

# Land Subdivision Regulations

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Town of East Greenbush

Rensselaer County, New York



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Adopted by Planning Board  
May 28, 1986 and  
Approved by the Town Board  
June 4, 1986

Including Amendments of  
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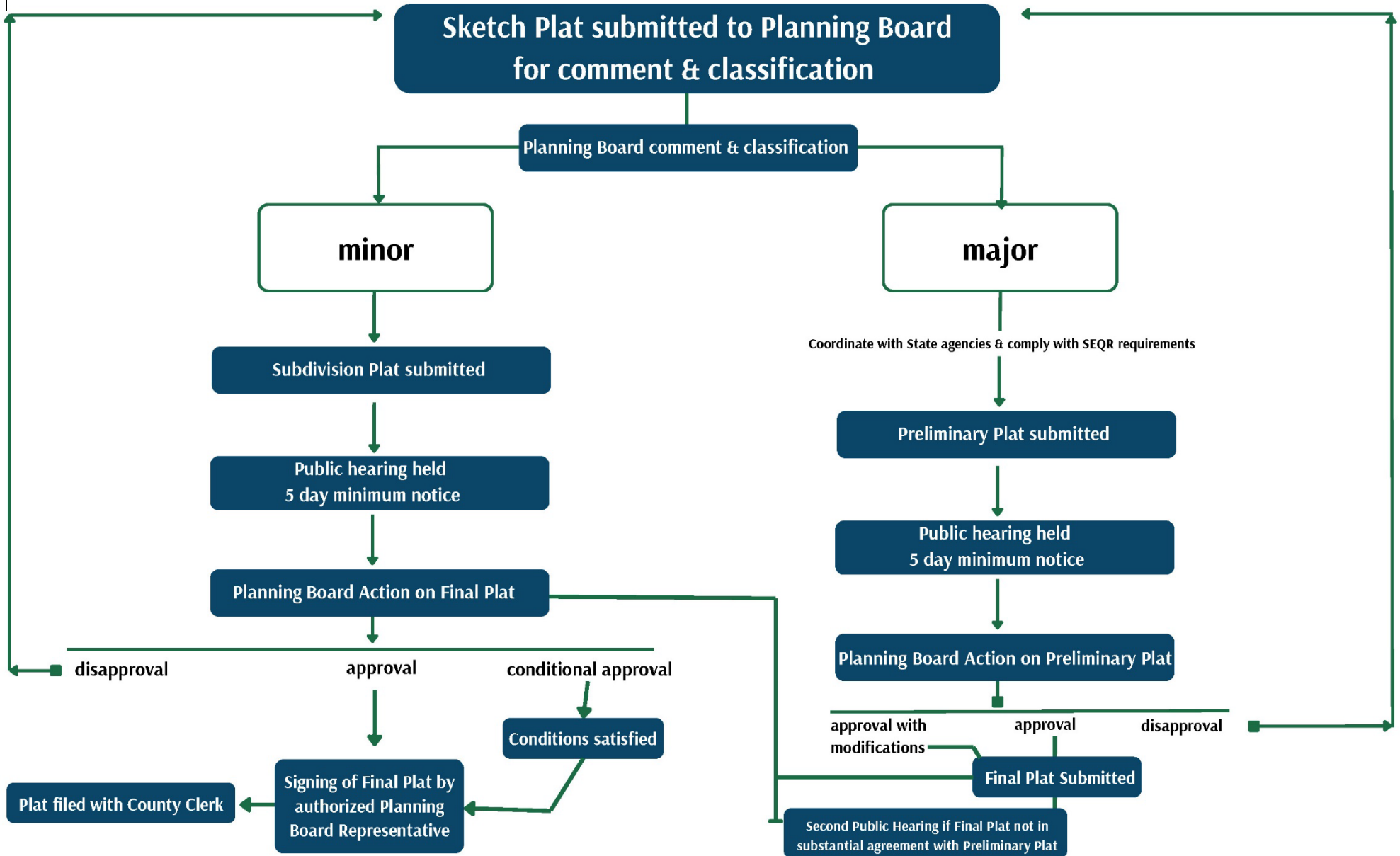
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# Town of East Greenbush Land Subdivision Review Procedure



## ARTICLE I. AUTHORITY FOR SUBDIVISION CONTROL

By ordinance adopted on the 10th day of April 1950, by the Town Board of the Town of East Greenbush, the Planning Board of the Town of East Greenbush has the authority to approve, modify, and disapprove plats for subdivision within the Town of East Greenbush and to assume all other powers and duties as prescribed by Town Law, Chapter 62 of the Consolidated Laws of the State of New York. All subdivision plats hereinafter submitted to the Planning Board for approval shall be governed by and subject to the provisions of these Regulations.

A comprehensive amendment of these Regulations was adopted by the Planning Board of the Town of East Greenbush on May 28, 1986, and approved by the Town Board on June 4, 1986.

## ARTICLE II. DECLARATION OF POLICY

It is declared to be the policy of the Town of East Greenbush Planning Board to consider land subdivision plats as part of a plan for the orderly, economic and efficient future growth and development of the Town. The following objectives shall guide the Planning Board's decisions as related to the public health, safety and welfare:

- A. Land to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace.
- B. Proper provision shall be made for water supply, drainage, sewerage and other needed improvements and utilities. Consideration shall also be given to the use of renewable energy sources, the reduction of greenhouse gas emissions, and the preservation of natural habitats.
- C. All proposed development shall be so designed as to be in harmony with the development pattern of adjacent properties. Transit-oriented development principles, such as mixed-use development and walkable neighborhoods, shall be incorporated to reduce traffic congestion and promote a more compact and sustainable community.
- D. Proposed streets shall compose a convenient system conforming to the Comprehensive Master Plan and shall be of such width, grade and location as to accommodate present and prospective traffic. The design shall also incorporate green infrastructure, such as stormwater management features, to promote environmental sustainability.
- E. All development shall be designed to facilitate adequate fire and emergency protection and provide access for firefighting and related equipment.
- F. Proper provision shall be made for permanent reservations of open spaces for parks and playgrounds and for the protection of natural drainage and significant historical and environmental features.
- G. Future development shall bear a fair share of the capital costs to the Town for municipal improvements servicing such new development.

## ARTICLE III. TERMINOLOGY

### Section 1. Rules of Construction of Language

- A. Words used in the present tense include the future.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- C. The word “shall” is always mandatory. The word “may” is permissive.
- D. A “building” or structure” includes any part thereof. “Building or other structure” includes all other structures of every description regardless of dissimilarity to conventional building forms.
- E. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
- F. The word “person” includes a partnership or corporation as well as an individual.
- G. The word “lot” includes the word “plot” or “parcel”.

### Section 2. Definitions

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

Applicant. Anyone submitting an application for subdivision and development of land or lot line adjustment. An applicant is any person, firm, corporation, partnership, or association which lays out, for the purpose of sale, conveyance, or development, any subdivision or part thereof either for themselves, the property owner(s) or for others. An applicant must be the property owner(s), or provide written authorization for another party to act on his/their behalf.

Comprehensive Master Plan. A comprehensive plan for the general physical development of the Town of East Greenbush, prepared by the Planning Board pursuant to Town Law.

Clerk of the Planning Board. That representative of the Planning Board, either member, employee or consultant, who shall be designated to perform the duties of the Clerk of the Planning Board for purposes of these Regulations.

~~Designated~~ Town ~~Designated~~ Engineer (TDE). That licensed professional engineer, either employee or consultant, who shall be chosen by the Planning Board to perform the duties of the ~~designated~~-Town Designated Engineer for purposes of these Regulations.

Easement. An acquired right of use on the property of another, for a specified purpose on a designated part of that property.

Improvements. Those physical changes to the land or installation of certain services necessary to produce usable and desirable lots, blocks, or sites from raw acreage, including but not limited to, water and sewer, grading, pavement, curbs, gutters, storm sewers and drains and betterments to existing water courses, sidewalks and other pedestrian ways, street signs, shade trees, sodding or seeding and monuments, whether intended to be dedicated and maintained by the public, or held in private ownership.

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Lot Line Adjustment. A Lot Line Adjustment is the action of modification of parcel boundaries in which a portion of one parcel is combined with an adjoining parcel without increasing the total number of parcels, or by which an adjoining parcel is wholly or partially annexed.

Official Map. The map which may be established by the Town Board under Section 270 of the Town Law showing streets, highways and parks and drainage theretofore laid out, adopted and established by law, and any amendment thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

Planning Board. The Planning Board of the Town of East Greenbush, Rensselaer County, New York.

Preliminary Plat. The maps, drawings and charts showing the layout of a proposed subdivision, as specified in Article VH, Section 3 of these Regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout and improvements of such proposed subdivision.

Sketch Plat. A sketch of a proposed subdivision showing the information required by these Regulations, to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and the objectives of these Regulations.

Street. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, pathway, throughway, road, artery, avenue, boulevard, lane, place, drive or however otherwise designated.

- A. Collector Street. A street which carries traffic from local streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
- B. Cul-de-Sac Street. A street with only one means of vehicular ingress and egress and with a turnaround at its terminus.
- C. Local Street. A street intended to serve primarily as access to abutting properties.
- D. Marginal Access Street. A local street which is parallel to and adjacent to a major artery and which provides access to abutting properties and protection from through traffic.
- E. Major Artery. An arterial street which serves or is designated to be used primarily for fast or heavy traffic.

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

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

Subdivider. See “applicant”

Subdivision. The division of any parcel of land into two (2) or more lots, plots, sites, or other division or annexation of land for the purpose, whether immediate or future, of transfer of ownership, lease for other than agricultural or conservation purposes, or building development. Such division shall include resubdivision of parcels of land for which an approved plat has already been filed in the Office of the

County Clerk and which is entirely or partially undeveloped. For the purposes of these Land Subdivision Regulations, a parcel shall be considered already to have been divided into two (2) or more lots by one (1) or more public streets or railroad or utility rights-of-way held in fee simple.

- A. Minor Subdivision. Any subdivision containing not more than four (4) lots, each of at least the minimum lot area permitted by the Zoning Ordinance, each fronting on an existing street, not involving any new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these Regulations.
- B. Major Subdivision. Any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of Town facilities.

Subdivision Plat or Final Plat. The final maps, drawings and charts on which the subdivider's plan of subdivision containing all information or detail required by law and by these Regulations is presented to the Planning Board for approval, and which, if approved, will be submitted to the Rensselaer County Clerk for filing or recording.

Surveyor, Land. A person licensed as a professional land surveyor in the State of New York.

## **ARTICLE IV. PROCEDURE FOR APPROVAL OF SUBDIVISIONS OR LOT LINE ADJUSTMENTS**

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

### **Section 1. Classification and Sketch Plat Review**

- A. Submission of Sketch Plat. Any owner of land shall, prior to subdividing land, submit to the Clerk of the Planning Board at least ten (10) days prior to the regular meeting of the Planning Board two (2) copies of a sketch plat of the proposed subdivision for purposes of classification and preliminary discussion.
- B. Discussion of Requirements and Classification. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these Regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing service and other pertinent information.

Classification of the Sketch Plat is to be made at this time by the Planning Board as to whether it is a Lot Line Adjustment, Minor, or Major Subdivision as defined in these Regulations. A notation regarding classification shall be made by the Planning Board directly on the Sketch Plat. If the Sketch Plat is classified as a Lot Line Adjustment, the subdivider shall then comply with the procedure



outlined in **Article IV, Section 2** of these regulations. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in **Article IV, Section 3** of these Regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in **Article IV Sections 4 & 5**.

- 1) The Planning Board may require, however, when it deems necessary for the protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.
  - 2) The Planning Board may require, however, when it deems necessary for the protection of the public health, safety and welfare, that a Lot Line Adjustment comply with all or some of the requirements specified for Minor Subdivision.
- C. Study of Sketch Plat. The Planning Board shall within thirty (30) days after submission determine whether the Sketch Plat meets the objectives of these Regulations and shall, where it deems necessary, make in writing specific recommendations to be incorporated by the applicant in the next submission to the Planning Board.

## Section 2. Lot Line Adjustment

A Lot Line Adjustment is the action of modification of parcel boundaries in which a portion of one parcel is combined with an adjoining parcel without increasing the total number of parcels, or by which an adjoining parcel is wholly or partially annexed.

- A. Application and Fee. Within three (3) months of a classification by the Planning Board of a proposed action as a Lot Line Adjustment, the applicant shall submit an application for approval of a Lot Line Adjustment. It shall conform with the Sketch Plat plus any recommendations made by the Planning Board. All applications for Plat approval shall be accompanied by payment of an application fee in accordance with the fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board. The fee shall be equal to that paid upon application for a Minor Subdivision. No other fees shall be required for approval.
- B. Number of Copies. The application for approval of a Lot Line Adjustment Plat, complete with six (6) copies of the Subdivision Plat shall be filed with the Clerk of the Planning Board.
- C. Applicant to Attend Planning Board Meeting. The applicant, or is duly authorized representative, shall attend the meeting of the Planning Board to discuss the Lot Line Adjustment Plat.
- D. Approval Procedure. There shall be no requirement of a public hearing on a Lot Line Adjustment. At the first scheduled meeting of the Planning Board to be held at least ten (10) days after submission of the application for a Lot Line Adjustment, the application shall be considered, and, if it remains in conformance with the sketch plat, or if all changes thereto have been made at the request of the Board or its authorized agents and consultants, then the Lot Line Adjustment may be approved by vote of a quorum of the Board at that same meeting.

If the proposed lot is not in conformance with the Sketch Plat or the request of the board or its agents and consultants, the Planning Board may vote to approve, conditionally approve, or disapprove the Lot Line Adjustment. In the event that the application is denied for any reason, then the application shall be placed upon the agenda of a Planning Board meeting to be held not more

than 45 days later, and shall, at that time, be considered a Minor Subdivision, subject to all the requirements set forth in **Article IV Section 3**.

### Section 3. Minor Subdivision

- A. **Application and Fee.** Within six (6) months of a classification by the Planning Board of a proposed subdivision as a Minor Subdivision, the subdivider shall submit an application for approval of a Minor Subdivision Plat. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in **Article VII, Section 1**. All applications for Plat Approval for a Minor Subdivision shall be accompanied by payment of an application fee in accordance with the fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board. A copy of said fee shall be available from either the Town Clerk's Office or the Planning Board Office.
- B. **Number of Copies.** The application for approval of a Minor Subdivision Plat, complete with six (6) copies of the Subdivision Plat shall be filed with the Clerk of the Planning Board. **Everything digital as PDF. 1 hard copy preliminary including full sized plans. Final - 3 stamped. One distribute to building/planning and one to assessor and one to county**
- C. **Subdivider to Attend Planning Board Meeting.** The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Minor Subdivision Plat.
- D. **Approval Procedure.**
- 1) Within ~~forty five (45)~~**sixty-two (62)** days of the receipt of ~~the Subdivision~~**a complete preliminary** Plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing on such Plat.
  - 2) Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing.
  - 3) Within ~~forty five (45)~~**sixty-two (62)** days from the date of such public hearing, the Planning Board shall act by resolution on the Subdivision Plat. The Planning Board shall either approve, conditionally approve with or without modification, or disapprove the Plat. The Board shall specify in writing its reasons for any such disapproval. In the event that the hearing is not held, or if the Board fails to disapprove the Subdivision Plat. Within the ~~sixty-two (62)~~**forty five (45)** days prescribed above, the Plat shall be deemed approved. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board.
  - 4) **Upon approval, ten (10) copies of the Subdivision Plat shall be provided by the applicant, properly signed by the Chairman of the Planning Board and filed by the applicant in the Office of the County Clerk.** Any Minor Subdivision Plat not so filed, or recorded within sixty (60) days of the date upon which such plat is approved, or considered approved by reason of the failure of the Planning Board to act, shall become null and void.

If conditional approval is granted, the Planning Board shall empower the Chairman of the Planning Board to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board as

conditionally approved, a copy filed in the Planning Board office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat. Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for a period not to exceed two additional periods of ninety (90) days each.

#### Section 4. Major Subdivision

- A. Preliminary Plat Application and Fees. Within six (6) months of a classification by the Planning Board of a proposed subdivision as a Major Subdivision, the subdivider shall submit an application for approval. Prior to the filing of an application for the approval of a Major Subdivision Plat the subdivider shall file an application for consideration with a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form prescribed by Article VII, Section 3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements of Sections 276 and 277 as set forth in these Regulations, except where a waiver may be specifically authorized by the Planning Board.

Payment of an application fee shall accompany all applications for approval of a Preliminary Plat of a Major Subdivision. The fee shall be in accordance with the fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board, a copy of which shall be available from either the Town Clerk's Office or the Planning Board Office. Application fees are not refundable, and shall be in addition to fees charged by the Building Inspector or the Department of Public Works, but shall not be duplicated by site plan review fees required under the Zoning Ordinance.

- B. Purpose. The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board, and later one copy shall become the official record of the Town Clerk. The preliminary plat and supporting documents show the layout of the subdivision and its public improvements, so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics. When revision of the proposed subdivision is required, the preliminary plat shall be revised accordingly, so that the files of the Planning Board and other officials will be current. The preliminary layout shall serve as a key map to subdivisions subsequently laid out in sections or phases on final plats.
- C. Number of Copies. The application for approval of the preliminary plat, complete with six (6) copies of the preliminary plat shall be filed with the Clerk of the Planning Board. A proposed submission which does not include all the required drawings and documents shall not be accepted by the Clerk of the Planning Board.

D. Subdivider to Attend Planning Board Meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

E. Approval Procedure.

1) Within ~~sixty-two (62)~~~~forty-five (45)~~ days of the receipt of ~~a complete the~~ Preliminary Plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing on such preliminary plat.

2) Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing.

3) Within ~~sixty-two (62)~~~~forty-five (45)~~ days from the date of such public hearing, the Planning Board shall act by resolution on the preliminary plat. The Planning Board shall either approve, with or without modifications, or disapprove the preliminary plat. The time in which the Planning Board must take action may ~~only~~ be extended by mutual consent of the owner and the Planning Board. Failure to take action on the preliminary plat within the time prescribed therefore shall be deemed approval of the plat.

When approving a preliminary plat, the Planning Board shall state in writing the modifications, if any, it deems necessary for submission of the Plat in final form with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been specifically requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare, and (3) the categories of improvement or the amount of all bonds therefore which the Planning Board shall require as a requisite to approval of the Final Plat. The action of the Planning Board plus any conditions attached thereto shall be noted on three (3) copies other Preliminary Plat. One (1) copy shall be returned to the subdivider, one (1) shall be retained by the Planning Board and one (1) forwarded to the Town Board, through the Town Clerk. Prior to the approval of the Final Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

F. Approval of Final Plat for Major Subdivision. Following approval, with or without modifications, of the preliminary plat, the subdivider shall prepare a final plat, together with all supplementary documents, in accordance with **Article VII, Section 4** of these Regulations. The application for final plat approval for a major subdivision, or any portion thereof, shall be accompanied by a processing fee in an amount established by the Town's fee schedule.

The final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, together with a written application for final approval, within one hundred eighty (180) days after approval, with or without modifications or conditions, of the preliminary plat, unless such time limit is extended by mutual consent of the applicant and the Planning Board.

G. Partial Development. If desired by the subdivider, the final plat may consist only of that portion of the approved Preliminary Plat which is proposed for recording and development at the time, provided that such portion conforms to all applicable requirements of these Regulations and that the subdivision is being submitted for approval progressively in contiguous sections satisfactory to the Planning Board, as agreed upon at the time of preliminary plat approval.

H. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete development of the subdivision proposal. After public hearing, as required, and approval

of the Planning Board, this complete submission along with the applicable performance guarantee and the general liability insurance policy, as approved by the Town Board, becomes the basis for the development of the subdivision, the installation of required improvements and the applicable inspection services by the Planning Board and by the Town Engineer or other delegated Town officials.

I. **Number of Copies.** The application for approval of the final plat, complete with five (5) copies of the final plat, shall be filed with the Clerk of the Planning Board.

J. **Approval Procedure.**

- 1) Within ~~sixty-two (62)~~ ~~forty-five (45)~~ days of the receipt of the final plat by the Clerk of the Planning Board, the Planning Board shall hold a Public hearing, if required, on such final plat. Such hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days before such hearing, provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Section 4 of this Article, and modified in strict accordance with requirements of such approval, if such preliminary plat has been approved with modification, the Planning Board may waive the resolution the requirement for such public hearing.
- 2) Within ~~sixty-two (62)~~ ~~forty-five (45)~~ days from the date of such public hearing, or from the date of submission if no such hearing is held, the Planning Board shall act by resolution on the final plat. The Planning Board shall either approve, conditionally approve with or without modification, or disapprove the final plat. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat. If conditional approval is granted, the Planning Board shall empower the Chairman of the Planning Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board as conditionally approved, a copy filed in the Planning Board office, and a certified copy mailed to the subdivider which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of a plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, ~~for a period not to exceed two (2) additional periods of ninety (90) days each.~~

K. **Final Approval and Filing.** Upon completion of the requirements in **Article IV, Section 5, and Article V, Sections 1 and 2**, and notation to that effect upon the Subdivision Plat, **the Subdivision Plat shall be deemed to have final approval and ten (10) copies**, as provided by the applicant, shall be properly signed by the Chairman of the Planning Board upon receipt of notification that the required performance guarantee and insurance has had the approval of the Town Attorney. The final plat may then be filed by the applicant in the Office of the Rensselaer County Clerk. Planning Board approval of a final plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for cession to public use.

- L. Expiration of Approval. The final approval of a final plat, or the certificate of the Town Clerk as to the failure of the Planning Board to act within the time required by law, shall expire within sixty (60) days after the date of the Planning Board resolution authorizing the Chairman of the Planning Board to sign the drawings, or from the date the certificate is issued, unless filing of the plat or a section thereof is accomplished within that time period in the Office of the Rensselaer County Clerk in accordance with Section 278 of the Town Law.
- Expiration of an approval shall mean that any further action shall require payment of a new filing fee as well as Planning Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void, and of no effect.
- M. Filing in Sections. At the time the Planning Board grants plat approval, it may permit the plat to be divided into two (2) or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the plat. In accordance with Section 267 of the Town Law, the applicant may file a section of the approved plat with the County Clerk. In these circumstances, plat approval on the remaining sections of the plat shall continue in effect for a period of three (3) years from the filing date of the first section. When a plat is filed by section with the County Clerk, the applicant shall, within thirty (30) days, file with the Town Clerk the entire approved Preliminary Plat. The subdivider section shall not be permitted to begin construction of buildings in any other section until such section has been filed in the Office of the County Clerk and the required improvements have been installed and approved in such section or a satisfactory performance guarantee covering the cost of such improvements has been posted.

## **Section 7. Building Permits and Certificates of Occupancy**

- A. Upon the posting of a satisfactory performance guarantee or upon certification of completion or installation of all required improvements to the satisfaction of the Town Board, in accordance with **Article V, Section 2** of these Regulations, and upon Planning Board approval of the Final Plat, the subdivider may be issued building permits for the construction of buildings in accordance with the approved subdivision plat and the Zoning Ordinance.
- B. Upon completion of all required public improvements to Town standards and upon certification of such as provided in **Article V, Section 2** of these Regulations, the subdivider may be issued certificates of occupancy for any buildings constructed in the subdivision.
- C. No such certificate of occupancy shall be issued until grading, respreading of topsoil and seeding has been completed in accordance with **Article VI, Section 1**, unless a performance guarantee in an amount sufficient to ensure the proper grading of the property, and respreading of the topsoil and seeding shall have been posted.

## ARTICLE VI. GENERAL REQUIREMENTS AND SUBDIVISION DESIGN STANDARDS

### Section 1. General Requirements

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

- A. Character of Land. Land to be subdivided shall be of such character that in the opinion of the Planning Board it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and with a minimum of detrimental effects on the environment.
- B. Preservation of Natural Features. The Planning Board may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or wooded areas, water courses and falls, beaches, historic spots, and similar irreplaceable assets.
- C. Conformance with Official Map and Master Plan. Subdivision plats and improvements provided shall conform to the Official Map and Zoning Ordinance of the Town of East Greenbush and shall be in harmony with the Master Plan.
- D. Minimum Lot Area. No lot area in a subdivision shall be less than the minimum required by the Zoning Ordinance for the district in which it is located, unless otherwise provided in the Zoning Ordinance or as provided by Article VIII of these Regulations.
- E. Plats With Access Through Other Municipalities. Whenever access to a subdivision is by crossing land in another municipality the Planning Board may require assurance from said municipality that such access is adequately improved or that a legally adequate performance guarantee has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.
- F. Replatting. Replatting of all or part of land covered by an existing plat which has been laid out prior to compulsory subdivision plat review, approval and filing should comply with these Regulations as now required.
- G. Preservation of Topsoil. No topsoil shall be removed from any land in the Town, except that in areas over which heavy equipment will be operated, the topsoil shall be stripped and piled on the property. When final grades have been established and construction activities have been completed, the entire property shall be suitably graded and recovered with topsoil to a depth of at least four (4) inches after rolling, except that portion covered by buildings or included in the roads.
- H. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by culverts or other permanent structures. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right- of-way, not less than thirty (30) feet in width. All such structures and rights-of-way shall be of design and specification approved by the Building Inspector, the Commissioner of Public Works and the ~~designated~~-Town Designated Engineer.
- I. Floodplains. If any portion of the land within the subdivision is subject to periodic inundation or flood hazard caused by storm water, this portion shall be clearly indicated on any submissions required by these Regulations. In cases of doubt, the Planning Board may require the submission of a flood hazard study delineating the limits of the one hundred (100) year flood plain. Such study shall be conducted by a licensed professional engineer.

- 1) Land subject to flooding, and land deemed by the Planning Board to be otherwise uninhabitable, shall not be platted for residential occupancy nor for any such other use that may increase danger to health, life or property, or aggravate the flood hazard.
- 2) Any subdivision, including all proposed improvements and construction, must comply will all applicable provisions of the National Flood Insurance Act of 1968, including all amendments thereto.

## Section 2. Subdivision Design Standards

The subdivider shall conform to all subdivision design standards as herein provided. These standards shall be considered minimum standards and shall be modified, or waived, only as provided for in **Article IX, Sections 1 and 2**, or these Regulations.

### A. Lots.

- 1) Lots to be Buildable. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions. **consistent with any definitions changes in zoning code**
- 2) Deep Lots. Lots shall not be of unreasonable depth, but if such depth is unavoidable, provision should be made whenever possible in the layout of the subdivision for streets which may be added later through re-subdivision to serve the development of the rear portion of such deep lots.
- 3) Corner Lots. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line on both streets, as well as side yard requirements, for the zoning district in which the lot is located. **Make sure consistent with any definitions changes in zoning code**
- 4) Double-Frontage Lots. Lots whose front and rear lot lines abut two (2) separate and approximately parallel streets shall be avoided except in residential areas abutting major arteries. In such cases, a planting screen easement at least ten (10) feet wide with no right of access to the lot shall extend along the lot line abutting the major artery right-of-way.
- 5) Flag Lot. ~~A lot in a flag shape composed of a strip of land referred to as the "flag access driveway" or "flagpole" that leads to leading to a larger, generally rectangular building area, or flag, to be used for development.~~
- 5)6) Minimum Lot Size. Except as provided by Article VIU of these Regulations, each lot shall be no smaller than the minimum lot area and lot dimensions required by the Zoning Ordinance for the district in which it is located.
- 7) Side Yard Lines. All side yard lines of lots shall be substantially at right angles to straight street lines, and radial to curved street lines.
- ~~6) Add flag lots def (from zoning cluster)~~
- 7)8) Driveway Access. Whenever possible, lots shall be laid out so that driveways have access to a street which is intended to carry the least traffic. Driveway grades between the street pavement and the building setback line shall not exceed ten percent (10%).
- 8)9) Access from Public Streets.



- a. The subdividing of land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.
- b. Double-frontage and reverse-frontage lots should be avoided. Reverse-frontage lots which have their rear yard abutting a collector or major street shall be provided with effective natural screening along the full width of the rear property line to screen the rear yard from adjacent traffic.
- c. A lot of less than two hundred (200) feet frontage fronting on a County or State highway shall be designed as to share a common curb-cut with an adjacent lot, if either adjacent lot has not been previously granted a curb-cut permit. When more than three (3) lots are proposed to be subdivided from a parcel with frontage on a County or State highway (or there is a possibility of creating four (4) or more lots equal in size to the average area of the lots proposed for subdivision), frontage for all such lots shall be on internal streets, not on the County or State highway. Each lot permitted to front on a County or State highway shall provide for an improved on-site turnaround so as to obviate the necessity of any vehicle from backing onto such highway.
- d. Access from Private Streets. Access from private streets, as may be authorized under Section 280-A of the Town Law, shall be deemed acceptable only if such streets are designed and improved in accordance with these Regulations.

B. Streets.

- 1) General Objectives. Streets shall be of sufficient width, suitably located, and adequately constructed to accommodate the prospective traffic and afford access for firefighting, snow removal, and other road maintenance equipment. The arrangement of streets shall be coordinated such that they compose a convenient system, cause no undue hardship to adjoining properties, and render no property inaccessible from an existing public street or from a proposed street in a subdivision for which a completion bond or similar performance guarantee has been posted.
- 2) Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, by use of stub streets, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The subdivision street traffic network shall provide an orderly local access progression from marginal streets to collector streets to main highway and shall include a continuous network of public pedestrian walks, either independent or incorporated within vehicular rights-of-way, to connect all properties and public areas.
- 3) Street Widths. Streets shall have the following right-of-way and paving widths, exclusive of stabilized shoulders:

	<b>Right-of-Way</b>	<b>Paving Width</b>
<b>Collector Road</b>	<b>60 feet</b>	<b>36 feet</b>

Local Street	50 feet	24 feet
Marginal Access Street	50 feet	24 feet

The right-of-way width for internal roads in multi-family, commercial and industrial developments shall be determined on an individual basis, and shall in all cases be of sufficient width and design to accommodate safely the maximum anticipated traffic, parking and loading needs.

The amount of street width apportioned to planting strips and to side-walks may vary with the character of the proposed subdivision and shall be subject to the approval of the Planning Board.

- 4) Pavement Drains and Culverts. All pavement, drains, culverts and other street improvements required by the Planning Board shall conform to Town specifications, and shall be subject to the Street and Highway Acceptance Act adopted June 25, 1972 and from time to time amended.
  - 5) Marginal Access Streets. Where the proposed subdivision contains or is adjacent to an existing or proposed major arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  - 6) Local Streets. Local streets shall be laid out in a manner to discourage their use by through traffic. Local and collector street openings onto a major artery shall normally be at least five hundred (500) feet apart.
  - 7) Street Connections. Subdivisions containing fifty (50) lots or more shall have at least two (2) connections with existing public streets, with streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond or similar performance guarantee has been posted.
  - 8) Grades and Curves. Grades of all streets shall conform to the general terrain and shall be no less than three-fourths of one percent (0.75%), nor more than seven percent (7%), except that local streets with grades up to ten percent (10%) may be approved by the Planning Board.
- C. Parks and Public Open Space. Adequate lands for parks and other public open space purposes shall be provided in any subdivision of land for residential purposes throughout the Town of East Greenbush.
- 1) Amount of Land Dedicated. In general, the Planning Board shall require that not less than five percent (5%) nor more than ten percent (10%) of the total land area within the subdivision be set aside and shown on the plat for park and public open space purposes. The minimum area of contiguous open space acceptable for this use shall be one (1) acre; a smaller public open space may be approved by the Planning Board if the difference in area between the open space offered and the one (1) acre minimum may reasonably be expected to be provided by future subdivision of adjacent land for residential purposes. All lands designated on the plat as park or public open space must be deemed suitable for this purpose by the Planning Board based upon analysis of the lands topographic, geologic, hydrological and locational characteristics. The

Planning Board may establish such conditions on the subdivision concerning access, use, and maintenance of such park and public open space lands as deemed necessary to ensure the preservation of the lands, in perpetuity, for their intended purposes. Such conditions shall be clearly noted by the licensed land surveyor and/or professional engineer on the plat prior to final plat approval and subsequent recording of the plat in the Office of the County Clerk.

- 2) Information to be Submitted. In the event that an area to be used for park or public open space is required to be shown, the subdivider shall submit, prior to final plat approval, to the Planning Board, drawings at a scale of not less than twenty (20) feet to the inch of such area and the following features thereof:
  - a. The boundaries of the said area, giving lengths and bearings of all straight lines; and radii, lengths, central angles and tangent distances of all curves.
  - b. Existing features such as streams, ponds, clusters of trees, rock outcrops and structures, existing and proposed.
  - c. Existing and, if applicable, proposed changes in grade and contours of the said area and of the area immediately adjacent, for a distance of not less than one hundred (100) feet, with such contours to be at an interval of not more than two (2) feet.
  - d. Plans for improvements of said area, not limited to grading, seeding, fencing, landscaping, the provision of play and related equipment, and the address of conditions relating to the protection of the public health and safety.

- 3) Payment in Lieu of Dedication. In cases where because of the size, topography, or location of the subdivision, or because of the size of the individual lots provided within the subdivision, the requirement for land dedication or reservation for parks and other public open space purposes would be deemed unreasonable or undesirable by the Planning Board, the Planning Board shall alternatively require, under Section 277 of the Town Law, that a payment be made into a special fund for Town recreation site acquisition and/or improvement in lieu of such land dedication or reservation within the subdivision.

Such payment shall be a condition of approval of the final plat and shall be computed on the basis of two percent (2%) of the aggregate anticipated sales price of the improved lots within the subdivision, or that phase for which final approval is sought, subject to the maximum and minimum payments stated in the fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board. No plat shall be signed by the Chairman of the Planning Board until such payment has been received by the Town Clerk and receipt therefor provided to the Planning Board.

D. Public Improvements and Utilities.

- 1) Placement. Underground improvements and utilities required by the Planning Board in accordance with Article V, Section 1, shall be placed in the street right-of-way between the street paving and the sidewalk, if one exists, or between the street paving and the right-of-way line. Where topography makes such placement impracticable, perpetual unobstructed easements at least fifteen (15) feet in width shall be provided for along lot frontages abutting the street lines, with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and their layout shall be as regular as possible. Subject to the discretion of the Town Board, an underground public improvement or utility operated for

revenue by the Town or by a special district may be installed by the Town in a private street, provided a public easement of satisfactory size is obtained for such improvement or utility. Before the street is paved, the subdivider shall install underground service connections for all required improvements and utilities to the property line of each lot within the subdivision.

2) Service Connections.

- a. Water. Where an appropriate public water main already exists and is accessible, the subdivider may connect into said main and provide a water connection for each lot. Where an appropriate water main does not exist or is not accessible, the subdivider shall install at his own expense such main together with all necessary valves, cutoffs, fire hydrants, pumps, storage tanks, meters and other equipment necessary to make such water system conform to the standards of the Town.
- b. Sanitary Sewers. Where an appropriate public sanitary sewer system is reasonably accessible, the subdivider shall install at his expense the necessary connections into the system and provide a sewer connection for each lot.
- c. Septic Tank Systems. Where an appropriate sanitary sewer system is not reasonably accessible but where the plans for the sanitary sewer district including lands on which the subdivision is located have been prepared, the subdivider, at his expense, in addition to installing sanitary sewers in conformity with those plans for eventual connection with a trunk sewer shall provide private septic tank systems which shall conform to the requirements of the County Steath Department and of all other authorities having jurisdiction. The Planning Board shall ascertain that such lots shall be of sufficient size to provide adequate leaching fields for satisfactory performance of the private sewage disposal system.
- d. Storm and Drainage Sewer System. The subdivider shall install all necessary storm drainage sewers and appurtenant facilities at his expense, in accordance with standards of the Town and of all authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the subdivider shall make proper connection thereto, otherwise the subdivider shall provide appropriate means and methods for storm water runoff satisfactory to the Planning Board and all other authorities having jurisdiction. In either event, the storm drainage facilities provided shall be fully consistent with storm drainage design standards which may be promulgated and from time to time reviewed and modified by the Planning Board.

The drainage system shall be large enough to accommodate potential runoff from the entire upstream drainage area whether inside or outside of the subdivision. The ~~designated~~ Town Designated Engineer shall approve the design and size of facilities based on anticipated runoff from a “twenty year” storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

The cost of a culvert or other drainage facility in excess of that required for the particular subdivision may be deemed to be the responsibility of the Town, or may be prorated among the upstream property owners.

The subdivider’s engineer shall also study and report on the effect of each subdivision on the existing downstream drainage system outside the area of the subdivision; and this

report shall be reviewed by the ~~designated~~ Town Designated Engineer. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a “twenty year” storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the Plat until provision has been made for the improvement of said condition.

E. Pedestrian Ways. Adequate provision shall be made for the convenient and safe movement of pedestrians and bicyclists in any subdivision of land for residential purposes throughout the Town of East Greenbush.

1) Pedestrian Ways on Collector Roads. All streets designated as collector roads shall have an improved pedestrian path, sidewalk or bikeway provided on both sides of the street. Any such sidewalk or pedestrian path shall be so placed that there will be a distance of not less than four (4) feet between the sidewalk and the street pavement. A bikeway, or combined bicyclist/pedestrian path, not less than four (4) feet in width, may be situated adjacent the street pavement and visually separated therefrom by striping on both its inner and outer edges.

2) Pedestrian Ways on Local Streets. All streets designated as local streets shall have an improved pedestrian path, sidewalk, or bikeway provided on at least one (1) side of the street. Any such sidewalk or pedestrian path shall be so placed that there will be a distance of not less than four (4) feet between the sidewalk and the street pavement. A bikeway, or combined bicyclist/pedestrian path, not less than four (4) feet in width, may be situated adjacent the street pavement and visually separated therefrom by striping on both its inner and outer edges.

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

## **ARTICLE VI. REQUIRED IMPROVEMENTS AND PERFORMANCE GUARANTEES FOR MAJOR SUBDIVISION ~~move later~~**

Any subdivider who proposes to develop a major subdivision in the Town of East Greenbush shall comply with the regulations provided in this Article regarding the posting of performance guarantees and the construction of utilities and other required improvements.

### **Section 1. Required Improvements**

In making determinations regarding the necessity and extent of the installation of subdivision improvements, the Planning Board shall take into consideration the prospective character, density and uses within the proposed subdivision — whether residential, commercial or industrial.

A. Required Improvements. The Planning Board shall require the installation of the following improvements in accordance with Town Law, unless it shall specifically waive in writing any such improvements as provided in Article IX, Section 1.

1. Parks, playgrounds, or other public open spaces of adequate size and location for recreational purposes;
  2. Paved streets and roadways,
  3. Street signs and posts;
  4. Pedestrian ways,
  5. Street lighting;
  6. Curbs or gutters,
  7. Street trees;
  8. Water mains and fire hydrants;
  9. Sanitary sewage disposal facilities;
  10. Storm drainage system;
  11. Seeding or sodding of planting strips with lawn areas; and
  12. Monuments suitably placed and installed.
- B. Standards for Installation. All improvements as required by the Planning Board shall be installed in accordance with standards, specifications, and procedures acceptable to the appropriate Town departments or as provided in these Regulations.
- C. Modification of Design of Improvements. If at any time before or during construction of the required improvements it is demonstrated to the ~~designated-Town~~ Designated Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the ~~designated-Town~~ Designated Engineer may, upon concurrence of the Chairman of the Planning Board, authorize minor modifications which are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any of the improvements required by the Planning Board. The ~~designated-Town~~ Designated Engineer shall issue any such authorization under this provision in writing and shall transmit a copy of such authorization to the Clerk of the Planning Board.
- D. Inspection of Improvements. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board, which fee shall not exceed two percent (2%) of the cost of the installation of the required improvements, and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements to that the Town Board may cause such inspection to be made to assure that all Town specifications and requirements shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities as required by the Planning Board. In order to facilitate the inspection of required improvements during construction, the applicant shall notify the ~~designated-Town~~ Designated Engineer at least three (3) working days before reaching each of the following stages of construction:
1. Rough grading complete;
  2. Drainage and other underground facilities installed, put prior to backfilling;
  3. After gravel base is spread and compacted;
  4. When each pavement course is being applied; and
  5. After completion of all improvements.

The applicant shall not proceed to work on any stage subsequent to the first stage until the work of the prior stage has been inspected and approved by the designated-Town Designated Engineer, or his duly-authorized representative. In the event of any other requirements, the designated-Town Designated Engineer shall inspect the work at such progressive stages as he shall specify at the time of the project initiating conference. The designated-Town Designated Engineer shall certify to the Planning Board that the work was inspected by him and was found to be in accordance with the approved plans and specifications.

- E. Proper Installation of Improvements. If the designated-Town Designated Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, the Building Inspector and the Planning Board. The Town Board shall then notify the subdivider and if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously-approved plat.

## **Section 2. Performance Guarantees for Required Improvements**

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

- A. Procedure. Before the Planning Board grants final approval of the Final Subdivision Plat, the subdivider shall provide a detailed engineer's cost estimate for all required improvements for review and concurrence by the designated-Town Designated Engineer and shall subsequently follow the procedure set forth in either subparagraph (1) or subparagraph (2) herein:

- 1) In any amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance guarantee to cover the full cost of the required improvements. Any such performance bond or equivalent security shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year, or such other period as the Planning Board may determine appropriate not exceeding three (3) years, shall be set forth in the bond or equivalent security within which the required improvements must be completed. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board. If the Planning Board shall decide at any time during the term of the performance guarantee that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance guarantee, or that required improvements have been installed as provided in this Article and by the Planning Board in sufficient amount to warrant reduction in the face amount of said bond, or that the character and extent of such development requires additional improvements previously waived for a

period stated at the time of fixing the original terms of such bond or equivalent security, the Planning Board may modify its requirements for any or all such improvements, and the face value of such performance guarantee shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced or increased proportionately.

2) The subdivider shall complete all required improvements to the satisfaction of the ~~designated~~ Town Designated Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the ~~designated~~ Town Designated Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board.

B. As Built Drawing Required. No required improvements shall be considered to be completed until the installation of the improvements has been approved by the ~~designated~~ Town Designated Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to provisions of A (2) above, then said map shall be submitted prior to endorsement of the plat by the authorized Planning Board officer. However, if the subdivider elects to provide a performance guarantee for all required improvements as specified in A (1) above, such bond or equivalent security shall not be released until such map is submitted and deemed satisfactory by the Planning Board.

### **Section 3. Maintenance Bonds**

The subdivider shall file with the Town Board a maintenance bond in an amount based on a maximum of ten percent (10%) of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition of the initial public improvements for a period of three (3) years following their completion and acceptance, where applicable, by the Town Board. Such bond shall be satisfactory to the Town Attorney as to form, manner of execution and surety and in an amount satisfactory to the ~~designated~~ Town Designated Engineer. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board.

### **Section 4. General Liability Insurance**

A. Filing Requirement. The subdivider shall file with the Town Attorney a General Liability Insurance Policy at the same time that he files his performance guarantee. The Town Board shall approve the policy as to form. The policy shall be in force during the term of the performance guarantee and shall be extended in conformance with any extension of the performance guarantee. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board.



B. Limits of Coverage. The policy shall insure the Town and the subdivider, and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have limits of liability of one hundred thousand dollars (\$100,000) for bodily injury to each person and three hundred thousand dollars (\$300,000) liability on the aggregate for each accident, and property damage liability of five thousand dollars (\$5,000) for each accident and twenty-five thousand dollars (\$25,000) aggregate property damage liability or such higher limits as the Planning Board may require, upon recommendation of the ~~designated~~ Town Designated Engineer.

### **Section 5. Public Franchise Utilities**

A. Service Connections. When public franchise utilities are to be installed, the subdivider shall submit to the Planning Board written assurances from each public utility company that such company will make the necessary service installations within a time limit and according to specifications satisfactory to the Planning Board.

~~A.~~B. Easements or Other Releases. The Final Plat shall show statements by the owner granting all necessary easements or other releases where required for the installation of public franchise utilities.

## **ARTICLE VII. DOCUMENTS TO BE SUBMITTED**

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

### **Section 1. Submission Requirements for Minor Subdivision Plat**

- A. Completed subdivision application form, receipt for payment of required application fee as specified by **Article IV, Section 7** of these Regulations, and **two (2) paper copies of the proposed subdivision plat certified by a licensed land surveyor for Town records.**
- B. In the case of a minor subdivision only, the subdivision plat application shall include the following information:
- 1) An area map showing the location of that portion of the tract which is to be subdivided in relation to the entire tract, and showing the distance to the nearest street intersection. The drawing of the entire tract may be by either deed plot or actual survey.
  - 2) An actual field survey of the boundary lines of the tract being subdivided, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board, and shall be referenced and shown on the plat. The Planning Board may modify the requirement for a full field survey pursuant to **Article IX, Section 2** of these Regulations.
  - 3) Information concerning portions of the land within the subdivision subject to periodic inundation by storm water or in a wetlands area.
  - 4) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

- 5) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of, and shall be under the permit of, the Rensselaer County Department of Health. Evidence of contact with the Health Department shall be presented at the time of application. Endorsement of the subdivision plat by the Rensselaer County Health Department must precede final stamping by the Planning Board.
- 6) Proposed subdivision name, Town of East Greenbush, Rensselaer County, New York.
- 7) The date, north point, map scale, name and address of record owner and subdivider.
- 8) A short-form EAF, as required by SEQR regulations.

## **Section 2. Sketch Plat Submission Requirements for a Major Subdivision**

- A. The sketch plat initially submitted to the Planning Board shall be based on tax map information or some similarly accurate base map at a scale of not less than two hundred (200) feet to an inch. The entire sketch plat shall be shown on one sheet. The sketch plat shall show, to the extent applicable, the following information:
  - 1) A vicinity map showing the location of that portion of the tract which is to be subdivided in relation to the entire tract, and the distance to the nearest street intersection. All streets shall also be shown within three hundred (300) feet of the applicant's property.
  - 2) All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within two hundred (200) feet thereof. If topographic contours are significant, contours shall also be indicated at intervals of not more than ten (10) feet. All elevations are to be referred to USGS datum with location and description of bench mark included.
  - 3) General statement of soils conditions.
  - 4) The name of the owner and of all adjoining property owners as disclosed by the most recent Town assessment records. Property owners across street also to be shown.
  - 5) The tax map sheet, block and lot numbers, as available from the Town Assessor's Office.
  - 6) All the utilities available, and all streets which are either proposed, mapped or built.
  - 7) The proposed pattern and numbers of lots (including lot width and depth), street layout, recreation areas, and systems of drainage, sewerage and water supply within the subdivided area.
  - 8) Information regarding all existing restrictions on the use of land including easements, covenants or zoning district boundaries.
  - 9) All portions of the land within the subdivision subject to periodic inundation or flooding by storm water, including wetlands areas.
  - 10) Conceptual engineering report discussing the demands of the proposed subdivision on water, sewer, drainage, highways and related systems, and discussing the methods through which these demands may be accommodated and the methods through which any potentially adverse impacts may be mitigated, including discussion of alternatives as may be appropriate.
  - 11) A short-form EAF, or EAF Parts I and II, as required by SEQR regulations.

### Section 3. Submission Requirements for Major Subdivision Preliminary Plat

- A. ~~Six (6)~~ Two (2) copies of the preliminary plat certified to by a licensed land surveyor and/or professional engineer at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to an inch shall be submitted to the Clerk of the Planning Board at least five (5) days prior to the regular meeting of the Planning Board.
- B. The following additional information will be submitted for approval and shall constitute a preliminary plat.
- 1) Information on existing conditions.
    - a. An actual field survey of the boundary lines of the tract to be subdivided, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Planning Board, and shall be referenced and shown on the plat;
    - b. Street rights-of-way and widening of rights-of-way on the subdivision and within two hundred (200) feet of its boundaries, including name and right-of-way width and location, type, width and elevation of surfacing; any legally-established centerline elevations including those at intersections and other critical points, walks, gutters, curbs, culverts, etc.;
    - c. Location, width, identification; purpose, and restrictions upon any other rights-of-way and easements on the subdivision;
    - d. Drainage structures on the subdivision and within two hundred (200) feet of its boundaries, including type of structure and location, invert elevations, gradients, types and sizes of all pipe and all other drainage structures where applicable, including direction of flow;
    - e. Location and size or capacity of all other utility structures, such as sewer, water, gas mains and power lines on the subdivision and within two hundred (200) feet of its boundaries,
    - f. As contours affect proposed public improvements, ground elevations on the tract shall be based on a datum plane approved by the ~~designated~~-Town Designated Engineer. For land with slope that is less than approximately two percent (2%), spot elevations should be shown at all breaks in grade, along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions, for land that slopes more than two percent (2%), contours should be shown at intervals of not more than two (2) feet,
    - g. Marshes, ponds, streams and all land subject to periodic or occasional flooding, or similar unstable conditions, on the subdivision or within two hundred (200) feet of its boundaries. Indicated shall be location, approximate land area, high water level, and maximum depth of water at critical points,
    - h. Location of rock outcrops, wooded areas, isolated preservable trees, structures and other significant existing features for the proposed subdivision area and within two hundred (200) feet thereof;
    - i. Data regarding soils characteristics from the Soil Conservation Service soils survey; and
    - j. If applicable, subsurface data in accordance with Rensselaer County Stealth Department requirements, including date, location and graphic representation of findings for all test holes including location and results of percolation and other tests to ascertain subsurface

soil, rock and ground water conditions, and depth of ground water unless pits are dry at a depth of five (5) feet.

2) Proposed Site Development

a. Streets

- (1) Name (to be checked prior to submission with the Town Clerk to avoid duplication);
- (2) The width and location of any streets or public ways or places shown on the Official Map, within the area to be subdivided, together with street profiles of all streets or public ways proposed by the developer.
- (3) Right-of-way width;
- (4) Tentative centerline elevations at intersections and at principal changes in gradient;
- (5) Tentative centerline gradient shown in percent of slope;
- (6) Plans and cross-sections, as detailed by the Town Street and highway Acceptance Act, showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits, and
- (7) Preliminary designs of any bridges which may be required.

b. Lot Layout

- (1) Lot lines and dimensions scaled to the nearest foot;
- (2) Minimum building setback lines and dimensions, and suggested location of buildings and driveways; and
- (3) Lot numbers and lot areas measured to the nearest square foot.

c. Easements, Parks, Restricted Areas and Other Improvements

- (1) Purpose and restrictions;
- (2) Designation of areas or rights-of-way which are to be offered for public dedication or deeded to homeowners' associations or other private corporations with clear indication of proposed changes in grades and landscaping thereon. The Board may require special recreational improvements and planting of trees, shrubs, grass, and other landscaping in all areas to be so dedicated.

d. Preliminary storm water drainage system plan

- (1) Drainage structures shall be shown on the preliminary plat indicating the approximate location and size of proposed lines and culverts and their profiles, including connection to existing storm system or alternate means of disposal; and
- (2) Outline of watersheds tributary to drainage structures and their approximate area in acres including those which extend beyond the boundaries of the subdivision.

e. Preliminary Water Supply and Sewage Treatment Systems

The approximate location, size and profiles of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or sewage disposal and treatment as provided in the Public Health Law.

f. Easements

- Where the topography is such as to make difficult the inclusion of any of the required facilities and improvements within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property.
- g. Covenants or Deed Restrictions  
A copy of all such covenants or deed restrictions as are intended to cover all or part of the tract.
  - h. Temporary Markers  
The Planning Board may require the location of temporary markers adequate to enable the Planning Board to locate readily and appraise the basic layout in the field, including markers at the corners of the tract. Unless the subdivision is adjacent to an existing street intersection the distance along a street from one (1) corner of the property to the nearest existing street intersection shall be shown.
- 3) Preliminary engineering report detailing the demands of the proposed subdivision on water, sewer, drainage, highways and related systems, and detailing the methods through which these demands shall be accommodated and the methods through which any potentially adverse impacts shall be mitigated.

#### Section 4. Submission Requirements for Major Subdivision Final Plat

- A. Completed subdivision application form, receipt for payment of required application fee, as specified by **Article IV, Section 4 of these Regulations, and ~~ten (10)~~two (2) copies of the final plat certified for Town and the appropriate number of paper copies and mylar copies as required by Rensselaer County by a licensed land surveyor and/or professional engineer at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to an inch shall be submitted to the Clerk of the Planning Board at least five (5) days prior to the regular meeting of the Planning Board.**
- B. The following information will be submitted for approval and shall constitute a final plat:
  - 1) Lot map of the entire subdivision shall be the same as that required on the preliminary plat with the following additions:
    - a. Lot Layout:
      - (1) Number identification by a suitable system of consecutive numbers circled and related to the Town tax maps;
      - (2) Lot lines with accurate dimensions to the nearest tenth of a foot and bearings to nearest five (5) seconds; and
      - (3) Minimum building setback lines dimensioned.
    - b. Special parcels:
      - (1) Description of proposed action and use including a note wherever an offer of dedication is being made. For any land which is reserved by the developer, or to a Homeowners' Association, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor;
      - (2) Boundary lines with accurate dimensions to the nearest tenth of a foot and bearings to nearest five (5) seconds; and

- 2) Survey data;
  - a. Accurate tract boundary lines with bearings and distances;
  - b. Survey tie-in with accurate bearings and distances to nearest established street monuments or other official monuments, which are within reasonable distance of the property. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the New York State Department of Transportation. They shall be placed as required by the Planning Board, their location noted and referenced upon the Plat;
  - c. Special district boundaries as affect the subdivision, referenced to the subdivision survey by accurate bearings and distances,
  - d. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street, and
  - e. Accurate dimensions to the nearest tenth of a foot.
  - f. Monuments:
    - (1) Accurate location of all monuments (existing, proposed, or to be reset) shall be shown, and
    - (2) Monuments shall be of a type approved by the Planning Board and shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve and such intermediate points as may be required. Monuments shall be located at the beginning and end of each curve along one (1) side of the street right-of-way.
- 3) Required Improvement Plans and Profiles
  - a. The performance guarantees and required inspections shall be based on these drawings, the final plat itself, these Subdivision Regulations and other applicable Town specifications for such required improvements and utilities.
  - b. Unless a specific waiver is requested and granted in writing, the proposed public improvements and utilities shall be considered to comply specifically with these Subdivision Regulations and the other applicable Town specifications for such public improvements and utilities.
  - c. Basic drawing layout requirements are the same as those required for the preliminary plat and shall also include rights- of-way, gradients, and directional arrows downhill.
  - d. Designs for water lines, sewers, streets, bridges and drainage structures shall be prepared by a licensed professional engineer.
  - e. Complete drainage system for the entire subdivision, with appropriate development staging for each of the final plat sections, shown graphically and related to all existing drainage features.
  - f. Utility system requirements:
    - (1) Water supply and distribution:
      - (a) Location of source on property or, where piped in, the size of the supply main
      - (b) Location and size of all distribution mains.
      - (c) Location of fire hydrants.
      - (d) Location of control valves.
    - (2) Sanitary waste disposal systems:

- (a) Sanitary sewer system design shall be indicated in all cases where public or private sewer connections exist or are proposed.
  - (b) Typical lot layout indicating location of individual system, where appropriate, with reference to house and water supply, and detailed drawing of proposed sanitary waste disposal system.
  - (3) Location of electric, telephone, cable TV, gas, and other energy-related lines.
  - (4) Location and description of outdoor lighting.
  - g. Profile drawing requirements.
    - (1) Drawings shall be prepared with horizontal scale of one (1) inch equals fifty (50) feet and vertical scale of one (1) inch equals ten (10) feet, unless otherwise approved by the Planning Board.
    - (2) All profiles shall show the existing natural grades, the typical cross-section of existing or proposed roads, the centerlines of intersecting roads and a system of survey stations.
    - (3) The centerline profile of all proposed roads with dimensions on vertical curves, and notations as to gradient and critical elevations.
    - (4) Detailed plans for bridges, culverts or similar structures.
    - (5) The invert profile and location of all storm and sanitary drainage structures (manholes, catch basins, etc.) in street rights-of-way, drainage or other easements.
  - h. Recreation and community improvements.
    - (1) Landscape plans prepared by licensed landscape architect and/or architect indicating proposed changes in existing grades and landscaping including the following items: play areas, walkways; incidental shelters, lighting, walls, new trees and shrubs (location, caliper and botanical name), and other required improvements.
  - i. Final engineering report.
- 4) Certifications
- a. Certification of title showing that the applicant is the owner.
  - b. Written offers of cession to the Town For all public streets, rights-of-way and open spaces shown on the subdivision plat and copies of agreements or other documents showing the manner in which open spaces, title of which is reserved by the subdivider, are to be maintained. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
  - c. A certificate by the ~~designated~~ Town Designated Engineer certifying that the subdivider has complied with one or both of the following alternatives:
    - (1) All or part of the improvements have been installed in accordance with the requirements of these Regulations and with the action of the Planning Board granting approval of the Preliminary Plat; or
    - (2) A performance bond or equivalent security has been posted available to the Town in sufficient amount to assure completion of all required improvements.
  - d. Protective covenants and other appropriate devices in form for recording.
  - e. Letters directed to the Chairman of the Planning Board and signed by a responsible official or any governmental authority or district which must provide necessary utility service,

- approving the utility installation design and assuring that adequate service will be available to accommodate the needs of the subdivision.
- f. Letter directed to the Chairman of the Planning Board signed by a responsible official of the school system acknowledging the number of residential lots, and indicating the availability of existing school facilities for the prospective new pupils, or any needed new school sites and facilities that relate to the subdivision area.
  - g. Letter, in appropriate cases, directed to the Chairman of the Planning Board signed by a responsible official of the State Department of Transportation, or the Rensselaer County Engineer, approving proposed construction and access on State or County rights-of-way, respectively.
  - h. Endorsement and approval by the Rensselaer County ~~Stealth-Health~~ Department of the plans for all water supply and sewage disposal facilities shown on the Final Plat.

## **~~ARTICLE V. REQUIRED IMPROVEMENTS AND PERFORMANCE GUARANTEES FOR MAJOR SUBDIVISION~~ move later**

~~Any subdivider who proposes to develop a major subdivision in the Town of East Greenbush shall comply with the regulations provided in this Article regarding the posting of performance guarantees and the construction of utilities and other required improvements.~~

### **~~Section 1. Required Improvements~~**

~~In making determinations regarding the necessity and extent of the installation of subdivision improvements, the Planning Board shall take into consideration the prospective character, density and uses within the proposed subdivision — whether residential, commercial or industrial.~~

~~Check street acceptance act — updated? Reference most current version of street standards, etc.~~

- ~~A. Required Improvements. The Planning Board shall require the installation of the following improvements in accordance with Town Law, unless it shall specifically waive in writing any such improvements as provided in Article IX, Section 1:~~
- ~~1. Parks, playgrounds, or other public open spaces of adequate size and location for recreational purposes;~~
  - ~~2. Paved streets and roadways;~~
  - ~~3. Street signs and posts;~~
  - ~~4. Pedestrian ways;~~
  - ~~5. Street lighting;~~
  - ~~6. Curbs or gutters;~~
  - ~~7. Street trees;~~
  - ~~8. Water mains and fire hydrants;~~
  - ~~9. Sanitary sewage disposal facilities;~~
  - ~~10. Storm drainage system;~~



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~~11. Seeding or sodding of planting strips with lawn areas; and~~

~~12. Monuments suitably placed and installed.~~

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

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

~~D. Inspection of Improvements. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board, which fee shall not exceed two percent (2%) of the cost of the installation of the required improvements, and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements to that the Town Board may cause such inspection to be made to assure that all Town specifications and requirements shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities as required by the Planning Board. In order to facilitate the inspection of required improvements during construction, the applicant shall notify the designated Town Engineer at least three (3) working days before reaching each of the following stages of construction:~~

~~1. Rough grading complete;~~

~~2. Drainage and other underground facilities installed, put prior to backfilling;~~

~~3. After gravel base is spread and compacted;~~

~~4. When each pavement course is being applied; and~~

~~5. After completion of all improvements.~~

~~The applicant shall not proceed to work on any stage subsequent to the first stage until the work of the prior stage has been inspected and approved by the designated Town Engineer, or his duly authorized representative. In the event of any other requirements, the designated Town Engineer shall inspect the work at such progressive stages as he shall specify at the time of the project initiating conference. The designated Town Engineer shall certify to the Planning Board that the work was inspected by him and was found to be in accordance with the approved plans and specifications.~~

~~E. Proper Installation of Improvements. If the designated Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, the Building Inspector and the Planning Board. The Town Board shall then notify the subdivider and, if necessary, the bonding company and~~

~~take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.~~

## **~~Section 2.—Performance Guarantees for Required Improvements~~**

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

~~A. Procedure. Before the Planning Board grants final approval of the Final Subdivision Plat, the subdivider shall provide a detailed engineer's cost estimate for all required improvements for review and concurrence by the designated Town Engineer and shall subsequently follow the procedure set forth in either subparagraph (1) or subparagraph (2) herein:~~

- ~~1) In any amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance guarantee to cover the full cost of the required improvements. Any such performance bond or equivalent security shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year, or such other period as the Planning Board may determine appropriate not exceeding three (3) years, shall be set forth in the bond or equivalent security within which the required improvements must be completed. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board. If the Planning Board shall decide at any time during the term of the performance guarantee that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance guarantee, or that required improvements have been installed as provided in this Article and by the Planning Board in sufficient amount to warrant reduction in the face amount of said bond, or that the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of such bond or equivalent security, the Planning Board may modify its requirements for any or all such improvements, and the face value of such performance guarantee shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced or increased proportionately.~~
- ~~2) The subdivider shall complete all required improvements to the satisfaction of the designated Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the designated Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. The~~

~~subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board.~~

- ~~B. As Built Drawing Required. No required improvements shall be considered to be completed until the installation of the improvements has been approved by the designated Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to provisions of A (2) above, then said map shall be submitted prior to endorsement of the plat by the authorized Planning Board officer. However, if the subdivider elects to provide a performance guarantee for all required improvements as specified in A (1) above, such bond or equivalent security shall not be released until such map is submitted and deemed satisfactory by the Planning Board.~~

### ~~Section 3. — Maintenance Bonds~~

~~The subdivider shall file with the Town Board a maintenance bond in an amount based on a maximum of ten percent (10%) of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition of the initial public improvements for a period of three (3) years following their completion and acceptance, where applicable, by the Town Board. Such bond shall be satisfactory to the Town Attorney as to form, manner of execution and surety and in an amount satisfactory to the designated Town Engineer. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board.~~

### ~~Section 4. — General Liability Insurance~~

- ~~A. Filing Requirement. The subdivider shall file with the Town Attorney a General Liability Insurance Policy at the same time that he files his performance guarantee. The Town Board shall approve the policy as to form. The policy shall be in force during the term of the performance guarantee and shall be extended in conformance with any extension of the performance guarantee. The subdivider shall additionally file a copy of said certified check or other performance guarantee with the Clerk of the Planning Board.~~
- ~~B. Limits of Coverage. The policy shall insure the Town and the subdivider, and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have limits of liability of one hundred thousand dollars (\$100,000) for bodily injury to each person and three hundred thousand dollars (\$300,000) liability on the aggregate for each accident, and property damage liability of five thousand dollars (\$5,000) for each accident and twenty five thousand dollars (\$25,000) aggregate property damage liability or such higher limits as the Planning Board may require, upon recommendation of the designated Town Engineer.~~

### ~~Section 5. — Public Franchise Utilities~~

- ~~B. Service Connections. When public franchise utilities are to be installed, the subdivider shall submit to the Planning Board written assurances from each public utility company that such company will make the necessary service installations within a time limit and according to specifications satisfactory to the Planning Board.~~

~~— Easements or Other Releases. The Final Plat shall show statements by the owner granting all necessary easements or other releases where required for the installation of public franchise utilities.~~

~~section 277.6 NYS TOwn law. planning board shall refer to ZBA for area variance without need to get~~

~~wavers article 9~~

## **ARTICLE VIII. PROVISION FOR CLUSTERING AND OTHER FLEXIBILITY** **consistent with zoning**

Whereas pursuant to Resolution of the Town Board, the Planning Board is empowered to modify to the extent provided within the Zoning Ordinance applicable provisions of said Ordinance in accordance with the provisions **of Section 281** of the Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the procedure utilized by the Planning Board in reviewing applications for approval of a cluster subdivision within the Town of East Greenbush.

- A. Request by Subdivider. A subdivider may request the use of **Section 281** simultaneously with or subsequent to presentation of the sketch plan as per procedure described in **Article IV, Section 2.** Any submission subsequent to approval of a preliminary plat shall require a reapplication for sketch plat review.
- B. Sketch Plan. A subdivider shall present along with a proposal in accordance with the provisions of **Section 281**, a standard sketch plan which is consistent with all the criteria established by these Subdivision Regulations including, but not limited to, streets being consistent with the Street and Highway Specifications, and lots being consistent with the Zoning Ordinance.
- C. Lands for Park, Recreation, Open Space or Other Municipal Purposes. If the application for this procedure results in a plat sketch showing land available for park, recreation, open space, or other municipal purposes, directly related to the plan, then conditions as to ownership, use and maintenance of such lands as are necessary to assure the preservation of such lands for their intended purposes shall be set forth upon discussion with the Planning Board.
- D. Plat Submission. Upon determination that such sketch plan is suitable for the procedures under Section 281 and subsequent Resolution by the Planning Board authorizing the subdivider to proceed a preliminary plat meeting all of the requirements of the Resolution shall be presented to the Planning Board and thereafter the Planning Board shall proceed with the required public hearings and all other requirements of these Regulations.
- E. Filing, Notation on Zoning Map. On the filing of a final plat in the Office of the County Clerk in which **Section 281** has been used, the subdivider shall file a copy with the Town Clerk who shall make appropriate notations and reference thereto on the Town Zoning Map. The Clerk of the Planning Board shall notify the Building Inspector when such a plat is filed.

## ARTICLE IX. WAIVERS, MODIFICATION AND REVIEW

### Section 1. Waiver of Specific Improvements

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

### Section 2. Modification of Specific Requirements

Where the Planning Board finds that compliance with these Regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of these Regulations may be modified by specific Resolution of the Planning Board to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these and other Town regulations. ~~Any such modification in specific requirements stated within these Regulations, except for modifications solely related to procedure, shall be preceded by recommendation to, and concurrence by, the Town Board.~~

### Section 3. Review of Decisions of the Planning Board

Any Officer, Department, Board or Bureau of the Town, with the specific approval of the Town Board, or any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning a plat decision, may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a Court of Record on the ground that such decision is illegal in whole or in part. Such proceeding must be commenced within thirty (30) days after the filing of the decision in the Office of the Town Clerk.

Commencement of such proceeding shall stay all further proceedings upon the decision appealed from.

## ARTICLE X. AUTHORITY TO SIGN SUBDIVISION PLATS AND ACT ON BEHALF OF THE PLANNING BOARD

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

## ARTICLE XI. PLAT VOID IF REVISED AFTER APPROVAL

No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approves in writing any such modifications. In the

event that any subdivision plat is recorded without complying with these requirements, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the Office of the County Clerk.

## **ARTICLE XII. CONFLICT WITH OTHER LAWS**

Should these Regulations conflict with, or otherwise be inconsistent with any provision of any regulation of the Town of East Greenbush, the more stringent provision shall apply. Similarly, should any provision of this Regulation conflict with another provision of this Regulation, the more stringent provision shall apply.

## **ARTICLE XIII. SEPARABILITY**

Should any section or provision of these Regulations contained therein, or as amended, or the application thereof to any person or circumstance, hereinafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be invalid.

The Planning Board hereby declares that it would have enacted these Regulations or the remainder thereof, and the Town Board declares that it would have approved the same, even if the invalidity of such section or provision or its application had been apparent.

DRAFT