/Profile of each street and utility easement, with a horizontal scale of fifty (50) feet to the inch and vertical scale of five (5) feet to the inch showing the following:
    1. All pavement, storm drains, sanitary sewers, gas lines and water lines with appurtenances and labeled to show size and material of each;
    2. Pavement and utility stationing including all horizontal and vertical control points and grades;
    3. Signature and seal of a professional engineer and of a land surveyor, where necessary, both registered in New York State, or a qualified land surveyor under Section 7208 paragraph (n) of the Education Law;
  - e. Storm Drainage plan shall be developed for the site in accordance with all requirements of New York State Stormwater requirements (SPDES).
  - f. All Sheets shall be 34" x 44", 30" x 42", 24" x 36", 22" x 36", 17" x 22" or 8 1/2" x 14". When more than one (1) layout sheet is required all shall be the same size, and a

coversheet, detail sheet, and index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.

- g. The Documents in addition to the required drawings, which shall be submitted as a part of the Final Submission include the following:
  - 1. Completed Town of Claverack Final Submission form;
  - 2. Offer of cession in a form approved by the Board of all land included in streets, walks, easements, recreation areas and passive open spaces not specifically reserved by the Owner. There may be a payment in lieu of the offer of recreation or open areas as determined by the Board. Approval of the Plan does not constitute acceptance of the offer of cession;
  - 3. Certificate of adequacy of the proposed water supply and sewerage service as required by the Public Health Law and/or the Environmental Conservation Department of New York State;
  - 4. Statement by the appropriate Town representative certifying that certain improvements have been installed and approved;
  - 5. Deed description and proof of ownership of the land to be subdivided;
  - 6. Protective covenants in form for recording, including covenants governing the maintenance of unceded public spaces or reservations;
  - 7. Final design of bridges and culverts and Stormwater Management Report unless included in Preliminary Submission;
  - 8. A letter of intent to install the street signs in the locations approved by the Town as a substitute for the street name signs; and,
  - 9. Such other certificates, affidavits, endorsements or agreements as maybe required by the Planning Board in the enforcement of these regulations.
- h. Water Supply and Wastewater Disposal submission shall be made in accordance with Part II - Subdivision Design and Construction Standards. As part of this submission, a subsurface disposal system design approved by the Columbia County Health Department and, if necessary, NYS DEC must be submitted for each lot.
- i. A fee shall be paid with the Final Submission as determined by the most recent fee schedule adopted by the Town Board.
- j. More detailed information may be required by the Planning Board as a part of the Final Submission in special cases.

## **SECTION VIII - INSPECTION OF CONSTRUCTION AND "AS-BUILT" DRAWINGS AND HIGHWAY DEDICATION**

1. The Owner shall be responsible for notifying the Town forty eight (48) hours prior to commencing any work. Such notification is required prior to each of the following phases of construction:
  - a. Site clearing
  - b. Sanitary sewer installation
  - c. Storm sewer installation
  - d. Waterline installation
  - e. Subgrade preparation
  - f. Gravel installation
  - g. Asphalt binder course
  - h. Asphalt top course
  - i. Any special construction
  - j. In addition, forty eight (48) hours notification will be required prior to resuming work if Contractor is absent from the site for more than seven (7) business days.
2. Final Plan and Plan/Profile shall be corrected "As-Built" and reproducible Mylar plus prints shall be furnished to the Town. Upon approval of "As Built" drawings, the Town shall release the Letter of Credit or Performance Bond provided one (1) year has passed or after seventy-five percent (75%) of the parcels have been developed, whichever is greater, without any construction failure since the Final Inspection. The Town's Authorized Agent to execute such release shall be the Town Supervisor.
3. All highways to be dedicated to the Town must be approved by the Town of Claverack Highway Superintendent and accepted by the Town Board no earlier than the first Town Board meeting in May and no later than the first Town Board meeting in November.

The following items are required for dedication of highways to the Town of Claverack.

- a. One (1) set of reproducible Mylar's of the "As-Built" drawings of the streets and utilities.
- b. One (1) year Maintenance Bond or Letter of Credit.
- c. Offer of Cession.
- d. Original and two (2) copies of the proposed deed. The deed should state that the Town of Claverack is "a municipal corporation, organized and existing by virtue of the laws of the State of New York." The first paragraph of the deed should state, not only the date and title and preparer of the survey, but also the date of

filing thereof in the Columbia County Clerk's Office and the drawer number assigned thereto.

- e. An up-to-date commitment to insure title from a Title Insurance Company licensed in the State of New York.
  - f. Certification from the Owners Engineer/Architect/Surveyor/ etc. that all construction has been performed in accordance with the Final Plans.
4. Upon approval of the Final Submission and after construction of houses is substantially completed, the Owner shall construct the street pavement wearing course in accordance with the Final Approval and the Subdivision regulations at a time authorized by the Town. Minor changes from the development map and plan/profiles as required by conditions of the work site may be allowed in the actual construction, if the Town is notified.
  5. Upon completion of construction a final inspection shall be held by the Town. When construction has been approved, final Plans and plan/profiles shall be corrected by the Owner to show all construction "As-Built".
  6. The Letter of Credit or Performance Bond may be reduced by the Town as construction progresses. It shall not be reduced to less than the amount determined for that construction which is still uncompleted, plus twenty (20%) of the amount determined for that construction which is completed and approved.
  7. All required improvements shall be made by the subdivider at his expense without reimbursement by the town or any district therein. Prior to an action by the Planning Board approving a subdivision plan, the subdivider shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate town departments, all the streets and other improvements specified in the action approving said plan, or, as an alternative, to file with the Town Board a bond or other security, in an amount determined by the Planning Board and approved by the Town Board, to secure the satisfactory construction and installation of the uncompleted portion of the required improvements.
    - a. Furnishing of performance bond or other security. As an alternative to the installation of infrastructure and improvements as required by the Planning Board and prior to Planning Board final approval, a performance bond or other security sufficient to cover the full cost of the same shall be furnished to the town by the subdivider. Such bond shall be as estimated by the Planning Board or a town department designated by the Planning Board to make such estimate, where such departmental estimate is deemed acceptable by the Planning Board,
    - b. Security where plan approved in sections. In the event that the subdivider shall be authorized to file the approved plan in sections approval of the plan may be

granted upon the installation of the required improvements in the section of the plan filed in the office of the county clerk or the furnishing of security covering the costs of such improvements. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the county clerk and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.

- c. Form of security. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board as to form, sufficiency and manner of execution, and shall be limited to: (i) a performance bond issued by a bonding or surety company; (ii) the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state; (iii) an irrevocable letter of credit from a bank located and authorized to do business in this state; (iv) obligations of the United States of America; or (v) 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. If not delivered to the town, such security shall be held in a town account at a bank or trust company.
- d. Term of security agreement. Any such performance bond or security agreement shall run for a term to be fixed by the Planning Board. The amount of security can be reduced if the Planning Board decides at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as required.
- e. Default of security agreement. In the event that any required improvements have not been installed as required within the term of such security agreement, the Town Board may thereupon declare the performance bond or security agreement to be in default and collect the sum remaining. Upon the receipt of the proceeds, the Town shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.
- f. Temporary improvement. The subdivider shall build and pay for all costs of temporary improvements required by the Planning Board and shall maintain same for the period specified by the Planning Board. Prior to construction of any temporary facility the developer shall provide a separate suitable bond for these temporary facilities to insure that the temporary facilities will be properly constructed, maintained, and removed.
- g. Costs of improvements. The costs of all required improvements shall be borne by

the subdivider without reimbursement by the Town of Claverack or any improvement district therein.

- h. Acceptance of dedication offers. Acceptance of formal offers of dedication of streets, public areas, easements, open spaces, and parks may be made at the discretion of the Town Board. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or imply the acceptance by the Town of any roads, public areas, easements, or parks shown on a subdivision plan.
- i. Inspections. The Town may employ inspectors to act as agents of the Planning Board for the purposes of assuring the satisfactory completion of roads and improvements as required, and shall determine an amount sufficient to defray costs of inspections. The subdivider shall pay the Town costs of inspection before the subdivision plan is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved drawings, the subdivider and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.
- j. Inspection of improvements. The subdivider shall notify the Planning Board Chairman in writing of the time when construction shall commence so that the Town may arrange such inspections as are necessary to assure that all Town specifications and requirements are met during the construction of required improvements.
- k. Proper installation of improvements. If any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the subdivider shall be directed to correct the work to conform with the plans and specifications and no building permits shall be issued until such corrections are made. The Planning Board shall not approve any plan as long as the subdivider is in default on a previously approved plan for the same lands.
- l. Any bond will include that amount necessary to defray the Town's legal expenses if legal proceedings are necessary to collect the proceeds of the bond or a provision permitting recovery of said sum in addition to the amount of the bond.
- m. Maintenance bond required. The subdivider may be required to file with the Town a maintenance bond in the amount determined by the Town to be adequate to assure the satisfactory condition of the initial public improvements for a period of at least one year following their completion and acceptance by the Town.

## **SECTION IX - GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND**

The Owner shall observe the following general requirements and principles of land subdivision.

### ***1. Character and Natural Resource Protection***

- a. **Character of Land.** Land to be subdivided 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. **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.
- c. **Preservation of Existing Natural Features and Cover.** Land to be subdivided 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 major subdivisions shall meet requirements of Section 7.2 of the zoning law (Conservation Subdivision Design).
  1. All minor and major subdivisions shall meet the following standards to minimize adverse impacts on natural features.
  2. 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 Low Impact development techniques. This shall be recorded in all documents, including deeds.

3. Disturbance to streams, drainage swales, wetlands, and areas with seasonally high water tables shall be minimized.
4. Woodlands along roadways, property lines, streams, and hedgerows, shall be preserved to the maximum extent possible. Lot layout should preserve the largest, unfragmented expanse of woodlands possible.
5. Preferred locations for building envelopes include the non-prime agricultural soils, and lower topographic settings where development will be visually less intrusive.
6. Areas of steep slope shall be preserved in accordance with the zoning law section 7.1. 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 the zoning law and of the New York State Department of Environmental Conservation shall be met.
7. Any location within the parcel containing critical habitats, as defined by the New York State Department of Environmental Conservation Natural Heritage Program, shall be preserved to the greatest extent possible.
8. Rural Siting Guidelines: The Planning Board may require the subdivision to be designed to protect agriculture, the environment and promote preservation of open space. All subdivisions shall be planned 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 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;

- d. Hillside Development: When a proposed development is located on a hillside that is visible from a public street, road, water body, or facility, the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearance of the new development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable;
- e. Not on lands within the parcel that have been identified as having steep slopes greater than fifteen percent (> 15%);
- f. In a manner that uses existing vegetation and topography to buffer and screen new buildings if possible and minimizes clearing of vegetation;
- g. In a manner that minimizes crossing of steep slopes with roads and driveways;
- h. Where possible, place buried utility lines and driveways on less productive land and site driveways on the edge of farm fields, rather than through the middle;
- i. In a manner so that water flow to, and drainage of, adjacent properties is not impacted; and
- j. The Planning Board shall require the following subdivision design standards to promote rural character in a major subdivision and reduce uniformity and monotony to the maximum extent practical by allowing 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 standard subdivision. To the extent possible, no more than two (2) lots in a row shall have the same width.
- k. In a manner that preserves to the maximum extent practical, historic structures listed on the State or National Historic Register that may be located on the parcel.

## ***2. Streets***

- a. The arrangement, character, extent, width, and location of all streets shall conform to the Comprehensive Plan and to the Official Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.

- b. Where such is not shown in the Comprehensive Plan, the arrangement of streets in a Subdivision shall either:
  - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or undesirable.
- c. Local streets shall be so laid out that their use by through traffic will be discouraged.
- d. Where a Subdivision abuts or contains an Arterial Street, the Planning Board may require Marginal Access Streets, with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- e. Where a Subdivision abuts or contains a railroad right-of-way or controlled access highway right-of-way, the Planning Board may - require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- f. The Planning Board may require that street names be approved by the County Highway Department or the Town Officials designated by the Town Board to avoid duplications or use of similarly sounding or spelled names.
- g. Public access shall be provided to streets, water plants, sewage treatment plants or to other land dedicated or to be dedicated to public use.
- h. Where a Subdivision is traversed by a water course, there shall be a storm water easement not less than twenty-five (25) feet in width conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate to confine stormwater as specified in the subdivision storm drainage design standards. Parallel streets or parkways may be required in connection therewith.
- i. Where a subdivision with a single access road exceeding 800 feet in length or a dead end street from an intersection exceeding 800 feet in length is proposed, or where nineteen (19) or more living units are proposed, either a second means of access or an emergency access road must be provided. The proposed emergency access and road locations must be submitted to the Highway Superintendent together with a plan and profile for review and comment. In addition, a second means of access

shall be provided for non-residential development as deemed necessary by the Board.

- j. The Planning Board may require the developer to upgrade existing access roads and infrastructure used in development of the project.

### ***3. Blocks and Lots***

- a. The lengths, widths, and shapes of blocks and lots shall be determined with due regard to:
  - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - 2. Zoning requirements;
  - 3. Needs for convenient access, circulation, control and safety of street traffic;
  - 4. Limitations and opportunities of topography;
  - 5. Block length which generally shall not exceed 2,000 feet, nor be less than 600 feet;
  - 6. Intersections with Arterial Streets which should be held to a minimum and preferably spaced at least 1,000 feet apart; and,
  - 7. Need for pedestrian walks, not less than ten (10) feet in width, property line to property line, which shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- b. Land subject to flooding shall not be used for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard.
- c. The subdividing of the land shall be such as to provide, that each lot abut a public or private street designed pursuant to the Town of Claverack Highway Standards. Private roads may be allowed when a Homeowners Association or similar entity provides for all responsibility of building and maintaining roads provided those roads are built to Claverack Highway standards.
- d. Double Frontage Lots may be appropriate in a subdivision design in order to preserve open space or environmental features. Such lots should be avoided except where essential to provide separation of residential development from Arterial streets or other disadvantageous use, to overcome specific disadvantages of

topography and orientation, or to preserve open space and environmental features.

- e. Side lot lines shall be substantially at right angles or radial to street right-of-way 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.
- f. In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further subdivision.
- g. 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, 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.
- h. Corner Lots: 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.
- i. 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.
- j. 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 Plan. 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.
- k. Driveway Grade: The grade of driveways shall not exceed a slope of five percent

(5%) within fifty (50) feet of the connecting street.

- I. 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 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 access way (i.e. the "flagpole" or "panhandle") shall not be included in the calculation of minimum lot area;
  3. The access way 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 and cannot exceed a frontage of 150';
  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 ten percent (10%) 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.

#### ***4. Parklands and Recreation***

- a. The Board shall require as a condition of approval of the plan that the owner pay to the Town a fee per lot included in the plan, which sum shall constitute a trust fund to be used by the Town exclusively for neighborhood parks, playgrounds, or recreation purposes including the acquisition of property. This fee shall be as set forth by the most recent fee schedule adopted by the Town Board.
- b. Reservation of parkland on subdivision plans containing residential units. Before the Planning Board may approve a subdivision plan containing residential units, such subdivision plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision plan will contribute.
- c. Any area reserved for parkland shall be of suitable size, dimension, topography, and general character and shall have adequate road access, for the recreational use for which the land is intended.
- d. Minimum size of park and playground reservations. In general, land reserved for recreational purposes shall have an area of at least four (4) acres. If the proposal would create an area less than four (4) acres, the Planning Board may require that the recreation land be located on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In general, no recreational area less than two (2) acres shall be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
- e. In the event the Planning Board makes a finding that the proposed subdivision plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plan, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the board shall assess the size and suitability of lands shown on the subdivision plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the town exclusively for park, playground or other recreational purposes, including the acquisition of

property.

- f. Ownership and maintenance of recreation land. The ownership of lands reserved for recreation purposes shall be clearly indicated on the plan and the ownership and maintenance shall be determined in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.
- g. Other recreational reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a subdivider from reserving land for recreational purposes in addition to the requirements of this section.
- h. Maintenance of roads and other facilities. Documentation shall be submitted with the plan including copies of agreements or other documents providing for and fixing responsibility for their suitable maintenance of roads and parks and statements of all rights which exist with respect to the use of such property or properties. Such documents shall be reviewed by the Town Attorney for legal adequacy and competency.

## ***5. Utilities***

- a. It shall be the responsibility of the Owner to provide waterlines, storm drains, sanitary sewers, bridges and street pavement to the limits of the Subdivision. It shall also be the responsibility of the owner to provide appropriate street lighting at the intersection of proposed street with an existing arterial street. These facilities shall be constructed as required for inclusion in future Town systems. Each Owner shall be responsible for the complete construction even though larger than normal sizes may be required.
- b. If individual lot water supply and sanitary waste disposal are proposed, it shall be the responsibility of the owner to provide dry waterlines and sanitary sewers to the limits of the subdivision for the purpose of serving the subdivision when these services become available. The facilities shall be constructed as required for inclusion in future Town systems.
- c. If it will be necessary to construct utilities within the right-of-way of an existing Town road, it will be the responsibility of the owner to apply for a Permit for Construction of Utilities from the Town Highway Department. It shall be the responsibility of the owner, following approval of the application, to comply with all conditions and restrictions set forth in the permit.
- d. The Planning Board may require in Minor Subdivisions, and shall require in Major Subdivisions, that utilities, including but not limited to gas, electric power, telephone, and cable, be located underground. Wherever existing utility facilities are located aboveground, except those existing on public roads and rights-of-way,

they shall be removed and placed underground. Utilities, existing and proposed, shall be shown on the final plan. Underground service connections to the street property line of each planned lot shall be installed at the subdivider's expense. At the discretion of the Planning Board, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

## **SECTION X - REQUIRED. IMPROVEMENTS**

1. All improvements granted final approval shall be constructed in each new subdivision in accordance with the standards and requirements established by the Town Planning Board and in accordance with the condition of the final approval. The Owner may install such improvements at his own cost and expense.
2. The standards and specifications for single family residential subdivisions are contained in these regulations and design and construction standards. Additional improvements or improvements meeting more stringent standards and specifications may be required by the Planning Board for multi-family dwellings, commercial and industrial subdivisions.

## **SECTION XI – MONITORING LOT SPLITS**

1. Monitoring Lot Splits.

The density calculated pursuant to the Town of Claverack Zoning Law is the total and maximum development potential for a particular parcel. Once this full development potential has been reached through subdivisions, no further subdivision activity shall be allowed. The following procedures shall be followed to ensure proper monitoring of lot splits:

- a. An official parcel map indicating existing lots, parcel numbers, and land ownership shall be established and maintained by the Planning Board.
- b. The Town shall maintain a record of the estimated allotment of lots and dwelling units possible under the zoning law for each parcel under review.
- c. A property owner submitting a subdivision plan shall be required to specify on his/her 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 or lots the tract may have.
- e. As allotments are used up, the official parcel map shall be updated to reflect these changes.

- f. The official map and register shall be maintained by the Planning Board upon final approval of each subdivision and copies made available for inspection by the public.
- g. After lot splits are recorded on the subdivision maps by the Planning Board, a copy will be sent to the County Real Property Office for stamping. Once stamped, the copy will be returned to the Town Assessor for recording and inclusion in the lot description.

## **SECTION XII. SUPPLEMENTAL DESIGN STANDARDS FOR SUBDIVISIONS**

1. Access to Subdivision. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there is no Official Map, unless such street is:
  - a. an existing state, county or town highway, or
  - b. a street shown upon a plan approved by the Planning Board and recorded in the office of the County Clerk. Such street must be suitably improved as required by the highway rules of the Town of Claverack, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations, or
  - c. a street on a plan duly filed and recorded in the office of the County Clerk prior to the appointment of the Planning Board.
2. Grading and Improvement Plan. Roads shall be graded and improved and conform to the town of Claverack Specifications for Road Construction. Construction plans shall be submitted prior to final plat approval.
3. Topography and Arrangement.
  - a. Roads shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
  - b. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map, if such exists.
  - c. Minor streets shall be laid out to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.

- d. A grid or modified grid street pattern is encouraged but use of curvilinear streets, u-shaped streets, and dead end (T, or Y) shall be allowed where such use will result in a more desirable layout.
4. Pedestrianways or crosswalks. Sidewalks, crosswalks or other pedestrian trails may be required by the Planning Board to provide circulation or access to schools, playgrounds, transportation, recreation or other facilities.
5. Street Lights. Installation of street lights may be required by the Planning Board.
6. Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to the street.
7. Street Construction at Property Boundaries.
  - a. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, pedestrian movement, and interconnection of residential areas. If the adjacent property is undeveloped and the street must temporarily be a dead end street, the right-of-way shall be extended to the property line. A temporary T or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Board may limit the length of temporary dead-end streets.
  - b. Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Board for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Planning Board may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A T or L-shaped turnaround shall be provided at the end of a permanent dead-end street. A cul-de-sac turnaround shall be allowed only if a T or L-shaped terminus is not feasible. The Planning Board may require the reservation of a 20-foot wide easement to accommodate pedestrian, bicycle traffic and utilities.
8. All surfacing of new roads shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be determined by the Claverack Highway Construction Standards. Adequate provision shall be made for culverts, drains, and bridges, where necessary.
9. Excess right-of-way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate slopes. Such slopes shall not be in excess of three-to-one.

10. Roads shall be graded and improved with pavement, street signs, sidewalks, street lighting, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, consistent with the Town Zoning Law and Town Highway Construction Standards.
11. Utilities. Underground utilities shall be placed outside the paved roadway to simplify location and repair, and conduits shall be constructed where such facilities cross under the travel way. The subdivider shall install underground service connections, where required, to the property line of each lot before the street is paved.
12. Bridges. The construction of any bridge that may be required to provide access to a subdivision shall be the responsibility of, and at the expense of, the subdivider. The plans shall be subject to the approval of a town engineer or in the case of a bridge greater than 25 feet span, the Columbia County Highway Department or proper State authority.
13. Intersections. Intersections shall be designed in accordance with the Town Road Construction Standards. However, minimum curb radius at the intersection of two local streets shall be at least 20'.
14. Sidewalks. The Planning Board may require provision of sidewalks, or other pedestrian or bicycle trails. All such trails shall be established within an easement of ten feet in width and shall be so indicated on the plan.
15. Drainage
  - a. Stormwater management facilities. The Planning Board shall not approve any plan which does not include adequate provision to manage post-construction stormwater runoff. Stormwater management facilities, where required, shall be approved by the Planning Board. All stormwater management facilities shall be regulated and designed in accordance with the Town Zoning Law. Nothing herein shall limit the Planning Board from requiring drainage improvements to be installed in a subdivision which may disturb less than one acre, and where the Board determines that said improvement is necessary to mitigate potential drainage impacts. The Planning Board shall have the option to also require that the proposed stormwater system shall collect and manage not only the increase in peak rate of runoff but also any increase in the total volume of runoff.
  - b. Flood hazard areas. All requirements, procedures and standards of the current Flood Damage Prevention Local Law shall be met for all areas identified by the Federal Emergency Management Agency on Flood Insurance Rate Maps. A subdivision shall be designed to avoid any disturbances to, or construction within, the 100-year floodplain. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, and from any obstruction or restriction of the floodway.

- c. Snow storage. Snow storage areas shall be located and constructed to minimize threats to groundwater quality. Where the recharge areas for wells are downhill of snow storage areas, the snow storage areas shall be impervious and drain to controlled stormwater outlets.
- d. Dedication of drainage easements.
  - (1) General requirements. Where any, minor or major subdivision is traversed by a watercourse, drainageway, channel, or stream, the Planning Board may require that an easement or right-of-way be established conforming substantially to the lines of the watercourse, and of such width and construction or both as will be adequate for the purpose of obtaining access and maintaining same. Watercourses should be maintained in a natural state wherever possible, unless improvements are necessitated to protect the health, safety and welfare of residents from flooding.
  - (2) Standards.
    - (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plan. Such easements shall be centered on rear or side lot lines to the maximum extent practicable. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
    - (b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage easements must be secured and indicated on the plan.
    - (c) The subdivider shall dedicate in fee or restrict by drainage easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Board.
    - (d) Establishment of a drainage easement in no manner creates an obligation on the part of the Town to accept or maintain the easement.
    - (e) Stormwater management facilities not within a dedicated right of way shall be within an easement area, the boundary of which shall be a minimum of 10 feet outside of the facility grading limits, and which shall include within the easement a maintenance access with a minimum 20 foot width from a public road, or private road where the Planning Board has approved a Home Owners Association. The stormwater management facility discharge shall also be within the easement, and the easement shall extend to the edge of the

receiving water course, water body or wetland.

- (f) The Planning Board may recommend to the Town Board that a drainage district be created to own and/or maintain stormwater management facilities. The Planning Board may condition approval of a subdivision plan on the formation of said drainage district, where the Town Board has agreed said district is to be established. In the alternative, the Planning Board may require, as a condition of approval, that a homeowners association, or other legal entity, be established to maintain said facilities.

#### 16. Water supply improvements.

##### a. General.

- (1) Where a municipal water main is accessible or where the Planning Board finds it necessary, the subdivider shall connect to said water main (including fire hydrants) subject to applicable State and local standards.
- (2) Water main extensions must be approved by the applicable State and/or County agency and Town water department, including if applicable, extension of the service area by the Town Board.
- (3) When a subdivision is required to connect to municipal facilities, the location of all fire hydrants, water supply improvements, the boundary lines of existing or proposed water districts, indicating all locations proposed to be served, shall be shown on the subdivision plan, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.

##### b. Individual Wells and Central Water Systems.

- (1) At the discretion of the Planning Board, if a municipal water system is not available, individual wells and/or a privately owned central water supply system shall serve every lot in the subdivision. Water quality sampling shall be conducted in accordance with health department standards of approval, and individual wells and central water systems shall be approved by the applicable health department. Evidence of health department or other applicable agency approval shall be submitted to the Planning Board.
- (2) The Planning Board may condition approval of the subdivision on future connection to a municipal public water system. The subdivider shall arrange for future water service at the time the plan receives final plan approval. A performance guarantee may be required to insure compliance.
- (3) For major subdivisions, the Planning board may require sample test wells to be drilled and results submitted for review to assure adequate water supply for the

proposed subdivision.

17. Sewerage facilities.

- a. General requirements. The subdivider shall install sanitary sewer facilities in a manner prescribed by the Town standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the Town, any health department having jurisdiction, and any other agency having approval or permitting authority.
- b. Sanitary sewerage systems shall be constructed as follows:
  - (1) Where the Planning Board determines that connection to a municipal sanitary sewerage system is feasible, the subdivision and all lots therein shall be designed to connect to same. Where the Planning Board determines that a municipal sanitary sewerage system is not, nor will be, made available, a subdivision shall be served by a private central sewer system and/or by onsite individual sanitary disposal systems. All such systems shall be designed to conform to applicable state and county health department requirements and applicable environmental regulations.
  - (2) Where municipal sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time as approved by the Planning Board, the subdivider may choose one of the following alternatives:
    - (a) Central sewerage system, the maintenance cost to be assessed against each property benefited. Where plans for future municipal sanitary sewerage systems exist, the subdivider shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
    - (b) Individual sewage disposal systems (Le., septic systems), provided the subdivider shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when municipal sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the municipal sewer system, where such exist, and shall be ready for connection to such municipal sewer main.
- c. Mandatory connection to municipal sewer system. If a municipal sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon the property, the owner thereof shall be required to connect to same, and it shall be

unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

d. Individual disposal system requirements.

- (1) As per the regulations promulgated in Section 17 of the Environmental Conservation Law, certain subdivisions with fewer than five residential lots do not require Health Department approval. Where an existing sanitary collection system is unavailable and where the Board deems it appropriate, individual on-site sanitary disposal may be utilized. Regardless of size or classification of the subdivision by other agencies, percolation tests and test pits must be performed for each proposed lot. With no exception, ALL percolation tests and test pits must be field witnessed and results certified by the Columbia County Health Department. The results of all tests with accompanying certification must be submitted to the Board as part of the preliminary approval. The Owner will be responsible for all costs and fees for this inspection and certification.
- (2) Where individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Town Zoning Law and percolation tests and test holes shall be made as directed by the Health Department and the results submitted to the Health Department where Health Department approval is required. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Health Department, and such approval shall be a condition of final subdivision approval for both minor and major subdivisions.

### **SECTION XIII - WAIVERS AND MODIFICATIONS**

Where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed Subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and the public interest secured; provided that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the Comprehensive Plan, Official Map, Zoning Law, these regulations or ordinances of the Town, or the Claverack Comprehensive Plan. In granting changes and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.

The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for a complete community or other planned development which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the community when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Notwithstanding the foregoing or anything to the contrary contained in these Land Subdivision Regulations, there shall be no waiver or modification by the Planning Board of any of the subdivision design and construction standards contained in this Subdivision Law, as may be from time to time amended, or any of the road and street design standards contained in the Town of Claverack Highway Specifications, as may be from time to time amended.

#### **SECTION XIV - SEPARABILITY**

A declaration of the invalidity of any provision contained in these Subdivision Regulations shall not invalidate or affect any other provision thereof.