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ARTICLE I

# General Provisions

**§ 242-1. Purpose and authority.**

This chapter is enacted pursuant to the authority granted to the Town Board in Article 16 of the New York State Town Law and § 10 of the Municipal Home Rule Law for the purpose of providing for the future growth and development of the Town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population. By this chapter, the Planning and Zoning Commission is empowered to approve site plans and preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, within that part of the Town outside the limits of any incorporated village.

# § 242-2. Title.

This chapter shall be known as the "Subdivision of Land Law of the Town of Glenville."

# § 242-3. Definitions.

1. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
2. In cases where words or phrases are not defined in this chapter but are defined elsewhere in the Code of the Town of Glenville, the words or phrases shall have the meaning set forth elsewhere in the Code.
3. When used in this chapter the following terms shall have the respective meanings set forth herein, except where the context shows otherwise:

CLERK OF THE PLANNING AND ZONING COMMISSION — The

person appointed by the Town Board or authorized by the Town Clerk to process and maintain the records of the Planning and Zoning Commission.

CLUSTER OR AVERAGE DENSITY DEVELOPMENT — A

subdivision plat or plats, approved pursuant to this chapter, in which the applicable zoning local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and

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other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

CODE — Unless otherwise indicated, the Code of the Town of Glenville.

COMPREHENSIVE PLAN — The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the Town located outside the limits of the Village of Scotia.

SKETCH PLAN — A sketch of a proposed site plan or subdivision showing the information specified in the Design Standards. The purpose of a sketch plan is to enable a developer to save time and expense in reaching general agreement with the Planning and Zoning Commission as to the form of the proposed layout and the objectives of this chapter prior to incurring substantial costs for preparation and review of a preliminary or final plan.

CONDITIONAL APPROVAL OF A FINAL PLAT — Approval by

the Planning and Zoning Commission of a final plat subject to conditions set forth by the Planning and Zoning Commission in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning and Zoning Commission and recording of the plat in the office of the Schenectady County Clerk.

DATE OF ENACTMENT or EFFECTIVE DATE — For the purpose of implementing this chapter, the date of enactment shall be December 19, 1990.

DESIGN STANDARDS — Standards consisting of the following: Chapter 238, Street Standards, of the Code of the Town of Glenville; the Town of Glenville Design Manual prepared by the Town of Glenville Planning Department, dated November 2003; and the Town of Glenville Landscape Manual prepared by the Town Planning Department, dated March 2004. Reference is made to these documents as amended and/or any successor documents. These documents are available for inspection and/ or purchase at the Town Clerk's office during normal business hours.**1**

1. **Editor's Note: Copies of the Design Manual and the Landscape Manual are located at the end of the Code following the Landscape and Design Manuals divider page.**

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FINAL PLAT — A drawing prepared in a manner prescribed by the Design Standards and the Planning and Zoning Commission that shows a proposed subdivision, containing in such additional detail as required by the Design Standards together with the modifications, if any, required by the Planning and Zoning Commission at the time of approval of the preliminary plat, if such preliminary plat has been so approved.

FINAL PLAT APPROVAL — The signing of a plat in final form by a duly authorized officer of the Planning and Zoning Commission pursuant to the Planning and Zoning Commission resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed, including, where applicable, that financial security be posted as set forth in § 242-26 below. Such final approval qualifies the plat for recording in the office of the Schenectady County Clerk, if required.

INFRASTRUCTURE — Roads, drains, sewers, water mains and appurtenances thereto, both private and intended to be turned over to the Town of Glenville for maintenance and operation.

PLANNING AND ZONING COMMISSION — The Planning and

Zoning Commission of the Town of Glenville.

PRELIMINARY PLAT — A drawing prepared in a manner prescribed by this chapter, the Design Standards and the Planning and Zoning Commission, showing the layout of a proposed subdivision, including but not restricted to road and lot layout and approximate dimensions, key plan, topography and drainage, including preliminary plans and profiles, at suitable scale and in such detail as required by the Design Standards.

PRELIMINARY PLAT APPROVAL — The approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this chapter.

PRIVATE ROAD — Any undedicated road serving two or more parcels or two or more independently used and occupied buildings within a residential, commercial, or industrial development.

RESUBDIVISION — A change in a map of an existing, approved or filed subdivision plat involving only lot line alterations and not resulting in any increase in the number of lots, if such change does not affect any street layout shown on such map or area reserved thereon for public use or restricted by conservation easement and complies with applicable zoning.

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SEQRA — The New York State Environmental Quality Review Act which is contained in Article 8 of the New York State Environmental Conservation Law. References herein also are intended to incorporate the implementing regulations of SEQRA contained in 6 NYCRR Part 617.**2**

STREET — A right-of-way for vehicular traffic, whether designated as a "street," "highway," "thoroughfare," "parkway," "road," "avenue," "boulevard," "lane," "place," "alley" or however otherwise designated, but not including a private driveway serving a single property.

SUBDIVIDER — Any person, corporation, partnership or other organization which lays out any subdivision, as defined herein. The terms "applicant" and "developer" may also be used to refer to a subdivider.

SUBDIVISION — The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, for the purpose of sale, transfer of ownership, or development.

TOWN ENGINEER — The duly designated Engineer of the Town of Glenville.

TOWN ATTORNEY — The duly appointed Town Attorney or Attorney for the Town of Glenville.

# § 242-4. Severability.

Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

# § 242-5. Reference to subdivision regulations.

Elsewhere in the Code there are references to subdivision regulations. All references to subdivision regulations are declared to be references to this chapter, which replaces the former subdivision regulations.

# § 242-6. Effect on other regulations.

1. The adoption of this chapter shall not affect or impair any act done or right accrued prior to the time this chapter takes effect under the regulations relative to subdivisions and site plans in the
2. **Editor's Note: The former definition of “site plan,” which immediately followed this definition, was repealed 10-1-2014 by L.L. No. 6-2014.**

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Town. It is the intent of this subsection to grandfather all parcels created prior to the date of enactment of this chapter with respect to the existence of said parcel as a separate lot. However, all parcels whenever created shall be subject to the provisions of this chapter for any and all site plans and subdivisions proposed after the date of enactment of this chapter.

1. The adoption of this chapter shall not affect or impair any act done, offense committed or right accrued or acquired liability, penalty forfeiture or punishment incurred prior to the time this chapter takes effect under the regulations relative to subdivisions and site plans in the Town.

# § 242-7. Repealer.

All ordinances, local laws and regulations inconsistent herewith are hereby repealed, with the provision that violations of those ordinances, local laws or regulations and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this chapter.

# § 242-8. Penalties for offenses.

A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding $350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $700 nor more than $1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

# § 242-9. Effect of unauthorized subdivision on permits.

Should a subdivision be created by deed or otherwise after the effective date of this chapter without following the rules and procedures set forth herein, then, in that event, no further permits or certificates shall be issued for the subdivided property including the original parcel from which the subdivision was created. Subdivisions

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of land created prior to the enactment of this chapter are not subject to the provisions of this section.

# § 242-10. Civil enforcement.

In addition to the actions authorized by §§ 242-8 and 242-9, appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct or abate any violation of this chapter or to prevent illegal occupancy of a building, structure or premises.

# § 242-11. Tax number not a waiver.

Assignment of a tax number or other mode of separate identification of a unit of land by the Assessor for the purpose of tax administration shall not be deemed to create or legitimatize a division of land otherwise invalid hereunder.

# § 242-12. Fees and costs.

For each application for a site plan or subdivision, the Town of Glenville shall collect a fee from the applicant. The schedule of these fees is established by resolution of the Town Board and updated from time to time.**3** In addition to the fees which are designed to reimburse the Town for expenses of review by the Planning and Zoning Commission, the Town Board may authorize the charging of plan-specific fees for engineering review, SEQRA review and legal review for site plans and subdivisions submitted to the Planning and Zoning Commission. No permit or certificate of any kind shall be issued for any parcel of land or subdivision for which there are monies due to the Town of Glenville pursuant to this chapter and resolutions enacted hereunder. Said fees shall be subject to the provisions of Article V herein.

1. **Editor's Note: See Ch. 139, Fees.**

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ARTICLE II

# Procedure for Filing Applications

**§ 242-13. Compliance. [Amended 10-1-2014 by L.L. No. 6-2014]**

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

# § 242-14. Procedures for approval. [Amended 10-1-2014 by

**L.L. No. 6-2014]**

* 1. Sketch plan.

1. Sketch plan review is required of resubdivisions, lot line adjustments and minor subdivisions creating fewer than 5 lots. In this instance, municipal staff review of the proposal will constitute the sketch plan review. All subdivisions are subject to procedures in 242.15 through 242.17. However, resubdivisions and lot line adjustments or resubdivisions are subject to the following procedures:

a) Submit a completed resubdivision application

b) The proposed lot line adjustment must meet all of the following conditions:

(1) It does not result in an additional lot being created.

(2) It pertains to the conveyance of a portion of one parcel to an adjoining parcel.

(3) It results in lots that are equal to or exceed the minimum zoning requirements.

(4) It does not extend a public road or public utilities.

(5) It does not result in a configuration that violates any provision of the Town Code or a variance previously granted by the Zoning Board of Appeals

1. Sketch plan review is not required but is recommended for subdivisions involving numerous lots and/or if new roads are being proposed as part of the subdivision. While sketch plan review of major subdivisions is conducted at an open meeting, it is not conducted as a public hearing. While the Planning and Zoning Commission acts in good faith, nothing from sketch plan review shall be taken to mean that the application will be approved after preliminary and/or final review until the requirements for those approvals, if necessary, shall have taken place.
   1. Subdivisions. Subdivisions are subject to the procedures set forth below.

# § 242-15. Approval of preliminary plats.

1. Submission of preliminary plats. A preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition and requirements provided in this chapter and the Design Standards.
2. Compliance with SEQRA. The Planning and Zoning Commission shall comply with the provisions of SEQRA under Article 8 of the Environmental Conservation Law and its implementing regulations. **[Amended 10-1-2014 by L.L. No. 6-2014]**
   1. Role of the Glenville Environmental Conservation Commission (GECC). For subdivision applications that constitute a Type I SEQRA action, and when the Planning and Zoning Commission (PZC) is the SEQRA lead agency for a subdivision application that is a Type I SEQRA action, the

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GECC acts in an advisory capacity to the PZC. In these instances, the GECC conducts the first substantive review of the subdivision application and makes a recommendation to the PZC as to whether or not the application may result in a significant environmental impact. In this capacity, the GECC may ask for additional information from the applicant in order to assess potential environmental impacts.

1. Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of SEQRA. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
2. Planning and Zoning Commission as lead agency under SEQRA; public hearing; notice; decision.
   1. Public hearing on preliminary plats. The time within which the Planning and Zoning Commission shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning and Zoning Commission may schedule pursuant to SEQRA, as follows:
      1. If the Planning and Zoning Commission determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning and Zoning Commission; or
      2. If the Planning and Zoning Commission determines that an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.
   2. Public hearing notice and length. The hearing on the preliminary plat shall be advertised at least once in a

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newspaper of general circulation in the Town at least five days before such hearing, if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning and Zoning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning and Zoning Commission within 120 days after it has been opened.

* 1. Decision. The Planning and Zoning Commission shall approve, with or without modification, or disapprove such preliminary plat as follows:
     1. If the Planning and Zoning Commission determines that the preparation of an environmental impact statement on the preliminary plat is not required, the Planning and Zoning Commission shall make its decision within 62 days after the close of the public hearing; or
     2. If the Planning and Zoning Commission determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning and Zoning Commission shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.
  2. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning and Zoning Commission. When approving a preliminary plat subject to modification, the Planning and Zoning Commission shall state in writing any modifications it deems necessary for submission of the plat in final form.

1. Planning and Zoning Commission not as lead agency under SEQRA; public hearing; notice; decision.

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1. Public hearing on preliminary plats. The Planning and Zoning Commission shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning and Zoning Commission shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning and Zoning Commission.
2. Public hearing notice and length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning and Zoning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning and Zoning Commission within 120 days after it has been opened.
3. Decision. The Planning and Zoning Commission shall by resolution approve with or without modification or disapprove the preliminary plat as follows:
   1. If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning and Zoning Commission shall make its decision within 62 days after the close of the public hearing on the preliminary plat.
   2. If an environmental impact statement is required, the Planning and Zoning Commission shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
4. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning and Zoning Commission. When approving a preliminary plat requiring modification, the Planning and Zoning Commission shall state in writing any

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modifications it deems necessary for submission of the plat in final form.

1. Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the Clerk of the Planning and Zoning Commission as having been granted preliminary approval, and a copy of the plat and resolution shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the owner.
2. Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution stating the decision of the Planning and Zoning Commission on the preliminary plat, the Chairman or other duly authorized member of the Planning and Zoning Commission shall cause a copy of such resolution to be filed in the office of the Town Clerk.
3. Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning and Zoning Commission.

# § 242-16. Approval of final plats.

1. Submission of final plats. Final plats shall conform to the definition provided by this chapter.
2. Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning and Zoning Commission deems to be in substantial agreement with a preliminary plat approved pursuant to this article, the Planning and Zoning Commission shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Clerk of the Planning and Zoning Commission.
3. Final plats not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning and Zoning Commission deems not to be in substantial agreement with a preliminary plat approved pursuant to this article the following shall apply:
   1. Planning and Zoning Commission as lead agency; public hearing; notice; decision.

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* + 1. Public hearing on final plats. The time within which the Planning and Zoning Commission shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning and Zoning Commission may schedule pursuant to SEQRA, as follows:
       1. If the Planning and Zoning Commission determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat or on a final plat when no preliminary plat is required to be submitted, shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning and Zoning Commission; or
       2. If the Planning and Zoning Commission determines that an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.
    2. Public hearing notice and length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing, if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning and Zoning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning and Zoning Commission within 120 days after it has been opened.
    3. Decision. The Planning and Zoning Commission shall make its decision on the final plat as follows:
       1. If the Planning and Zoning Commission determines that the preparation of an environmental impact

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statement on the final plat is not required, the Planning and Zoning Commission shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat within 62 days after the date of the public hearing; or

* + - 1. If the Planning and Zoning Commission determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning and Zoning Commission 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 plat.
    1. Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning and Zoning Commission.
  1. Planning and Zoning Commission not as lead agency; public hearing; notice; decision.
     1. Public hearing. The Planning and Zoning Commission shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning and Zoning Commission shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by the Clerk of the Planning and Zoning Commission.
     2. Public hearing notice and length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before

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such hearing, if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning and Zoning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning and Zoning Commission within 120 days after it has been opened.

* + 1. Decision. The Planning and Zoning Commission shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:
       1. If the preparation of an environmental impact statement on the final plat is not required, the Planning and Zoning Commission shall make its decision within 62 days after the close of the public hearing on the final plat.
       2. If an environmental impact statement is required, the Planning and Zoning Commission shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning and Zoning Commission.

# § 242-17. Approval and certification of final plats.

1. Certification of plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Clerk of the Planning and Zoning Commission as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements, including the required financial security pursuant to § 242-26, which when completed will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning and Zoning Commission

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and a copy of such signed plat shall be filed in the office of the Town Clerk.

1. Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning and Zoning Commission may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning and Zoning Commission. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning and Zoning Commission.
2. Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning and Zoning Commission may extend by not more than two additional periods of 90 days each the time in which a conditionally approved plat must be submitted for signature if, in the Planning and Zoning Commission's opinion, such extension is warranted by the particular circumstances.

# § 242-18. Default approval of preliminary or final plat.

The time periods prescribed herein within which the Planning and Zoning Commission must take action on a preliminary plat or a final plat are specifically intended to provide the Planning and Zoning Commission and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning and Zoning Commission. In the event the Planning and Zoning Commission fails to take action on a preliminary plat or a final plat within the time prescribed therefor after completion of all requirements under SEQRA, or within such extended period as may have been established by the mutual consent of the owner and the Planning and Zoning Commission, such preliminary or final plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the preliminary or final plat and the failure of the Planning and Zoning Commission to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

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# § 242-19. Filing of decision on final plat.

Within five business days from the date of the adoption of the resolution stating the decision of the Planning and Zoning Commission on the final plat, the Chairman or other duly authorized member of the Planning and Zoning Commission shall cause a copy of such resolution to be filed in the office of the Town Clerk.

# § 242-20. Notice to County Planning Board.

When required by § 239-m of the General Municipal Law, the Clerk of the Planning and Zoning Commission shall refer all applicable preliminary and final plats to the County Planning Board for review as provided in that section.

# § 242-21. Filing of final plat; expiration of approval.

The owner shall file in the office of the Schenectady County Clerk such approved final plat or a section of such plat within 62 days from the date of final approval, or such approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the Planning and Zoning Commission constituting final approval by the Planning and Zoning Commission of a plat as herein provided; or the approval by the Planning and Zoning Commission of the development of a plat or plats already filed in the office of the Schenectady County Clerk if such plats are entirely or partially undeveloped; or the certificate of the Town Clerk as to the date of the submission of the final plat and the failure of the Planning and Zoning Commission to take action within the time herein provided. In the event the owner shall file only a section of such approved plat in the office of the Schenectady County Clerk, the entire approved plat shall be filed within 30 days of the filing of such section with the Town Clerk. Such section shall encompass at least 10% of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Subdivision 2 of

§ 265-a of the New York State Town Law.

# § 242-22. Compliance with zoning regulations.

The lots shown on said plat shall at least comply with the requirements of Chapter 270, Zoning, of the Code of the Town of Glenville, subject, however, to the provisions of § 242-27, Cluster or average-density development.

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# § 242-23. Reservation of parkland on subdivision plats containing residential units.

1. Before the Planning and Zoning Commission may approve a site plan or subdivision plat containing residential units, such site plan or subdivision plat shall also show, when required by the Planning and Zoning Commission, a park or parks suitably located for playground or other recreational purposes.
2. Land for park, playground or other recreational purposes may not be required until the Planning and Zoning Commission 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 site plan or subdivision plat will contribute.
3. In the event the Planning and Zoning Commission makes a finding pursuant to Subsection B of this section that the proposed site plan or subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan or subdivision plat, the Planning and Zoning Commission 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 Planning and Zoning Commission shall assess the size and suitability of lands shown on the site plan or subdivision plat 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 and Zoning Commission in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this subsection, 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.

# § 242-24. Application for area variance.

Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance, pursuant to § 267-b of the New York State

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Town Law and Chapter 270, Zoning, of the Code of the Town of Glenville , 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 Zoning Board of Appeals shall request the Planning and Zoning Commission to provide a written recommendation concerning the proposed variance. The failure of the Planning and Zoning Commission to provide a written recommendation shall not prevent the Zoning Board of Appeals from acting on the application.

# § 242-25. Waiver of requirements.

The Planning and Zoning Commission may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

# § 242-26. Financial security.

1. Furnishing of security. Prior to the filing of the final plat, financial security sufficient to cover the full cost of the installation of infrastructure and improvements, as estimated by the Planning and Zoning Commission after consultation with the Town Engineer or other appropriate consultant designated by the Planning and Zoning Commission or a Town department designated by the Planning and Zoning Commission to make such estimate, where such departmental estimate is deemed acceptable by the Planning and Zoning Commission, shall be furnished to the Town by the owner.
2. Security where plat approved in sections. In the event that the owner shall be authorized to file the approved plat in sections, as provided in this chapter, approval of the plat may be granted upon the filing of financial security sufficient to cover the costs of the required improvements in the section of the plat filed in the office of the Schenectady County Clerk. 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 until security covering the cost of such improvements is provided.

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1. Form of security. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency and manner of execution, and shall be limited to:
   1. 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;
   2. An irrevocable letter of credit from a bank located and authorized to do business in this state;
   3. Obligations of the United States of America; or
   4. 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.
2. Term of security agreement. Any such security agreement shall run for a term to be fixed by the Planning and Zoning Commission but in no case for a longer term than three years; provided, however, that the term of such security agreement may be extended by the Planning and Zoning Commission with consent of the parties thereto. If the Planning and Zoning Commission shall decide at any time during the term of the security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security or that the required improvements have been installed as provided in this section and by the Planning and Zoning Commission in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Town Board, the Planning and Zoning Commission may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning and Zoning Commission.
3. Default of security agreement. In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the Town Board may thereupon declare the said security agreement to be in default and collect the sum remaining payable thereunder, and upon the receipt of the proceeds thereof, the Town shall install such improvements as are covered by such security and as

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commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

# § 242-27. Cluster or average-density development.

1. Purpose.
   1. The purpose of this section is to permit variation in lot size and housing type in suitable areas in order to encourage flexibility of design, to enable such land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open space, in accordance with § 278 of the New York State Town Law.
   2. This purpose is achieved by permitting lot sizes to be reduced in a subdivision tract if:
      1. The overall density does not exceed that which is otherwise permitted in the applicable zoning district.
      2. The land thus gained is preserved as permanent open space for the use and enjoyment of the residents of the area.
2. General conditions and requirements.
   1. If a subdivider makes written application to the Planning and Zoning Commission for the use of this procedure, the Planning and Zoning Commission is hereby empowered to implement these provisions at its discretion if, in the Planning and Zoning Commission's judgment, their application at the particular location is desirable and would contribute to the general well-being of the neighborhood and community and would benefit the Town.
   2. The minimum area required to qualify for this procedure shall be 10 contiguous acres of land.
   3. This procedure applies only to residentially zoned land on which residential developments are proposed.
   4. In addition to the foregoing, an average-density development subdivision plat may be approved only if the Planning and Zoning Commission determines:

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* + 1. That such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements within its proximity.
    2. That the proposed development is in conformity with the objectives of the Comprehensive Plan.
    3. That the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements.
  1. The subdivider shall dedicate for open space purposes the same percentage of the entire tract as that by which the lot area has, on the average, been reduced.
  2. The area dedicated for open space purposes, including playgrounds and parks, shall be in a location and shape approved by the Planning and Zoning Commission.

1. Specific requirements. Any subdivision plat considered under this procedure shall conform to the following standards, which are to be regarded as minimum requirements:
   1. For the purpose of administering this regulation, the following method shall be used for determining the maximum number of dwelling units that shall be permitted in an average-density development:
      1. Determine the total area, in acres, of the proposed subdivision. For the purpose of this section, the term "total area" shall include all the land within the proposed subdivision that is intended and usable for the following purposes: residences, playgrounds, neighborhood parks, interior streets and reserved open space, including easements for natural watercourses if these meet the open space standards set forth in Subsection C(3) hereof.
      2. Multiply the total area, in acres, as defined in Subsection C(1)(a) above, by the permitted density (units per acre) in the district. If more than one district is involved, determine the total area in each of the individual districts, multiply each total area (acres) by the permitted density (units per acre) appropriate to each district and sum the individual multiplications. The product or sum of products thus obtained represents the maximum number of dwelling units which may be permitted in a subdivision being considered under these provisions.

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* 1. The sizes of lots in an average-density development may vary from the normal requirements of the district dimensions, but no lot dimension or area requirement of the district shall be reduced by more than 50% without the express consent of the Town Board.
  2. Land reserved for open space shall, in the judgment of the Planning and Zoning Commission, be of a character and location suitable for whatever open space purposes the land shall primarily be reserved for, such as natural areas, wildlife preserves, conservation areas, outdoor recreation sites, neighborhood parks, nature centers, wetlands, memorial forests, natural watercourses or other open space uses. The Planning and Zoning Commission may require that the open space be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. Reserved open space shall not be narrower than 200 feet, except where necessary to provide a pathway or other means of access. An easement for a natural watercourse dedicated to the Town may be considered as open space for the purpose of this regulation if such easement is at least 200 feet wide.

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ARTICLE III

# General Considerations

**§ 242-28. Character of development to be considered in decision making.**

In making such determination regarding streets, highways, parks and required improvements, the Planning and Zoning Commission shall take into consideration the prospective character of the development, whether dense residence, open residence, business or industrial.

# § 242-29. General requirements.

Before the approval by the Planning and Zoning Commission of a site plan or subdivision showing lots, blocks or sites, with or without streets or highways, the Planning and Zoning Commission shall require that the land shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare. Further, it is declared to be the policy of the Town of Glenville to consider land subdivisions and site plans as part of a plan for the orderly, efficient and economical development of the Town and in a manner that is reasonable and in the best interests of the community. The Planning and Zoning Commission will be guided in its consideration of an application for a site plan or subdivision and development of land by the following general requirements:

1. Streets and highways be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of fire fighting equipment to buildings. Such streets and highways shall be coordinated so as to compose a convenient system conforming to the Official Map and properly related to the proposals shown in the Comprehensive Plan of the Town;
2. All streets or other public places shown on such plats be suitably graded and paved; street signs, sidewalks, streetlighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and procedures acceptable to the appropriate Town departments, except as hereinafter provided, or alternatively that a

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performance bond or other security be furnished to the Town, as hereinafter provided.

1. Insofar as possible, all existing features of the landscape, such as large trees, rock outcrops, unusual glacial formations, water and flood courses, wetlands, historic sites and other such irreplaceable and environmentally sensitive areas and assets, should be preserved.
2. Compliance with Comprehensive Plan and other laws.
   1. Subdivisions shall be in conformance with the Town Comprehensive Plan and all other local ordinances. Subdivisions shall conform to the streets, parks and other public ways or spaces shown on the Official Map of the Town, if any. Streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection. **[Amended 10-1-2014 by L.L. No. 6-2014]**
   2. The Planning and Zoning Commission shall consider the effect of any subdivision or site plan on agricultural operations within or adjacent to agriculture districts pursuant to Article 25AA of the Agriculture and Markets Law.
3. Land subject to flooding and land deemed by the Planning and Zoning Commission to be uninhabitable shall not be platted for residential occupancy nor such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the final plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
4. In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.
5. No privately owned reserved strips controlling access to land dedicated or to be dedicated to public use shall be permitted.
6. Grading and site preparation shall conform to the provisions of

§ 270-49, Grading and site preparation, of Chapter 270, Zoning, of the Code of the Town of Glenville.

1. Standards for required improvements shall be appropriate for the public use and demand anticipated upon full development and shall be of sufficient size to accommodate development of proximate areas, if these are considered by the Planning and

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Zoning Commission to be logically served through the subject property.

1. Applicants bear the responsibility of providing sound engineering design of all infrastructure, subject to the approval of the Town of Glenville and the respective authorities having jurisdiction over existing infrastructure. The design shall be prepared by a professional engineer licensed to practice in the State of New York, who shall have had experience in infrastructure design. The design shall conform to the requirements set forth herein.

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ARTICLE IV

# Specific Requirements

**§ 242-30. Streets and roads.**

1. The arrangement of streets in a subdivision shall provide for the continuation of the principal streets in adjoining subdivisions and for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connection streets. All streets and blocks shall be designed and constructed in accordance with the Design Standards.
2. Street systems shall be designed with due regard to the needs for convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; and stormwater drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic and so arranged as to separate through traffic from neighborhood traffic insofar as it is practicable.
3. The streets in contiguous developments shall be coordinated so as to compose a convenient system. Where a development adjoins undeveloped land, its streets shall be laid out so as to provide suitable future street connections with the adjoining land when the latter shall be developed. A street thus temporarily dead- ended shall be constructed to the property line and shall be provided with a temporary turnaround of the same dimensions as for permanent dead-end streets if in excess of 200 feet, with a notation on the plan providing for temporary easements for the paved turnaround until such time as the street is extended. These same requirements shall apply at the discretion of the Planning and Zoning Commission in those cases where the adjoining land is another section of the same project which is not scheduled for development at the same time.
4. Streets shall be designed in a manner that will accommodate the existing topography, and all streets shall be laid out so as to obtain as many as possible of the building sites 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 sharp curves shall be avoided. Vertical curves where sight distances from planned driveways will be compromised must be addressed early in the design phase and brought to the attention of the Town.

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1. The contractor shall not operate tracked construction equipment on dedicated roads. The contractor/developer shall be responsible for all site and roadwork damaged during construction operations and said damage shall be repaired, at the developer's/contractor's expense, prior to acceptance of dedication to the Town.
2. Where the only access to the project is via an existing dedicated road, the contractor/developer shall request permission from the Town Board to use the road as a construction access. A financial guarantee shall be provided to cover damages to the road due to construction equipment.
3. Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance sufficient to accommodate a lot meeting the requirements of Chapter 270, Zoning, of the Code of the Town of Glenville. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Planning and Zoning Commission may require the reservation of an easement for pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of any permanent dead- end street. For greater convenience to traffic and more effective police and fire protection, the length of permanent dead-end streets may be limited. For temporary dead ends, there shall be provided a suitable turnaround, constructed to Town specifications, together with an easement over any lands used for the turnaround but not being offered for permanent dedication.
4. Triangles, circles or other traffic-channeling islands may be required at intersections where present or anticipated traffic conditions indicate their advisability for traffic control or safety.
5. The developer shall take adequate measures to preserve desirable existing trees in suitable locations within the development. In general, the street right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value may be preserved within the street right-of-way if approved by the Planning and Zoning Commission. New tree plantings are not allowed within the right-of-way, unless approved by the Planning and Zoning Commission and Highway Department. Planting of new trees may be required by the Planning and Zoning Commission.

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1. Traffic control and street identification signs shall be provided as part of the development. Street signs shall be required at the time the road is paved with the binder course of asphalt and prior to issuance of the first certificate of occupancy. The developer shall pay the Town Highway Department for the installation of the street signs or post an adequate security.
2. All streets shall be named, and such names shall be subject to the approval of the Planning and Zoning Commission, Highway Superintendent, and by the office administering 911. Where feasible, the Assessor and Building Inspector shall assist in the numbering of the lots. To assist emergency personnel, the Assessor and Building Inspector shall review and approve the numbering of units, rooms or apartments in all complexes whether on a public or private road. Names shall be sufficiently different in sound and spelling from other street names in the Town of Glenville and post offices contiguous to the Town of Glenville so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name. Relating street names to features of local historical, topographical, or other natural interest is encouraged.
3. Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, PC and PT of curves, though the PI of short curves may be used instead where such is practical, at the discretion of the Highway Superintendent and/or the Town Engineer. Monuments shall be placed along the R.O.W. line on one side of the street only and at only one corner of intersecting streets. Adjacent monumented points shall be intervisible. Monuments shall not be placed in the roadway.
4. Monuments shall be tied into the New York State Coordinate System or other datum acceptable to the Highway Superintendent and/or Town Engineer. Monument locations shall be shown on the subdivision record map, along with the coordinates. Field notes of ties to monuments or a tie sheet shall be recorded on the Monumentation As-Built.
5. Iron pin markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; and at all corner lots.
6. In addition to the required improvements specifically referred to elsewhere in these regulations, subdivision plats and other developments shall provide for all other customary elements of

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street construction and utility service which may be appropriate in each locality, as determined by the Planning and Zoning Commission upon consultation with the Town Engineer and Highway Superintendent. Such elements may include, but shall not be limited to, street pavement, gutters, stormwater inlets, manholes, curbs, sidewalks, traffic-calming structures, streetlighting, water mains, fire hydrants, fire alarm signal devices, and sanitary sewers. Underground utilities within the street right-of-way shall be located as required by the Highway Superintendent and/or the Town Engineer, and underground service connections to the street R.O.W. of each lot shall be installed before the street is paved. **[Amended 10-1-2014 by**

# L.L. No. 6-2014]

1. To promote and protect the public health, safety, and welfare it shall be the policy of the Town Board to control the number of entrances and exits onto and off state, county, and Town highways. As part of the process of approving sketches, maps, plots, plats, or plans, the Planning and Zoning Commission may, in appropriate circumstances, require that the applicant grant to the Town of Glenville such easements as are required to provide access to contiguous properties onto a public highway via frontage or service roads, common driveways, or such other roadways as are required so that the number of entrances and exits onto and off state, county, and Town highways are not increased.
2. Where a subdivision or other development adjoins an existing street which does not conform to the Town's right-of-way standards, the developer shall dedicate whatever additional right- of-way width is necessary to provide, on the development side of the normal street center line, a width which is equal to at least 1/ 2 of the minimum standard width for the respective type of street.
3. Standards for streets in nonresidential subdivisions and other developments with an internal circulation network shall be appropriate for the use intended and shall be established by the Planning and Zoning Commission upon advice of the Town Engineer.
4. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.

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1. All roads, whether dedicated or private, shall set over the winter months prior to the final application of topping material. Prior to the placement of the top course of asphalt, the entire road shall be treated with "tack coat." The top material may be installed in the spring of the following year or as approved by the Town Engineer. Binder shall be a tighter mix approved by the Town Engineer.
2. Certificates of occupancy shall not be issued until the binder course is installed on all roads/drives, whether they are to be dedicated or private.

# § 242-31. Private roads.

1. Private drives, designed and constructed consistent with the Design Standards, may be proposed instead of public roads for site plans and subdivisions of:
   1. Four or fewer single-family dwelling lots;
   2. Townhouses;
   3. Condominiums; or
   4. Commercial or industrial developments.
2. The Planning and Zoning Commission will review all private roads in relation to access, ability to support traffic loads, traffic circulation, drainage and maintenance. All private roads shall be named and marked with an approved sign for adequate identification for emergency and fire situations. The conditions and standards for private drives are as follows:
   1. The length of the drive may vary but shall be designed for convenience to traffic, effective police and fire protection, safety and ease of maintenance.
   2. Prior to final approval, the applicant shall obtain the State Attorney General's approval or no action letter for the private road.

# § 242-32. Sidewalks.

1. Sidewalks shall be required on one side of the street in any subdivision that has closed roadside drainage, concrete gutter or curbs.

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1. Subdivisions with open ditch roadside drainage do not require sidewalks, but they may be provided at the option of the developer.

# § 242-33. Easements.

1. It shall be the responsibility of the developer to furnish easements to the Town of Glenville, as required, for the installation and permanent operation of storm sewers, sanitary sewers, water mains or access roads where required.
2. Easements to be granted to the Town of Glenville for any proposed development must be prepared and presented to the Planning and Zoning Commission Attorney prior to final approval of the project. After final approval, but prior to signing of the map, the developer shall cause the easements to be recorded in the Schenectady County Clerk's office at the developer's expense. The developer shall then furnish a time stamped copy to the Planning and Zoning Commission Attorney as proof of filing.
3. These easements shall be prepared prior to the approval of the detailed plan and be so written as to be contingent upon the Town's approval of said plan. Applicants bear the responsibility and costs for preparation of the easement maps and assuring their transfer to the Town of Glenville and recording in the County Clerk's office.
4. All access and utility easements granted to the Town must have an access to a dedicated street.
5. The Town of Glenville reserves the right to require easements for anticipated future utilities where, in the opinion of the Planning and Zoning Commission pursuant to the recommendation of the Town Engineer, such easements are justified by the estimated rate of growth of the area in question.
6. Where a development is traversed by a watercourse, drainageway, channel, or stream or contains a pond which crosses a property line, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage and to accommodate the twenty-five-year flood area of such watercourse. Access on easement from a dedicated highway sufficient to permit passage of maintenance equipment should be provided. Piping of the watercourse may be provided.

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1. Stream easement width to accommodate drainage shall be determined by the Planning and Zoning Commission, based upon the recommendation of the Town Engineer, and may include provisions for pedestrian access, if required by the Planning and Zoning Commission.

# § 242-34. Utilities.

1. Generally. If required by the New York State Public Service Commission ruling (tariffs) for all public utilities, utilities shall be underground, including electric, telephone and cable TV. Utility companies shall obtain the necessary approvals and permits prior to starting construction.
2. Water.
   1. Where public water is not available, water supply may be approved from private wells, provided that the subdivider must submit to the Town results of an approved water quality sample from the Schenectady County Health Department or certified testing laboratory tested to health department standards prior to issuance of a building permit. Development plans shall contain a note stating that the Town is not responsible for quantity or quality of any well supply.
   2. The criterion of design will normally be that pipes shall be sized to obtain the required fire flow at the critical point in the development while satisfying the average daytime domestic draft, and in no case shall be less than ISO standards.
   3. Where public water is not available, the developer may be required to install fire suppression ponds or similar on-site storage to aid fire protection.
   4. When private wells are to be used, as well as individual sewage leach fields, the developer must satisfy the requirements of the Schenectady County Health Department regarding separation and pollution of the private well.
3. Sanitary sewer. Sanitary sewers shall be provided wherever the proximity of existing sewers makes it possible and economically feasible. They shall be designed in accordance with the standards set forth by the New York State Department of Environmental Conservation, Town Engineer, and such other agency as has jurisdiction over design, construction and/or final operation or maintenance. The developer shall be responsible to secure the

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approval of the appropriate agency to connect the new sanitary sewers to the agency's existing sewers, prior to start of construction. Sanitary sewers are to be extended to the limits of the project.

1. Private sewage disposal systems. Individual private septic systems may be permitted instead of sanitary sewers where sanitary sewer service is too distant to be provided economically and sewer service is not proposed in the Comprehensive Plan. The applicant shall provide information as specified in the Design Standards sufficient to demonstrate compliance with the regulations and procedures of the Schenectady County Health Department.
2. Drainage and stormwater and storm sewers.
   1. It is the Town's policy to control both the quantity and quality of stormwater runoff. Facilities shall be designed to take the runoff from streets, lawns, paved areas and runoff areas. Full engineering attention shall be given to the interception and conveyance of stormwater by the street drainage system, a system of backlot-lie drainage swales and main drainage channels through the development.
   2. Stormwater quantity and quality management shall be provided for all new land development (including redevelopment) where, in the judgment of the Town Engineer, it is considered necessary in order to provide drainage control and to protect water quality.
   3. An adequate and comprehensive drainage system shall be provided to convey the stormwater runoff originating within and outside the development in accordance with the natural direction of runoff for the total upland watershed area affecting the development. Such drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed area upland of the development.
   4. **4**No developed or rebuilt area shall discharge stormwater into adjacent culverts and channels at a rate greater than what occurs under a natural undeveloped condition. The fact that downstream facilities are inadequate prior to development
3. **Editor's Note: Former Subsection D(4), regarding the preservation and improvement of natural watercourses, was repealed 10-1-2014 by L.L. No. 6-2014. This local law also provided for the renumbering for former Subsection D(5) through (18) as Subsection D(4) through (17), respectively.**

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and, therefore, flood at certain times, does not imply that increasing the frequency at which they will flood by allowing additional runoff from a development will be acceptable.

* 1. Stormwater leaving the site shall be discharged to a recognized drainage course via easements dedicated to the Town.
  2. If the Town deems it desirable and appropriate to remedy a downstream flooding situation, they may, at their discretion, require an impoundment area of a size and type which can assist in rectifying the downstream flooding situation. This downstream flooding situation might be a case where backyards flood rather frequently or where downstream piping systems are overtaxed, possibly causing backup into cellars, yards, etc. The cost of any excess facilities is subject to negotiations with the developer.
  3. The developer shall comply with the requirements set forth in the Phase II State Pollution Discharge Elimination System (SPDES) General Permits for Stormwater Runoff from Construction Activity, as well as the New York State Stormwater Management Design Manual (October 2001 or as amended).
  4. Stormwater management facilities associated with developments subject to Phase II SPDES General Permits for Stormwater Runoff from Construction Activity shall be designed to comply with the New York State Stormwater Management Design Manual. Where the standards in this Design Standards are not consistent with the SPDES general permit requirements, the more restrictive shall apply. The Town reserves the right to require more stringent standards in circumstances where the Town Engineer determines more stringent standards are warranted.
  5. Drainage easements shall be reserved where road runoff must cross private property. Easement width is to be established by the Town Engineer and approved by the Planning and Zoning Commission.
  6. Easements shall be provided along all natural watercourses and dedicated facilities. Additional easements may be required to maintain drainageways where deemed necessary by the Town of Glenville. Easement width is to be determined by the Town Engineer and approved by the Planning and Zoning Commission.

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* 1. The developer and his engineer shall be responsible for furnishing, as part of their plans to be presented before the Planning and Zoning Commission, full and sufficient details of all hydraulic structures. This includes, but is not limited to, cross sections of drainage channels, details of headwall construction, erosion control structures, special manholes, detention facilities and all such other items as may be necessary to establish fully the methods and materials to be followed in construction.
  2. All culverts placed in existing streams shall be designed to insure that the upstream water surface elevation will not be increased by placing this structure in the path of flow.
  3. On certain projects there may be key elevations which must be adhered to, as determined by the Town Engineer. These key elevations may be finished floor, lowest architectural opening or basement floor elevations. Applicant's engineer/ surveyor shall certify these key elevations in writing, prior to the issuance of a certificate of occupancy.
  4. The Town has determined that stormwater detention basins will be required because continual upstream development tends to overtax both downstream natural watercourses and man-made drainage facilities. In addition, increased rates of stormwater runoff cause environmental problems downstream such as highly erosive velocities, flooding and overtopping of the banks. Consequently, it has been determined to insist upon detention basins and to have these detention basins designed in a manner compatible with the particular problem. Due to the topography of the Town of Glenville, detention facilities will be off-stream ponds.
  5. The developer is responsible for providing and transferring to the Town permanent easements of a location and type adequate to encompass and to service and maintain the facilities. Such easements are to be approved by the Planning and Zoning Commission Attorney prior to final subdivision approval.
  6. If not adjacent to a public right-of-way, an easement shall be provided for access for purposes of maintaining the detention/retention basin. The easement size and location shall be approved by the Town Highway Superintendent.
  7. Innovative design for sediment control by the developer shall be encouraged. As a guideline, sediment sinks/settling ponds

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and interceptor swales shall normally be used to intercept and detain for settling all sheet flow and channel flow from disturbed areas of the development project upstream from the location where such discharge enters either the natural stream system, another watercourse, or a storm drain system, or where it would enter upon undisturbed areas or the land of others.

1. Flood hazard prevention shall include the control of soil erosion of land surface and drainage channels and the prevention of inundation and excessive groundwater seepage by comprehensive site grading and the establishment of adequate elevations of buildings, building openings and roadway above the observed, anticipated, or computed water levels of storm sewers, streams, channels, floodplains, detention basins and swales.
2. Particular attention shall be paid to development in the vicinity of creeks and their floodplains. No alteration of the existing characteristics of the areas shall take place without the specific approval of the Town as to the adequacy of the protective measures taken, if any, and the effects of such development on upstream and downstream reaches of the watercourse and adjacent properties.
3. All development proposed within the special "flood hazard area," as defined by the Federal Insurance Administration, shall comply with the various regulations set forth by the Federal Insurance Administrator and in Chapter 151, Flood Damage Prevention, of the Code of the Town of Glenville, when applicable.
4. Provisions shall be made for draining the surface of each lot by proper grading and the construction of swales, ditches or drains.
5. Provisions shall be made for piping of roof and cellar drainage into the street drainage system. The developer and his engineer, however, must design and provide that cellar floors will be at an elevation higher than the pavement to permit the street drainage system to run fully surcharged without causing backup or flooding in the cellars. In lieu of this, the developer may request from the Town permission to drain the cellars with sump pumps and appropriate double-check valves.
6. In special conditions, where topography permits or dictates, cellar drainage may be conveyed to main drainage swales where it can be deposited if no nuisance will be caused or created to abutting or downstream property owners. In such instances, the

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cellar floor shall be so designed as to be above the level of the project design flood to assure no backup or flooding of the cellar.

1. No laundry, sanitary, or kitchen wastes shall be discharged to a storm drainage system. Further, no drain connections from garages or driveways shall be permitted to enter drainage swales where soap suds and detergents from car washing operations could cause a nuisance to abutting or downstream property owners.
2. Storm drain laterals shall have outside cleanout.
3. No cellar drainage, roof drainage, drain connections from garages, and/or any other stormwater shall be conveyed to sanitary sewer system.
4. Driveway culvert is to be furnished and placed by the contractor of a size and type approved by the Highway Superintendent.
5. All lots shall be so graded and positive drainage provided such that oncoming drainage from upland lots shall be conducted across the lower lots in a manner which will not cause a nuisance to the downstream property owner, and not in such a manner as to cause a safety hazard to structures or property.

# § 242-35. Lighting.

1. Lighting facilities shall be required along all new streets where designated by the Planning and Zoning Commission. Light spacing, fixtures and underground conduit shall meet with the requirements set forth by the Planning and Zoning Commission and electric corporation having jurisdiction in the service area. Streetlight poles, bases and wiring are to be leased from the power company. All costs are paid by the lighting district formed for the proposed subdivision.
2. The developer shall provide adequate streetlighting and fixtures at the locations shown on the plans and as directed by the Town Planning and Zoning Commission.

# § 242-36. Trees and plantings.

1. The Planning and Zoning Commission, as a condition of approval, may require the placement of trees, shrubs or other plantings in a subdivision or site plan.
2. The developer shall place trees at the locations shown on the plans and as directed by the Planning and Zoning Commission.

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1. The developer shall at the completion of planting operations remove all rubbish, dirt, and rejected materials no longer necessary for the completion of the remaining work.
2. The developer shall replace, without cost to the Town and as soon as weather conditions permit and within a specified planting period, all dead plants and all plants not in vigorous, thriving condition. The plants shall be free of dead or dying branches and branch tips and shall bear foliage of a normal density, size and color. Replacements shall closely match adjacent specimens of the same species. Replacements shall be subject to all requirements stated in this specification.
3. Trees planted in accordance with these specifications shall be guaranteed for one year from the date of initial acceptance by the Town. Trees found dead or not in a healthy growing condition shall be replaced by trees of the same size and species by the developer at his own expense.
4. The guarantee of all replacement plants shall extend for an additional period of one year from the date of their acceptance after replacement. If replacement plant material is not acceptable during or at the end of the said extended guarantee period, the Town may elect subsequent replacement or credit for each item.

# § 242-37. Standards and procedures during development and construction.

1. No construction or grading work shall begin prior to final Planning and Zoning Commission approval including provisions for financial security set forth in § 242-26.
2. The developer shall take all necessary measures to control dust resulting from his construction operations and to prevent spillage of excavated material on public roads. When appropriate, the Planning and Zoning Commission may require that an allowance be provided in the letter of credit or other financial security to guarantee compliance with this provision.
3. All construction shall at all times be subject to inspection by the Town Board, its agents, representatives, and authorized employees. Such inspectors may stop the work when the developer or his contractor has no competent foreman in charge of the work, or when the work or materials does not meet these specifications, or when circumstances are such that continuance of that particular phase of the work would not be in the best interests of the Town.

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1. Costs incurred for inspection shall be borne by the developer, and sufficient funds shall be part of the letter of credit.
2. Failure of the Town, the Town Engineer, their agents, employees or representatives, to reject improper work or inferior material during construction shall not be construed as, nor imply, final acceptance. If subsequent inspection, operation, or circumstances cause defects to become evident, the developer shall make, or cause to be made, such cuts or other exposures of the work as may be required to determine cause of such defects. Such defects shall then be corrected to the satisfaction of the Town at the expense of the developer.
3. The developer is solely responsible to the Town for proper construction of utilities. It will normally be of benefit to both the developer and the Town to have Town representatives deal directly with the developer's contractors where such are employed, both as a matter of expediency and to avoid needless liaison. However, such action shall not be construed as relieving the developer of his prime responsibility to the Town.
4. The developer, or his contractor where work and responsibility has been so delegated, shall comply with New York State Industrial Code, Rule #53, cited as 12 NYCRR 53, relating to "Construction, Excavation, and Demolition Operations at or Near Underground Facilities." It shall be the responsibility of the developer or his contractor to notify the proper utility owner and request stakeout of existing underground utilities well in advance of start of excavation or performing any work in the vicinity of existing utilities.
5. Care shall be taken to protect persons and property as well as avoid potentially hazardous conditions or nuisances. The developer and his contractor shall comply with all stipulations of the Occupational Safety and Health Act of 1970 and all revisions and amendments thereto.
6. The developer shall warrant all work performed and materials furnished against defect, failure, inadequacy, or breakage for a period of one year from the date of final acceptance of the work by the Town Board. Money for warranty shall be deposited with the Town prior to the acceptance of the work. In the event of such defect, failure, inadequacy, or breakage during said warranty period, the developer shall make the necessary repairs or replacements within 10 calendar days of the mailing of written notice by the Town Board or its Engineer.

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1. Should the developer fail, neglect, or refuse to so comply within the specified time, the Town shall make the necessary repairs or replacements for the account of the developer and deduct all costs therefor from the moneys or securities being held by the Town to ensure compliance during the warranty period.
2. All construction work shall be properly staked out by competent engineering personnel in accordance with the approved plan.
3. Where work is left incomplete, because of weather or other reasons, it shall be protected. Roadbeds shall be left well-drained, sanitary sewers (and storm drains where applicable) shall be temporarily plugged and so protected that surface water, mud, silt, and debris cannot enter. Sewer laterals, water services, and valves shall be suitably marked with stakes and shall be protected.
4. The road base should not be used by the contractor for material deliveries or as a construction haul road. In the event the developer has to use the subdivision road for material delivery, the developer will be responsible for any road damage and/or stone base contamination. Any contaminated stone will, at the developer's expense, be removed from the road and replaced with clean stone. Many times this damage is not discovered, but the road starts to fail years before it should.
5. The developer shall obtain from the proper Authorities all necessary permits and pay for all fees for building or blasting or construction work within public streets.
6. At the time the facilities are constructed and prior to the mass grading operations, applicants/developers shall contact the Town Engineer so that an inspection can be made in the field to assure that all siltation facilities are constructed, prior to the actual mass grading.
7. Direct discharge from dewatering pumps and surface runoff from the construction sites to storm sewers, culverts, streams, or ditches shall not be permitted. Intercept and conduct surface runoff and discharge from dewatering pumps to siltation ponds before discharge to natural drainage channels.
8. No topsoil or subsoil shall be removed from the site unless approved by the Planning and Zoning Commission.
9. Sediment control facilities are to be constructed as required by the Town and NYSDEC. These facilities shall conform with Guidelines for Urban Erosion and Sedimentation Control,

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published by the New York State chapter of the Soil and Water Conservation Society. The Town reserves the right to modify or order periodic maintenance of soil erosion control measures. Procedures or standards of the Design Standards shall be followed.

1. No building permit for any permanent building within a subdivision shall be issued by the Building Inspector until after the record sheet of the subdivision plat has been approved by the Planning and Zoning Commission and has been filed in the office of the Schenectady County Clerk.
2. Where a permit is desired for the occupancy of a building in the subdivision prior to the completion of all of the improvements shown on the approved construction sheet of the subdivision plat, in addition to the other requirements of the Building Inspector, the road and utilities serving the building shall be completed to a degree satisfactory to the Town Engineer. This shall be a minimum of the binder course of asphalt being placed in front of the dwelling.

# § 242-38. Dedication of land to the Town.

The following procedure shall apply with respect to any property to be deeded to the Town for roads, park, open space, drainage or other use:

1. The developer shall present a proposed warranty deed with lien covenant showing a description of the land.
2. The developer shall provide an abstract of title showing clear title to the property being deeded to the Town. This abstract shall be examined by the Town Attorney. Should the Town Attorney determine that it is in the best interest of the Town to obtain a fee title insurance policy, he shall notify the developer or his representative and it shall be the responsibility of the developer to provide and pay for said fee title insurance policy.
3. The Town Board shall review the proposal for dedication and, if appropriate, pass a resolution accepting dedication.
4. It shall be the responsibility of the developer to record the deeds of dedication in the Schenectady County Clerk's office and to pay any and all recording and related fees.
5. In the case where the land being dedicated is on the tax rolls, the developer shall also deposit with the Town funds to cover 150% of

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any estimated tax liability until the property can be removed from the tax rolls on the next taxable status date.

1. The dedication procedure is not complete until the above procedure has been complied with.

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ARTICLE V

# Payment of Fees

**§ 242-39. Policy on fees.**

It is the policy of the Town of Glenville that developers should pay their own way and that the fair and reasonable costs incurred by the Town of Glenville in reviewing applications and in inspecting improvements which will be dedicated to the Town.

# § 242-40. Application fee.

Each applicant shall be charged an application fee. The purpose of the application fee is to cover the following:

1. Publication fee. **[Amended 10-1-2014 by L.L. No. 6-2014]**
2. Review by the Planning and Zoning Commission and Zoning Board of Appeals if area variances are being proposed in association with the subdivision. **[Amended 10-1-2014 by L.L. No. 6-2014]**
3. SEQRA fee. **[Amended 10-1-2014 by L.L. No. 6-2014]**
4. Administrative costs, including processing and review by other Town personnel including the Building Inspector, Planning and Zoning Commission Secretary, Town Highway Superintendent, Town Planner and Town Engineering Technician. **[Amended 10-1-2014 by L.L. No. 6-2014]**
5. The application fee will be set by resolution from time to time by the Town Board after reviewing actual costs incurred for these services in typical developments and the fees charged for similar services in other towns in Schenectady County.**5**

# § 242-41. Engineering and legal fees. [Amended 10-1-2014 by

**L.L. No. 6-2014]**

For additional review and legal work performed by the Town Engineer, Town-Designated Engineer Planning and Zoning Commission Attorney and/or Town Attorney the applicant shall be charged at reasonable and customary rates paid by the Town for these additional services.

1. Engineering fees. Engineering fees may include but are not limited to the following:
2. **Editor's Note: See Ch. 139, Fees.**

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1. Review of subsequent maps and plans submitted by the applicant, other than review at a Planning and Zoning Commission meeting;
2. Assisting a developer's engineer in designing of roads, grading, utilities;
3. Review of financial security estimates;
4. Any other ordinary and necessary review of engineering design work;
5. Determining the location and scope of easements.
6. Legal fees. Legal fees may include but are not limited to:
   1. Review of easements;
   2. Review of offers of dedication;
   3. Review of title for easements and dedications;
   4. Formation of special districts such as water, sanitary sewer, storm sewer, drainage, sidewalk and lighting;
   5. Publication fees for district formation;
   6. Filing fees for district formation;
   7. Review of financial security.

# § 242-42. Inspection fees.

Necessary fees incurred by the Town in the inspection of developments as they progress. These may include but are not limited to the following:

1. Roads, streets and highways, including the laying out, excavating and installation of base, intermediate and top coats;
2. Water supply systems, including mains, valves, tees, hydrants and other appurtenances;
3. Sanitary sewers and their appurtenances;
4. Drainage systems and storm sewers, including individual lot grading, swales, pipes, retention or detention ponds and their appurtenances;
5. Sidewalks which are to be dedicated to the Town;

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1. Private drives or roads which serve two or more properties and which are designed to withstand emergency vehicle loading.

# § 242-43. Review and approval of engineering and legal fees. [Amended 10-1-2014 by L.L. No. 6-2014]

Prior to payment of engineering or legal fees by the Town of Glenville and the charging of the same to an applicant or developer, the Town Supervisor or Deputy Town Supervisor shall review the charges. After review and a determination that the fees are reasonable in amount and necessary to the accomplishment of the Town's regulatory and proprietary functions, the fees shall then be charged to the developer or withdrawn from the financial security posted in accordance with this chapter.

# § 242-44. Fees drawn from financial security.

In cases where the Town is holding financial security in accordance with the provisions of this chapter, the Town may withdraw the amount of fees from said financial security upon review and approval as set forth in the preceding section.

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ARTICLE VI

# Specifications for Documents

**§ 242-45. Sketch plan**

The sketch plan initially submitted to the Planning Department, and Planning and Zoning Commission shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
2. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
3. The name of the owner of all adjoining property owners as disclosed by the most recent municipal tax records.
4. The zoning district in which the property to be subdivided is located.
5. The Tax Map sheet, block and lot numbers, if available.
6. All the utilities available, and all streets which are either proposed, mapped or built.
7. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
8. All existing restrictions on the use of land, including easements and covenants.

# § 242-46. Preliminary plat.

The following documents shall be submitted for preliminary plat review:

1. Sixteen copies of the preliminary plat prepared at a scale of not more than 100 but preferably not less than 50 feet to the inch, showing:

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1. Proposed subdivision name, name of the town and county in which it is located, date, true North arrow, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
2. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
3. Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided.
4. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas and other significant existing features for the proposed subdivision and adjacent property.
6. Location of existing sewers, water mains, culverts, and drains on property, with pipe sizes, grades and direction of flow.
7. Contours with intervals of five feet or less as required by the Commission, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two feet.
8. The width and location of any streets or public ways or places shown on the Comprehensive Plan or Official Map, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sewer lines.
10. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal.
11. Preliminary designs of any bridges or culverts which may be required.

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1. The proposed lot lines with approximate dimensions and area of each lot.
2. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the plat.
4. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings.
5. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
6. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with Local Law No. 4 of 2007**6** shall be required for preliminary plat approval. The SWPPP shall meet the performance and design criteria and standards set forth in Local Law No. 4 of 2007. The approved preliminary subdivision plat shall be consistent with the provisions of Local Law No. 4 of 2007. **[Added 6-20-2007 by L.L. No. 4-2007]**

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# § 242-47. Final plat.

In addition to those documents which must be submitted for preliminary plat review, the following documents shall be submitted for final plat review:

1. The plat to be filed with the County Clerk shall be printed upon reproducible Mylar. The size of the sheets shall be 22 inches by 34 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The plat shall be drawn at a scale of not more than 100 feet to the inch and oriented with the North arrow at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show: **[Amended 10-1-2014 by L.L. No. 6-2014]**
   1. Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.
   2. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
   3. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
   4. The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North arrow.
   5. The plat shall also show, by proper designation thereon, all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the

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manner in which such areas are to be maintained and the provisions made therefor.

* 1. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
  2. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
  3. Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
  4. All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least 3/4 inches in diameter and at least 24 inches in length, and located in the ground to existing grade.
  5. Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.

1. Construction drawings including plans, profiles and typical cross- sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities shall be submitted for final plat review.
2. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with Local Law No. 4 of 2007**7** shall be required for final plat approval. The SWPPP shall meet the performance, design criteria and standards set forth in Local Law No. 4 of 2007. The approved final subdivision plat shall be consistent with the provisions of Local Law No. 4 of 2007. **[Added 6-20-2007 by L.L. No. 4-2007]**