

Subdivision Regulations

Town of HALCOTT

Amended May 2018

Amendments to the April 2011 Town of Halcott Subdivision Regulations

Be it enacted by the Town Board of the Town of Halcott, Greene County, New York, as follows:

Subdivision Regulations

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Article I General Provisions

Section 1. Authority

By authority of the resolution of the Town Board of the Town of Halcott adopted February 19, 1987, and amended on April 26th, 2011, to reflect the requirements and goals contained in the Town of Halcott Land Use Code, adopted June 2009, and pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Halcott is empowered to review and approve plats for the subdivision of land in the Town of Halcott.

Section 2. Jurisdiction

Lands within the Town of Halcott may be subdivided into lots, blocks, or sites, with or without roads or highways, only if approved by the Planning Board in accordance with the procedures and requirements as set forth in these Regulations, and only if the approved plat is duly filed in the Office of the County Clerk of Greene County, NY.

Section 3. Policy

It is declared to be the policy of the Town Board to consider land subdivisions as part of a plan for the orderly, efficient, and economical development of the Town. This means, among other things:

- A. That land to be subdivided shall be of such character that it can be used safely for building purposes without danger of health or peril from fire, flood, or other menace, and without resulting in significant and/or irreparable damage to the ecology of the area in which it is located;
- B. Land shall be subdivided or developed with due regard to topography, natural features, viewsheds and agricultural

activities so that the Town's open spaces, rural character, and farmlands shall be protected and enhanced according to the Town's adopted comprehensive plan.

- C. That proper provisions shall be made for surface drainage, water supply, sewage and other needed improvements;

That all proposed lots shall be laid out and of such size as to not cause any adverse effects, such as erosion, on neighboring properties or roadways;

- D. That roads shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to follow the natural contours of the land.

Section 4. Amendments

These regulations may be amended by the Town Board after public hearing on such amendments. Any proposed subdivision of land which has not received preliminary approval prior to the effective date of any amendment shall comply with the regulations as amended. The Town Board shall seek an advisory opinion on the proposed amendments from the Planning Board prior to adoption.

Section 5. Waivers

Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not a requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirement subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Town Comprehensive Plan or the Land Use Code. All requests for waivers shall be in writing clearly stating the reasons for the requested waiver. All decisions of the Planning Board on a waiver request shall also be in writing.

Section 6. Separability

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

Section 7 Compliance with SEQR

Applicants for subdivision approval and all Town boards or agencies involved in the review of such applications shall fully comply with Article 8 of the New York Environmental Conservation Law and its implementing regulations (6 NYCRR Part 617), hereafter referred to as "SEQR."

Section 8 Boundary Line Changes

Lot line adjustments involving 2 lots may be exempted from subdivision review if they involve only a boundary line adjustment (ex. Change of boundary between two adjoining parcels) and are in accordance with the following procedures:

- A. A map and survey of the portion of land to be conveyed by a grantor to his/her adjacent landowner shall be prepared.
- B. The grantor shall convey the parcel of land in issue by way of a proper deed and shall record the same.
- C. The adjacent landowner shall prepare and record a deed which describes as a single parcel, his/her existing property and the parcel being acquired from the grantor.
- D. Prior to determining that the proposal is a “boundary line change”, the Halcott Planning Board and the attorney for the Town shall review:
 - 1. The map and survey of the land to be conveyed by the grantor;
 - 2. The proposed deed conveying the parcel in issue to the adjacent landowner;
 - 3. The proposed deed of the adjacent landowner which describes as a single parcel his existing property and the parcel being acquired from the grantor.
 - 4. The proposed lots, to ensure that no new parcel of land is created.

Upon determining a “boundary line change” the Halcott Planning Board Chairman, or acting Chairman as the case may be, shall mark the adjacent landowner’s survey map “accepted for filing by the Halcott Planning Board” which shall then be properly signed and dated by the duly designated officer of the Planning Board. In the event the approved survey map and the respective deeds are not filed within thirty days of the date upon which they are approved, the altered lot line shall become null and void as though it had never been approved.

Article II Definitions

Except where specifically defined, all words used in these standards shall carry their customary meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural, unless the context clearly indicates otherwise. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "person" includes an individual person, a firm, a corporation, a co-partnership, and any other agency of voluntary action.

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

ACTIVE AGRICULTURE – land currently used for the production or raising of crops, animals or animal products, the selling of such products grown on premises and any other commonly accepted agricultural operations.

ACTIVITY - any land disturbance, including any development activity for which an application for development is necessary.

ACTIVE AGRICULTURAL LAND- land under agricultural management.

AGRICULTURAL DATA STATEMENT – a written identification of farm operations within an agricultural district located within 500 feet of the boundary of property upon which a site plan review, special use permit, use variance, or subdivision is proposed as provided in Section 305-a of the Agricultural and Markets Law of the State of New York. An “Agricultural Data Statement” shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a tax map or other maps showing the site of the proposed project relative to the location of farm operations identified in the Agricultural District.

BOUNDARY LINE CHANGE: the process whereby the owner of one parcel of land conveys a portion of land to an adjacent landowner merely for purposes of increasing the size of the neighbor's land without creating a new lot.

BUILDING ENVELOPE – the space within which a structure and its supporting infrastructure is permitted to be built on a lot and that includes the building, driveway, and any lands disturbed for well and septic systems.

COMPREHENSIVE PLAN: Town of Halcott Comprehensive Plan, adopted by the Town Board, December 10, 2003.

CLUSTER DEVELOPMENT – a residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder. In no case, however, shall the number of buildings, lots or dwelling units exceed the number which could be permitted, if the land were subdivided into lots conforming to all requirements of this Subdivision Regulation and the Town Land Use Code.

CONSERVATION EASEMENT - an easement, covenant, restriction or other interest in real property, created under Article 49 of the Environmental Conservation Law of the State of New York, which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archeological, architectural, or natural condition, character, significance or amenities of

the real property in a manner consistent with the public policy and purpose stated in Section 49-0301 of the Environmental Conservation Law of the State of New York.

CONSERVATION SUBDIVISION - a residential development designed around land conservation where half or more of the total tract area suitable for building is designated as permanent open space. The overall number of dwellings allowed in a conservation subdivision is determined by the density requirement detailed in the Town of Halcott Subdivision law and is exactly the same as would be permitted in a conventional layout. Conservation subdivisions are full-density development that occurs simultaneously with preservation of significant natural and cultural features as required in this Section.

DEAD-END ROAD OR CUL-DE-SAC: a road or a portion of a road with only one vehicular traffic outlet.

DRIVEWAY: a private right-of-way providing access into a single lot with said drive used for personal use only.

EASEMENT: the right to use the land of another, obtained through the purchase or other acquisition of use rights from a landowner.

ENVIRONMENTAL ASSESSMENT FORM (EAF): a form used by the Planning Board in the State Environmental Quality Review process to assist in determining the environmental significance or nonsignificance of an action or project.

ENVIRONMENTAL IMPACT STATEMENT (EIS) - a written document required for each subdivision which the Planning Board determines may have a significant effect on the environment.

EXISTING FEATURES - physical features of the land or that describe the land such as, but not limited to contour lines, slopes, wetlands, streams, lakes, ponds, floodplains, rocky outcroppings, wooded locations.

FLOODPLAIN – the channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

HOMEOWNERS ASSOCIATION (HOA) - an incorporated organization that owns and maintains property for the common benefit of individual homeowners or lot owners where the homeowners or lot owners are required to contribute to the maintenance of the common property or where the homeowners or lot owners are required to join the HOA as a condition of their ownership of the home or lot. As much as this definition conflicts with any definition of “Homeowners Association” in State law, the Town intends to supercede State law on the definition of Homeowners Association.

IMPROVEMENT: those physical changes to the land necessary to produce usable and desirable lots including grading, pavement, gutter, storm sewers, street signs, trees, etc.

LAND TRUST - a not-for-profit organization, private in nature, organized to preserve and protect the natural and man-made environment by, among other techniques, holding conservation easements that restrict the use of real property.

LICENSED ENGINEER: an engineer who is retained by the Town at the expense of the subdivider.

LOT – A defined portion or parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use, or ownership, and the customary accessories and open spaces belonging to the same.

ONE HUNDRED YEAR FLOOD PLAIN - the line which is formed by following the outside boundaries of the area inundated by a 100 year flood. A 100 year flood is estimated to have one percent chance or one chance in 100 of being equaled or exceeded in any one year. The 100 year flood line shall be determined by reference to the FEMA Flood Insurance Rate Maps and Flood Studies duly adopted for the Town.

OPEN SPACE – the area of land normally not developed with structures or buildings, and that is the preserved portion of lands in the conservation subdivision. Required open space in conservation subdivisions may be included within individual lots only if such lot is 5 acres or larger. No open space shall be designated within 50 feet of the principal structure or dwelling.

PARCEL: a tract of land either unsubdivided or consisting of two or more contiguous lots recorded in a plat or one deed under one ownership.

PERFORMANCE BOND: a bond as required by Section 277 of the Town Law to assure the full and satisfactory completion of all required subdivision improvements as specified in the Planning Board Resolution.

PLANNING BOARD OR BOARD: the Planning Board of the Town of Halcott.

PLAT, FINAL: a map or drawing which is prepared in the manner prescribed by these regulations, that shows a proposed subdivision and such additional information as may be required by these regulations, and any modifications, if any, required by the Planning Board at the time of the approval of the Preliminary Plat.

PRELIMINARY PLAT: a drawing or drawings clearly marked "Preliminary Plat" showing the layout of a proposed subdivision, as specified in Article V, 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 of the proposed subdivision.

PRIMARY CONSERVATION AREA - wetlands regulated by State or Federal law, water bodies, areas within a floodplain, and areas with slopes equal to or greater than 20%.

PRIME SOILS - soils defined by the United States Natural Resources Conservation Service and the State of New York as being particularly suited and best used for agricultural purposes.

RESUBDIVISION: means a change in a map of an approved and recorded subdivision plat if such change affects any road layout on such map or any lot line. Any re-subdivision which will create a total of five (5) or more new lots shall be classified as a major subdivision.

ROAD: streets, roads, avenues, lanes or other traffic ways, between right-of-way lines. The term "road" does not include driveways.

ROAD PAVEMENT: the wearing or exposed surface of the roadway used by vehicular traffic.

ROAD WIDTH: the width of right-of-way, measured at right angles to the centerline of the road.

SECONDARY CONSERVATION AREA - mature woodlands, meadows, scenic vistas, wildlife habitats and sites of historic, cultural or archeological significance.

SECRETARY OF THE PLANNING BOARD: that person who shall be designated to perform the duties of the Clerk or Secretary of the Planning Board for all purposes of these regulations.

SETBACK – The minimum distance in feet from the lot line or centerline of the road to the principal building on a lot.

SETBACK, FRONT - the distance between the building and the front property line or the roads right-of-way, whichever is further from the center line of the road.

SKETCH PLAN: a sketch of a proposed subdivision showing the information specified in Article V, Section 1, of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

STEEP SLOPE – all ground areas having a topographical gradient equal to or greater than twenty percent (20%) measured by utilizing two (2) foot contours.

STREAM - a natural and not man-made waterway depicted on the maps included in the Comprehensive Plan of the Town of Halcott on file with the Town Clerk. A stream shall not include swales or drainage ditches. A stream classified as protected under Article 15 of the New York State Environmental Conservation Law shall be considered a “protected stream”.

STREAM CORRIDOR - the stream channel (the bed and banks of a stream which confine and conduct continuously or intermittently flowing water), the area within the one hundred year flood line and a minimum of 100 feet from the one hundred year flood line, extending outward from the stream channel, on both sides of the stream. If there is no one hundred year flood line delineated, the distance shall be measured outward from the bank of the stream channel. If slopes greater than 20% abut the outer boundary of the stream corridor, the area of such slopes shall also be included as the stream corridor.

SUBDIVISION: the division of any parcel of land into two or more lots, blocks or sites, with or without roads, including resubdivision.

MAJOR SUBDIVISION: any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new road or extension of municipal facilities. At the time when a sequence of minor subdivisions of a single parcel of land over a period of five years creates a fifth lot, the subdivision shall be classified as a major subdivision.

MINOR SUBDIVISION: any subdivision containing not more than four lots fronting on an existing road, not involving any new road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Town of Halcott Comprehensive Plan, Town of Halcott Land Use Code, or these Regulations.

SUBDIVIDER: any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

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

TOWN STANDARDS: the standards and specifications adopted by the Town Board for the construction of new roads and related improvements.

Article III Subdivision Approval Procedures

Whenever a landowner intends to subdivide a tax lot, prior to the conveyance of a subdivided portion thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the landowner or his duly authorized agent shall apply in writing for approval of such subdivision in accordance with the following

procedures. Construction shall not begin until the Planning Board has approved a sketch plan or final subdivision plat for said subdivision.

Section 1. Sketch Plan

A. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least ten days prior to the regular meeting of the Board two copies of the Sketch Plan of the proposed subdivision which shall comply with the requirements of Article V, Section 1, for the 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. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article III, Sections 2 and 4, of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III, Sections 3 and 4. Further improvements of Article III, Section 5 may also be required.

C. Sketch Plan Review

The Planning Board shall determine whether Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

Section 2. Approval of Minor Subdivision Plat

A. Application Requirements

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Minor Subdivision Plat using the application available from the Secretary of the Planning Board. Failure to submit an application within this time period shall require resubmission of the Sketch Plan to the Planning Board for reclassification. 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 V, Section 2 of these regulations.

1. Fee – all Applications for Plat approval for Minor Subdivisions shall be accompanied by a fee pursuant to the Town of Halcott Fee Schedule, revised each year at the Organizational Meeting of the Town of Halcott Town Board.
2. Number of Copies – Five copies of Minor Subdivision Plat shall be presented to the Secretary of the Planning Board.
3. Official Submission Date – The time of submission of the Subdivision Plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and all data required by Article V, Section 2 of these regulations has been filed with the Secretary of the Planning Board.
4. Planning Board Meeting – the subdivider, or his duly authorized representative, shall attend a meeting of the Planning Board to discuss the Minor Subdivision Plat.

B. Receipt of Complete Application

An application for a minor subdivision shall not be considered complete until a negative declaration has been filed or until a notice of completion of the DEIS has been filed in accordance with the provisions of SEQRA. The time periods for review of a minor subdivision shall begin upon filing of such negative declaration or such notice of completion.

C. Public Hearing

A public hearing shall be held by the Planning Board within 62 days after the receipt of a complete application for the Minor Subdivision Plat. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing. The applicant shall send notice of the Public Hearing to abutting property owners by certified mail, return receipt requested at least seven (7) days prior to the public hearing. The Planning Board shall also send notice of the Public Hearing to any adjacent municipality located within 500 feet of the proposed development. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such plat.

D. Action on Minor Subdivision Plat

The Planning Board shall, within 62 days from the close of the date of the public hearing, approve, modify and approve, or disapprove the Subdivision Plat by

resolution. The Planning Board shall state in writing any modifications it deems necessary for approval. The Planning Board is further authorized to require addition of any modification or plat note associated with approval of the subdivision on the plat. Failure of the Planning Board to act within such time period shall constitute approval of the plat. Time periods may be extended only by mutual consent of the owner and the Planning Board. Within five business days from the date of the adoption of the resolution stating the decision of the Board, the Planning Board shall file a copy of such resolution in the office of the Town Clerk. If the proposed subdivision is in or within 500 feet of a certified New York State Agricultural District, the Planning Board shall cause the following statement to be placed on the plat: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration."

Section 3. Approval of Major Subdivision Plat

A. Major Subdivision Preliminary Plat

1. Application Requirements

Within six (6) months of classification of a proposed subdivision as "major." The subdivider shall file an application for approval of a Major Subdivision Preliminary Plat using the application available from the Secretary of the Planning Board. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall, in all respects, comply with the requirements set forth in the provisions of Sections 276, and 278 of the Town Law, and Article V, Section 3 of these regulations, except where a waiver may be specifically authorized by the Planning Board.

- 1.a) Fee – The application for approval of the Major Subdivision Preliminary Plat shall be accompanied by a fee pursuant to the Town of Halcott Fee Schedule.
- 1.b) Number of Copies – Five copies of the Major Subdivision Preliminary Plat shall be presented to the Secretary of the Planning Board.
- 1.c) Official Submission Date – The time of submission of the Major Subdivision Preliminary Plat shall be considered to be the date on which the application for approval, complete and accompanied by the required fee and all data required by Article V, Section 3A of these regulations, has been filed with the Secretary of the Planning Board.
- 1.d) Planning Board Meeting – The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Major Subdivision Preliminary Plat.

1.e) Receipt of Complete Application - An application for a Major Subdivision Preliminary Plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the DEIS has been filed in accordance with the provisions of SEQRA. The time periods for review of a Major Subdivision Preliminary Plat shall begin upon filing of such negative declaration or such notice of completion.

2. Major Subdivision Preliminary Plat Review

The Planning Board shall study the practicability of the Major Subdivision Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of roads, their relation to the topography of the land, water supply, sewage disposal, drainage, lots sizes, arrangement, and the future development of adjoining lands as yet unsubdivided, and the requirements and the goals of the Comprehensive Plan as well as the requirements and goals of the Land Use Code.

The Planning Board may require that other town officials including, but not limited to, the Highway Superintendent, Fire Chief, and Code Enforcement Officer, review and comment on the Major Subdivision Preliminary Plat. If other town officials are to participate in the review, the Secretary of the Planning Board will provide a copy of the Major Subdivision Preliminary Plat immediately to such officials. Comments from any other town officials should be submitted to the Planning Board by the scheduled public hearing.

3. Public Hearing

A public hearing shall be held by the Planning Board within 62 days after the receipt of a complete application for the Major Subdivision Preliminary Plat. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing. The applicant shall send notice of the Public Hearing to abutting property owners by certified mail, return receipt requested at least seven (7) days prior to the public hearing. The Planning Board shall also send notice of the Public Hearing to any adjacent municipality located within 500 feet of the proposed development. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such plat.

4. Action on Major Subdivision Preliminary Plat

Within sixty two (62) days after the date of such hearing, the Planning Board shall approve, with or without modification or disapprove such Major

Subdivision Preliminary Plat by resolution, and the ground of a modification, if any or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When approving such plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such Major Subdivision Preliminary Plat it shall be certified by the Secretary of the Planning Board as granted preliminary approval and a copy retained in his office, a certified copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within such sixty two (62) day period shall constitute approval of the Major Subdivision Preliminary Plat.

When granting approval to a Major Subdivision Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) modifications to the Major Subdivision Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Major Subdivision Preliminary Plat.

B. Major Subdivision Final Plat

1. Application Requirements

The subdivider shall, within six months after the approval of the Major Subdivision Preliminary Plat, file with the Planning Board an application for approval of the Major Subdivision Final Plat in final form, using the application form available from the Secretary of the Planning Board. If the Major Subdivision Final Plat is not submitted within six months after the approval of the Major Subdivision Preliminary Plat, the Planning Board may refuse to approve the Major Subdivision Final Plat and require re-submission of the Major Subdivision Preliminary Plat.

- 1.a) Fee – All applications for approval of Major Subdivision Final Plat shall be accompanied by a fee pursuant to the Town of Halcott Fee Schedule.
- 1.b) Number of Copies – Three copies (one copy in ink on mylar) of the Major Subdivision Final Plat, the original and one true copy of all offers of cession, covenants, and agreements and two prints of all construction drawings shall be presented to the Secretary of the Planning Board at the time of submission of the Major Subdivision Final Plat.
- 1.c) Official Submission Date – The time of submission of the Major Subdivision Final Plat shall be considered to be the date on which the

application for approval of the final plat, complete and accompanied by the required fee and all data required by Article V, Section 4 of these regulations, has been filed with the Secretary of the Planning Board.

2. Endorsement of Other Agencies

- (a) Water and sewer facility proposals contained in the Major Subdivision Final Plat shall be properly endorsed and approved by the New York City Department of Environmental Protection. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State Agencies. Endorsement and approval by the New York State Department of Health, when necessary shall be secured by the subdivider before official submission of the Subdivision Final Plat. The Planning Board shall ensure endorsement of any other agency including, but not limited to the Highway Superintendent, Army Corps of Engineers, NYS Department of Environmental Conservation, NY State Historic Preservation Office, or the New York City Department of Environmental Protection prior to approval of a final plat.
- (b) Prior to approval, the Planning Board shall forward the subdivision application and its supporting documentation to the Greene County Planning Board pursuant to New York State General Municipal Law 239- m.
- (c) Prior to approval, the Planning Board shall meet all requirements of the State Environmental Quality Review Act, 6 NYCRR Part 617.

3. Approval of final plats.

- (a) Submission of final plats. Final plats shall conform to the definition provided by this section.
- (b) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days of its receipt by the secretary of the Planning Board. When the Planning Board deems the Major Subdivision Final Plat to be in substantial agreement with the Major Subdivision Preliminary Plat approved under Section 3A of this Article, and modified in accordance with requirements of such approval if such Major Subdivision Preliminary Plat has been approved with modification, the Planning Board may waive the requirement for a public hearing.
- (c) Final plats not in substantial agreement with approved preliminary plats: When a final plat is submitted which the Planning Board deems not to be

in substantial agreement with a preliminary plat approved pursuant to this section, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted, a public hearing shall be held. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the state environmental quality review act. The public hearing shall be held within sixty-two days after the receipt of a complete final plat by the secretary of the Planning Board. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.

4. Action on Major Subdivision Final Plat

The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the Major Subdivision Final Plat, within sixty-two (62) days of its receipt by the Secretary of the Planning Board if no hearing is held, or if a hearing is held, within sixty-two (62) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a Major Subdivision Final Plat within this time shall be deemed approval of the plat.

Upon resolution of conditional approval of such Major Subdivision Final Plat the Planning Board shall empower a duly authorized officer to sign the plan upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution the plat shall be certified by the Secretary of the Planning Board as conditionally approved and a copy filed in his/her office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Major Subdivision Final Plat. Upon completion of such requirements the plat shall be signed by a majority of the Planning Board. Conditional approval of a Major Subdivision Plat shall expire one hundred eight (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 in the circumstances, for not to exceed two additional periods of ninety (90) days each.

If the proposed subdivision is in or within 500 feet of a certified New York State Agricultural District, the Planning Board shall cause the following statement to be placed on the plat: "This property adjoins land used for

agricultural purposes.

Farmers have the right to apply approved chemical and organic fertilizers, pesticides and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration.”

Section 4. Filing of Approved Subdivision Plat

A. Final Approval and Filing

Upon the completion of the requirements in Section 3 above and notation to the effect upon the Subdivision Plat, the Subdivision Plat shall be deemed to have final approval and shall be properly signed by a majority of the Planning Board and shall be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within sixty-two (62) days of the date upon which such Plat is approved (or considered approved by reasons of the failure of the Planning Board to act), shall become null and void.

B. Plat Void if Revised After Approval

No changes, erasures, modifications or revisions shall be made in any Subdivision Final 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 any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

C. Approval Denied if Subdivider is in Default

No Subdivision Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

Section 5. Required Improvements

A. Performance Bond

Before the Planning Board grants final approval of the Subdivision Final Plat, the subdivider shall follow the procedure set forth in either sub-paragraph (1) OR sub-paragraph (2) below:

In an 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 bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Board and

Attorney for the Town as to form, sufficiency, manner of execution and surety. A period of one year (or

three years) shall be set forth in the bond within which required improvements must be completed.

OR

1. The subdivider shall complete all required improvements to the satisfaction of a licensed engineer who may be retained at the expense of the subdivider and 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 certified check or a performance bond covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the licensed engineer. Any performance bond shall be satisfactory to the Town Board and Attorney for the Town as to form, sufficiency, manner of execution and surety.

B. Modification of Design of Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the licensed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the licensed engineer may, upon approval of the Planning Board, authorize modifications provided these modifications 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 improvements required by the Board. The licensed engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

C. Inspection of Improvements

1. Notification and Inspection Fee – At least five (5) days prior to commencing construction of any required improvements the subdivider shall notify the Town Board in writing of the time when he proposed to commence construction of such improvements so that the Town Board may cause inspection to be made by a licensed engineer to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board. At this time the subdivider shall pay to the Town Clerk the required inspection fee plus any additional amount deemed necessary to cover all costs incurred through inspection.

Proper Installation – If the licensed engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, 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, Code Enforcement Officer, and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the bond.

D. Approval of Improvements

The required improvements shall not be considered to be complete until the installation of the improvements has been approved by the licensed engineer, if hired, or the Town Planning Board if not, and a map satisfactory to the Planning Board has been submitted. If the subdivider completes all required improvements according to section 5A, subparagraph (2), then said map shall be submitted prior to endorsement of the plat by the Planning Board. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in section 5A, Subparagraph (1), such bond shall not be released until such a map is submitted.

Article IV Subdivision Standards and Requirements

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article I, Section 5 herein.

Section 1. General

A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger of health or peril from fire, flood or other menace.

B. Compliance with State Environmental Quality Review Act (SEQR)

Applications for subdivision approval and all Town boards or agencies involved in the review of such applications shall fully comply with Article 8 of the New York Environmental Conservation Law and its implementing regulations (6 NYCRR part 617), hereafter referred to as "SEQR."

Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Town specifications and/or to the satisfaction of the licensed engineer.

Section 2. Road Improvements

A. General Requirements

1. Compliance with Standards

In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford access for fire fighting, snow removal, and other road maintenance equipment, the design standards contained within these regulations and Standards for the Adoption of New Roads in the Town of Halcott, as may exist, and any other standards adopted by the Town are hereby required.

2. Arrangement

The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated as to compose a convenient system. Roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions, and for proper projection of roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

3. Provision for Future Resubdivision

Where a tract is subdivided into large lots, the Planning Board may require that roads and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

4. Relation to Topography

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography.

5. Block Size

Blocks should not be less than 400 feet nor more than 1200 feet in length. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20 feet wide easement through the block to provide for the crossing of utilities and pedestrian traffic where needed or desirable. In general, no block width should be less than twice the normal lot depth.

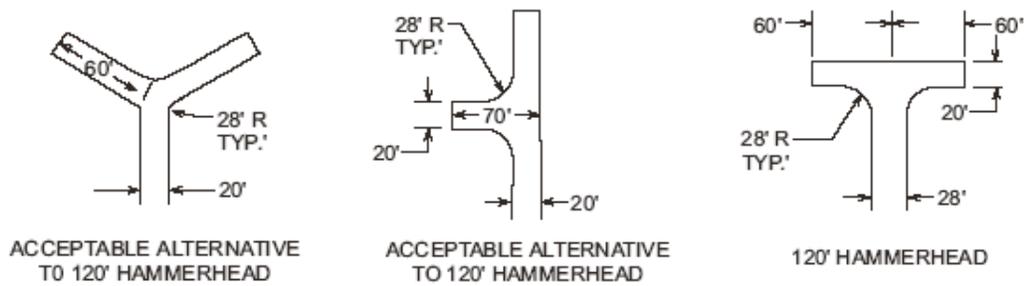
6. Road Names and Signs

All road names shown on any Plat shall be approved by the Planning Board. In general, roads shall have names and not numbers or letters. A road which is a continuation of an existing road shall bear the same name. Road signs, of the type approved by the Town Highway Superintendent, including warning and directional signs, shall be provided by the subdivider and placed within the road right-of-way.

B. Road Design and Construction

1. Roads shall be constructed according to Standards for the Adoption of New Roads in the Town of Halcott, as may exist.
2. Widths of Right-of-Way: Roads shall have a minimum right-of-way of sixty (60) feet.
3. All other road design and construction criteria of Local Law No. 1 of 2010 shall be met.
4. A combination of steep grades and curves should be avoided.

Dead-End Roads and Cul-de-Sacs: Cul-de-sac roads shall be discouraged. When a dead end road is the only feasible alternative, “Y” or “T” or “hammerhead” road designs shall be encouraged (see Figures below). Where dead-end roads are designed as a cul-de-sac, they shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (50) feet and pavement radius of fifty (40) feet, unless the Planning Board approves an alternate arrangement. The Planning Board may require, where needed or desirable along a dead-end road, reservation of a thirty (30) foot wide easement to the subdivision boundary to provide for the continuation of pedestrian traffic, and/or drainage facilities to the next road. To the maximum extent practical, the Planning Board shall require the “bulb” of the cul-de-sac to be permanently landscaped with trees and shrubs. When a dead-end road is the only feasible alternative, the Planning Board shall require adequate turning space for tractor trailers and other large vehicles.



5. Watercourses: Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by a licensed engineer and the Department of Environmental Conservation when necessary.

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 as required by a licensed engineer, and in no case less than twenty (20) feet in width.

6. Utilities in Roads: The Planning Board shall, wherever possible, require that utilities be placed in the road right-of-way between the paved roadway and the road line to simplify location and repair of lines when they require attention.

Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, easements at least twenty (20) feet in width shall be otherwise provided with satisfactory access to the road. Such easements shall present as few irregularities as possible and be cleared and graded where required.

C. Dedication of Roads

Procedures for dedication of roads shall be in accordance with the Town of Halcott Local Law No. 1 of 2010.

Section 3. Lot Requirements

A. Lots to be Buildable

The lot size, width, depth, shape and arrangement shall be such that in constructing a building there will be no foreseeable difficulty for reasons of topography or other natural conditions in securing building permits to build on all lots in compliance with these regulations, the New York State Health Department Regulations, the Uniform Fire Prevention and Building Code, the New York City Department of Environmental Protection regulations, and the Town of Halcott Land Use Code, Section 3.2. Lots should not be of a depth as to encourage the later creation of a second building lot at the front or rear.

B. Limitation of One (1) Dwelling on Any Lot

No more than one principal residential building may be placed on a lot.

C. Corner Lots and Setbacks

In general, corner lots should be larger than interior lots to provide for proper building setback from each road and provide a desirable building site.

D. Monuments

Monuments meeting specifications approved by a licensed engineer as to size, type and installation, shall be set to define subdivision and lot boundaries as well as other points as may be required.

E. Access

No lot can be landlocked. All lots shall have frontage on or direct access to a road. The Planning Board may require proof of access.

Section 4. Drainage Improvements

A. Removal of Spring and Surface Water

The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, in accordance with the Town of Halcott's

Standards for New Roads (Local Law #1 of 2010), or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Town construction standards and/or to the approval of the Highway Superintendent or a licensed engineer.

B. Accommodation of Upstream Drainage

Drainage design shall be in conformance with the Town of Halcott's Standards for New Roads (Local Law #1 of 2010). Concentrated drainage from lots onto the road right-of-way shall not be permitted.

C. Responsibility from Drainage Downstream

The subdivider shall study the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a "5 year" storm, the Planning Board shall notify the Town Board and shall not approve the subdivision until provision has been made for the improvement of said condition.

D. Land Subject to Flooding

Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

E. Wetlands

Areas shown on New York State (NYS) Department of Environmental Conservation maps as designated freshwater wetlands shall be regulated according to the provisions contained in Article 24 of the NYS Environmental Conservation Law.

Section 5. Parks, Open Spaces, and Natural Features

A. Parks and Playgrounds

The Planning Board may require the reservation of an area within the subdivision for a proposed park, playground or other public use in cases in which the Planning Board deems such requirements to be reasonable. The approval of a plat contained a proposed park shall not constitute an acceptance by the Town of such area but may be dedicated to the Town by the subdivider if the Town Board approves such dedication. The Planning Board may also require the filing of a written agreement between the applicant and the Town covering future deeds and title for dedication and provision for the cost of development and maintenance of any such recreation area.

B. Waiver of Designation of Areas for Parks and Playgrounds

Where, because of the size of the subdivision or for any other reason, it is the judgment of the Planning Board that it would be infeasible or undesirable for land to be dedicated or reserved for park, playground, or other public use, the Planning Board may require the applicant to pay a fee pursuant to the Town of Halcott Fee Schedule for each lot in a Major Subdivision in lieu of such land dedication or reservation. All such payments shall be held by the Town Board in a special Town Recreation Fund to be used only for park, playground or other recreational land acquisition or improvements.

C. Preservation of Natural Features

The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets.

Lands to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, to retain the natural contours and to conserve the natural vegetative cover and soil. Removal of any standing timber shall be done in such a manner as to maintain vital and mixed (age and type) growth, and in no case should a major subdivision remove more than fifty (50) percent of existing trees, except by approval of the Planning Board. All disturbed areas not occupied by building or structure or within a roadbed shall be properly graded and seeded to control erosion.

Section 6 General Standards to Minimize Adverse Impacts of Subdivisions

All subdivisions and land developments shall avoid or minimize adverse impacts on the municipality's natural, cultural and historic resources, as defined below.

- A. The proposed subdivision shall be designed to cause the least practicable amount of disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces.
- B. Minimize disturbance to streams, drainage swales and wetlands.
- C. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
- D. Subdivisions shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property.
- E. Protect where feasible prime agricultural soils and natural features which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops. Preferred locations for building are locations of lower topographic settings where development will be visually less obtrusive.
- F. All grading and earthmoving on slopes exceeding 20 percent shall be minimized.

Section 7. Miscellaneous

A. Integration of Procedures

Whenever the particular circumstances of a proposed development require compliance with the requirements of the Town of Halcott Land Use Code, the Planning Board shall attempt to integrate, as appropriate, subdivision review as required herein with the procedural and submission requirements for such other compliance.

B. Consultant Review

The Planning Board may consult with the Code Enforcement Officer, fire commissioners, highway superintendent, other local and county officials, and its designated private consultants, in addition to representatives of federal and state agencies including, but not limited to, the Natural Resources Conservation Service, the State Department of Transportation, the State Department of Health, and the State Department of Environmental Conservation. The Planning Board may hire a consultant, if needed, to review plans with the approval of the Town

Board and according to Section 6 (C), below of this local law.

C. Reimbursable Costs

Costs incurred by the Planning Board for consultation fees or other expenses in connection with the review of a proposed subdivision shall be charged to the applicant. The deposit of funds and payment of fees shall be as follows:

- C.1. At the discretion of the Planning Board, simultaneously with the filing of an application for preliminary subdivision plat approval and prior to the commencement of any construction the applicant shall deposit with the Town Supervisor a reasonable sum of money as defined in paragraph 4 below, to be used to pay the costs incurred by the Town for consultation fees or other extraordinary expenses related to the review of this project.
- C.2. Upon receipt of such sums, the Town Supervisor shall cause such monies to be placed in a separate non-interest bearing account in the name of the Town and shall keep a separate record of all such monies so deposited and the name of the applicant or developer and project for which such sums were deposited.
- C.3. Upon receipt and approval by the Town Board of itemized vouchers from an engineer, attorney or other consultant for services rendered on behalf of the Town or for direct expenses incurred, the Town Supervisor shall cause such vouchers to be paid out of the monies so deposited, and shall furnish copies of such vouchers to the applicant or developer at the same time such vouchers are submitted to the Town.
- C.4. The Town Board shall review and audit all such vouchers and shall approve payment of only such consultation fees as are reasonable in amount and necessarily incurred by the Town. For purpose of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by those consultants and professionals to the Town for services performed in connection with the approval or construction of a similar development.

Section 8 Clustered and Conservation Subdivision Layout

The purpose of this section is to enable and encourage flexibility of design and development of land in a way that promotes the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic qualities of open lands, to provide larger areas of open space for recreational and conservational purposes, and to implement objectives of the Town of Halcott Comprehensive Plan. Further purposes are to:

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

1. To provide residential development that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
2. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, hydric soils, woodlands and wildlife habitat.
3. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
5. To promote interconnected greenways and corridors throughout the Town.
6. To promote contiguous greenspace with adjacent jurisdictions or already preserved parcels of land.
7. To encourage street designs that reduces traffic speeds and reliance on main arteries.
8. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
9. To preserve important historic and archaeological sites.

A. General

A.1. Clustered or conservation subdivision development pursuant to the Town of Halcott Land Use Law, Article V, may be voluntarily applied to any parcel of land anywhere in the Town of Halcott. The Planning Board is authorized to approve a clustered or conservation design subdivision development simultaneously with the approval of a subdivision. The Planning Board is further authorized to vary or modify lot size and layout requirements in order to meet the objectives of this Section. Approval of a clustered or conservation subdivision development shall be subject to the conditions set forth in this section and all procedural and application requirements in this local Subdivision Regulation.

If a clustered or conservation subdivision is requested by the applicant, the developer/owner shall have made written application to the Planning Board for the use of this procedure. The Planning Board may use the authority given to it hereunder at the discretion of the Planning Board if, in the Board's

judgment, its application would benefit the town and the subdivision can meet the conditions of Section 8 (A) (7).

A.2. In order to encourage the preservation of open space and agricultural lands, the Town may provide a density incentive to applicants seeking approval of a clustered or conservation subdivision that meets all procedures, criteria and standards of this Section. Approval of any density incentive shall be pursuant to §261-b of the New York State Town Law and the Town of Halcott Land Use Code Article V, Section 5.2.

A.3. The Town of Halcott especially encourages subdivisions to be developed in a clustered or conservation layout when a proposed subdivision contains more than 25% of the parcel in one or more of the following:

Floodplain or flood hazard area as mapped by the Federal Emergency Management Agency

Steep slope >20% that occupies 25% or more of the site

Wetlands, State or Federal that occupy 25% or more of the site

Active Agricultural Lands

A residential development proposing ten or more dwelling units

A.4. The Planning Board, at its discretion, may waive requirements of this section if, for reasons specific to that parcel of land, it is not advantageous or physically feasible to do so.

A.5. When a clustered or conservation subdivision is proposed, the Planning Board's authority to vary or modify lot size and layout requirements may be used to impose conditions for the approval of any plat in order to ensure that the plat is consistent with this section.

A.6. Conditions. It shall be determined by the Planning Board:

(A.6.a) That such clustered or conservation subdivision development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements in close proximity;

That the permitted number of dwelling units shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot and density requirements of the Town of Halcott Land Use Code, Section 3.2, unless a density incentive has been approved by the Town Board.

(A.6.b) That the Planning Board as a condition of plat approval may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to assure the preservation of the natural and scenic qualities of such open lands.

(A.6.c) That the development proposal guarantees permanent retention of open space areas and ensures the care and maintenance of same.

A.7. General Standards.

(A.7.a) Density of development shall be calculated as per the Town of Halcott Land Use Code section 3.2.

(b) The application of this procedure shall result in the preservation of land on the plat in its natural state for passive recreational, open space, archaeological or historical resources, or to preserve active agricultural activities. The Planning Board, as a condition of plat approval, may establish such requirements on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. The details as to use and ownership shall be recorded by the owner as required by the Town.

(c) The open space created by the use of the provisions of this Section must be clearly labeled on the subdivision plat as to its use and the rights of the owners in the subdivision as well as whether it is to be dedicated to the Town or other governmental body, to an approved private or conservation corporation, or to a homeowners' association that meets with Planning Board approval. Such open space is to be preserved in perpetuity and the Planning Board shall require an easement or deed restriction as a condition of approval.

(d) If lands to be preserved as open space are to be offered for dedication to the Town, the Town Board may require that such conditions shall be approved by the Town Board before said plan shall be approved for filing.

A.8. General Procedures.

All procedures, notices, public hearings and filing of plat shall be subject to the provisions of this Subdivision Regulation Articles I, II, III, IV, and V.

B. Design and Layout of Clustered or Conservation Subdivisions

All Preliminary Plans for a Clustered or Conservation Subdivision shall include documentation of the four-step design process in determining the layout of proposed open spaces, house sites, streets and lot lines, as described below.

B.1. Step 1: Delineation of Conservation Lands

Conservation lands shall include all Primary and Secondary Conservation Areas. Those lands should be determined using criteria listed below in C, "Open Space Criteria," 1 a and b.

B.2. Step 2: Location of House Sites

Potential house sites shall be tentatively located, using the proposed conservation lands as a base map as well as other relevant data such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences, unless further distances are required as setbacks from wetlands by the New York State Department of Environmental Conservation. House sites may be clustered on one portion of the parcel or designed with alternative layouts.

B.3. Step 3: Alignment of Streets and Trails

After house sites are located, a street plan complying with the Town of Halcott's Standards for New Roads (Local Law # 2010) shall be designed to provide vehicular access to each house. If a street system is needed, it shall not be located on any portion of the parcel designated as preserved open space. The street system shall bear a logical relationship to topographic conditions of the site. Impacts of the street plan on proposed conservation lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 20%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained and to facilitate access to and from homes in different parts of the tract (and adjoining parcels). Whenever possible, street systems should be designed so that their curvature or alignment produces vista's of the open space elements. Single-loaded streets, where houses exist only on one side, are acceptable.

Step 4: Lot Lines. Upon completion of the preceding three steps, lot lines are drawn to delineate the boundaries of individual residential lots. Lot lines may be drawn midway between house locations and may also include L shaped flag-lots or other irregularly shaped lots that meet the Town's minimum standards for setbacks, sideyards and lot sizes, as they may exist. However, the Planning Board is authorized to vary lot layout and size requirements. Lot lines may extend into that portion of the parcel preserved as open space.

C. Open space criteria in a clustered or conservation subdivision. The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, part of one or more buildable lots, and protected as stated below:

C.1. A minimum of fifty percent (50%) of the total buildable area shall be preserved as open space when a clustered/conservation subdivision takes place. The primary and secondary conservation areas, as defined in this local law and below, together constitute the minimum open space areas to be preserved.

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

1. Lands within the regulatory 100-year floodplain;
2. Slopes above 20 percent;
3. DEC regulated wetlands and those wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
4. Populations of endangered or threatened species, or habitat for such species; and,
5. Archaeological sites, cemeteries and burial grounds

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

1. Important historic sites;
2. Lands with agricultural activities;
3. Existing healthy, native forests of at least three acres contiguous area;
4. Ridgelines;
5. Stream banks and stream corridors;
6. Other significant natural features and scenic viewsheds such as peaks and ridgelines or views of open fields, which are an important feature of Halcott's landscape.

C.2. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision by an appropriate designation on the approved plat, and, in addition, through one of the following recorded instruments:

A conservation easement (which is the preferred instrument), in a form acceptable to the Town and recorded at the County Clerk's Office.

- a. A declaration of covenants or deed restriction, in a form acceptable to the Town and recorded in the County Clerk's Office, where a conservation easement has been shown not to be practicable.
- C.3. The conservation easement, declaration of covenants or deed restriction shall restrict development of the open space to no more than one dwelling and allow the use of such space only for agriculture, forestry, recreation or similar purposes. The Planning Board, with the advice of the Attorney for the Town, shall approve the form and content of any easement, declaration or restriction. The filing of an approved easement, declaration or restriction shall be made a condition of final plat approval.
- C.4. The required open space may be used for underground drainage fields or for individual or community septic systems. However, septic systems shall not be allowed in open spaces preserved for agriculture.
- C.5. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground pipelines. However, land within the rights-of-way of high-tension power lines shall not be included as comprising part of the minimum required open space.
- C.6. Land preserved as open space shall contain at least 50 feet or 3% of the perimeter of the preserved open space of road frontage, whichever is greater.
- D. Location of open space and lot layout. Other characteristics of qualifying open space are detailed below. Preserved open space is preferred to be located on one "open space lot" but may be included as a portion of one or more lots provided the lot is greater than 5 acres in size. The preserved open space shall not include the area within a building envelope for the house site.
- D.1. The protected open space must have historic, ecological, agricultural, water resource, scenic or other natural resource value such as floodplains and wetlands. Examples of lands with conservation value include view corridors along scenic roads, agricultural land, ridge lines and hillsides visible from public areas. High quality agricultural land containing prime soils, even if suitable for development, shall be considered land of conservation value.
- D.2. To the extent practicable, open space shall be directly accessible or viewable from as many home sites as possible.

Access roads, local utility distribution lines, trails, temporary structures for outdoor recreation and agricultural structures shall be permitted on land devoted to open space provided they do not impair the conservation value of the open space land.

D.3. Evaluation criteria. The Planning Board shall evaluate proposals and ensure that the proposed layout:

- (D.3.a) Protects all floodplains, wetlands, and steep slopes from clearing, grading, filling or construction (except as may be approved by the Town for essential infrastructure or active or passive recreational amenities).
- (D.3.b) Preserves and maintains mature woodlands, existing fields, pastures, meadows, or orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses, to the extent possible. If development must be located on open fields because of greater constraints in all other parts of the site, dwellings should be sited at the far edge of a field as seen from existing public roads. Hedgerows, groups of trees, large individual trees of botanic significance, and other features representing the site's rural past are other resources that could be included in conservation areas.
- (D.3.c) Maintains or creates a buffer of natural vegetation of 100 feet from the center of the stream. Such buffers are not required for parcels containing existing agricultural uses unless required for wetland protection by the New York State Department of Environmental Conservation.
- (D.3.d) Designs around existing hedgerows and treelines between fields or meadows and minimizes impacts on large woodlands greater than five acres.
- (D.3.e) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features) should be included in conservation lands.
- (D.3.f) Protects wildlife habitat areas of species listed as endangered, threatened or of special concern by the New York State Department of Environmental Conservation. Other important habitats may include the upland areas adjacent to a wetland that may be important to certain wetland species.
- (D.3.g) Designs around and preserves sites of historic, archeological or cultural value insofar as needed to safeguard the character of the feature.

Avoids siting new construction on prominent hilltops or ridges by insuring that rooflines do not extend beyond

the tree-line.

- (D.3.h) Protects rural roadside character and improves public safety and vehicular carrying capacity by limiting development fronting directly onto existing public roads to no more than 60% of the allowable building lots in the subdivision. Buffers along rural roads with historic features such as buildings, barns, or stone walls may be used.
- (D.3.i) Allows open space lands to be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation land.
- (k) Creates open space lands that are interconnected wherever possible to provide a continuous network of conservation lands within and adjoining the subdivision. Except in those cases where part of the conservation lands is located within private house lots, they shall provide for pedestrian pathways for use by the residents of the subdivision.
- (l) Creates open space lands that are undivided by public or private streets, except where necessary for proper traffic circulation.
- (m) Creates open space lands that are suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect conservation resources.

E. Other Site Design and Open space criteria

- E.1. Residential structures in a clustered or conservation subdivision should be located according to the following guidelines, which are listed in order of significance (some of which may conflict with each other on a particular site, in which case, the Planning Board may use its discretion to resolve such conflicts):
 - a. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use;
 - b. Away from the boundaries of any preserved farm, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm;
 - c. In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses;

To avoid disturbance to the existing environmental, cultural and scenic features;

- d. To be as visually inconspicuous as is practical when seen from county and local roads, and particularly from designated scenic routes;
- e. Next to other residences or building lots on adjacent properties;
- f. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads;
- g. On suitable soils for subsurface sewage disposal (where applicable);
- h. Within woodlands or along the far edges of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.

E.2. Other Layout Criteria

- a. Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping.
- b. House lots shall generally be accessed from interior streets, rather than from roads bordering the tract. New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions containing twenty (20) or more dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow or unduly impact the environment.
- c. Open space shall be directly accessible or viewable from as many home sites as possible.
- d. The layout shall leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. A deep no-build, no-plant buffer is recommended along the road where those views or vistas are prominent or locally significant.
- e. The layout shall maintain or create a buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs and ponds.
- f. Designs around and preserves sites of historic, archeological or cultural value insofar as needed to safeguard the character of the feature.

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

E.3. Streets and driveways.

- a. Common driveway access may be provided. A pedestrian circulation and/or trail system may be designated and installed sufficient for the needs of residents, at the discretion of the Planning Board.
- b. Where appropriate, the Planning Board shall work with the Highway Department to ensure that the Town of Halcott road specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a cluster/conservation subdivision.
- c. From an aesthetic and speed control perspective, curving roads are preferred in an informal rural cluster to avoid long straight segments. Shorter straight segments connected by 90 degree and 135 degree bends are preferred in a more formal or traditional arrangement.
- d. Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.
- e. The use of reverse curves should be considered for local access streets in cluster subdivisions in conjunction with long horizontal curve radii (at least 250 feet) and where traffic speeds will not exceed 30 mph.
- f. Landscapes common areas and both sides of new streets with native species of shade trees.
- g. Single-loaded streets are encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.

E.4. Sewage treatment systems.

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

F. Ownership of Open Space. Open space land may be held in any form of ownership that protects its conservation values such as owned in common by a homeowner's association (HOA), dedicated to the Town, County or State governments, transferred to a non-profit organization, held in private ownership, or held in any other form of ownership. Any development permitted in connection with setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.

F.1. If the open space is to be owned by a HOA, the HOA must be incorporated before the final subdivision plat is approved.

F.2. The open space restrictions must be in perpetuity.

F.3. If land is held in common ownership by a HOA, the ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes, and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs.

F.4. The Planning Board shall find that the HOA documents satisfy the conditions above.

F.5. Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners.

Section 9. Stream Protection

The Planning Board shall ensure that all subdivisions maintain the quality of the streams of the town and to protect significant ecological components of stream corridors such as wetlands, floodplains, woodlands, steep slopes and habitats within the stream corridors of the watershed; and prevent flood related damage to the communities of the watershed. As such, all requirements of Local Law #1 of 2008 (Flood Prevention); New York State Environmental Conservation Law Article 15, Implementing Regulations, 6NYCRR PART 608; and New York City Chapter 18 (Rules And Regulations For The Protection From Contamination, Degradation And Pollution Of The New York City Water Supply And Its Sources) shall be met.

Section 10.

Erosion and Sedimentation Control

- A. Erosion and Sedimentation Control. The Planning Board shall ensure that erosion and sedimentation, with its resulting negative impacts on water quality, are minimized during development. Drainage, erosion and siltation control measures shall be implemented to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) Article 17 Title 8, Environmental Conservation Law Implementing Regulations – 6NYCRR Part 750, and all requirements of Chapter 18, (Rules And Regulations For The Protection From Contamination, Degradation And Pollution Of The New York City Water Supply And Its Sources).

- B. Erosion and sedimentation controls shall be constructed in accordance with the standards found in the publications: Guidelines for Urban Erosion and Sediment Control: New York 1991; Reducing the impacts of stormwater runoff from new development. NYS DEC, Bureau of Water Quality management, 1992; Controlling agricultural nonpoint source water pollution in New York State: A guide to selection of best management practices to improve and protect water quality. NYS DEC, Division of Water, Bureau of Technical Services and Research, 1991; SPDES General Permit for stormwater discharges from construction activities. NYS DEC, Division of Water. 1993; and Individual residential wastewater treatment systems design handbook. NYS Department of Health. 1996.

Article V Documents to be Submitted

Section 1. Sketch Plan

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

- A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing road intersection.

- B. All existing structures, wooded areas, streams, wetlands and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Where topographic conditions are significant, contours shall also be indicated at intervals of not more than twenty (20) feet.

- C. The name of the owner, the name of the professional person(s) responsible for the subdivision design, and the names of all adjoining property owners as disclosed by the most recent municipal tax records within five hundred (500) feet of any perimeter boundary of the subdivision.
- D. The proposed subdivision name, the tax map sheet, block and lot numbers, scale, north arrow and acreage involved.
- E. All the utilities currently available, including any existing or proposed easements, and all roads which are either proposed, mapped, or built.
- F. The proposed pattern of lots (including lot width, depth, and acreage), road layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
- G. All existing restrictions on the use of land including easements or covenants.
- H. If the proposed subdivision is in or within 500 feet of a certified New York State agricultural district, the applicant shall provide an agricultural data statement (on a form prescribed by the Town.)

Section 2. Minor Subdivision Plat

In the case of Minor Subdivision only, the Subdivision Plat application shall include the following information in addition to that required in Section 1 (Sketch Plan) of Article V:

- A. A copy of such covenants or deed restrictions as is intended to cover all or part of the tract.
- B. All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
- C. The plat to be filed with the County Clerk shall be printed or be clearly drawn in ink on Mylar. The size of the sheet shall be 24 by 36 inches, or 36 by 48 inches.
- D. A completed Environmental Assessment Form or Draft Environmental Impact Statement, as required by the Planning Board under the NYS Environmental Quality Review Act (SEQR).

Section 3. Major Subdivision Preliminary Plat and Accompanying Data

- A. Five copies of the Major Subdivision Preliminary Plat shall be submitted at a

scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch. The Plat shall be clearly marked "Major Subdivision Preliminary Plat" and shall include:

1. Proposed subdivision name, name of Town and County in which it is located, date, north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
2. The name of all subdivisions immediately adjacent and the names of the owners of record of all property adjacent to the subdivision and within five hundred (500) feet of any perimeter boundary.
3. Offers of cession of all land to be offered for dedication for roads, highways, easements, parks or other public facilities.
4. The location of all existing property lines, easements, structures, water bodies, watercourses, wetlands, flood hazard areas, rock outcrops, wooded areas and any other significant existing features that may influence the design of the proposed subdivision.
5. Accurate topographic mapping at a vertical contour interval of ten (10) feet or less as required by the Planning Board.
6. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades, direction of flow and existing easements.
7. The width, location and names of any roads or public ways or places within the area to be subdivided and the right-of-way width, location grades, and proposed easements, of all roads or public ways proposed by the developer.
8. Approximate location and size of all proposed water lines and sewer lines or alternative means of water supply or sewage disposal and treatment, including sites for on-site systems as provided in the Public Health Law. If individual septic systems are proposed, a sufficient number of soil percolation tests shall be performed in a logical pattern bearing close relationship to proposed building lots. The results of these soil tests shall accompany the Major Subdivision Preliminary Plat.
9. Storm drainage plan indicating the approximate location and size of proposed lines, their profiles and connection to existing and proposed drainage easements. Temporary measures to control erosion during construction phase shall also be shown.
10. Construction plans and other drawings, as required, to show the proposed location and types of all improvements required.

Preliminary designs of any bridges or culverts which may be required.

11. The proposed lot lines with approximate dimensions and area of each lot and the total acreage of the subdivision.
 12. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public road or other public road or public open space shown on the subdivision.
 13. An actual field survey of the boundary lines of the parcel, giving complete descriptive data by bearings and distances, prepared and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by a licensed engineer and shall be referenced and shown on the Plate.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract drawn at a scale of not less than four hundred (400) feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdividers entire holding submitted shall be considered in light of the entire holdings.
- C. A copy of such covenants or deed restrictions that are intended to cover any lot in all or part of the tract.

A completed Environmental Assessment Form or Draft Environmental Impact Statement, as required by the Planning Board under the NYS Environmental Quality Review Act (SEQR).

Section 4. Major Subdivision Final Plat and Accompanying Data

The following documents shall be submitted for Final plat approval:

The Final plat to be filed with the County Clerk shall be printed on or be clearly drawn in ink on Mylar. The size of the sheets shall be 12 inches by 18 inches or 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than 100 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Final plat shall show:

1. Proposed subdivision name or identifying title and the name of the Town and County in which the subdivision is located, the name and address of record owner and subdivider, and the name, license number and seal of the licensed land surveyor.
2. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
3. Sufficient data determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
4. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each road. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true north point.
5. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereof.
6. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Attorney for the Town as to their legal sufficiency.
7. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
8. All lot corner markers shall be permanently located satisfactorily to the Town or a licensed engineer, and located in the ground to existing grade.
9. Monuments shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all road intersections, angle points in road lines, points of curve and such intermediate points as shall be required by the Town.

C. Construction drawings, including plans, profiles and typical cross-

sections as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catchbasins and other facilities.

Article VI. Enforcement and Court Review

Section 1. Enforcement Authority.

- A. Pursuant to Section 268 of the Town Law, and Local Law #1 of 2007 the Code Enforcement Officer has the authority to enforce the requirements and provisions of these Regulations. The Code Enforcement Officer may issue notices of violation, and stop-work orders and/or appearance tickets for the enforcement of these Regulations.

Section 2: Court Review.

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

Application for Review and Approval of Subdivision

TOWN OF HALCOTT

1. Name or Title of Subdivision _____
2. Subdivider: (If owner, so state; if agent or other type of relationship, State details on separate sheet)
Name _____

Address _____

Telephone No. _____
3. Licensed Land Survey or Engineer:
Name _____

Address _____

Telephone No. _____
4. Location of Proposed Subdivision: (Tax lot or other identification)
5. Easements or other Restrictions on Property: (Describe generally)
6. Names of Abutting Owners and Owners Directly Across Adjoining Streets: (include those in other towns)
7. Requested Exceptions. The Planning Board is hereby requested to authorize the following exceptions to or waivers of its regulations governing subdivisions (attach list of such exceptions with the reason for each exception set forth):
8. The undersigned hereby requests approval by the Planning Board of the above identified subdivision plat.

Signature _____
Name _____ Title _____

Date _____

Subdivision Check-List

This check list has been devised to assist Halcott through the subdivision review process. Enforcing subdivision regulations is simplified when each of the steps outlined in this check list is followed in sequence and each item on the list is followed in sequence and each item on the list is care- fully reviewed. You should be sure to note the date when each item is accomplished. If you need assistance in completing the process, please call the Greene County Planning Department at (518) 719-3290.

Application No.: _____ Sketch Plan Filing Date: _____

Name and Address of Applicant: _____

Name and Location of Subdivision: _____

STEP ONE: SKETCH PLAN

REVIEW: Location Map _____ Date of Sketch Plan meeting _____

_____ Structures & significant physical features

_____ Tax map data

_____ Available utilities

_____ Names of owner(s) and adjacent property owner(s)

_____ Conformity with Town of Halcott Comprehensive Plan

_____ Proposed recreation,

_____ Conformity with Land Use Code

PLANNING BOARD ACTION:

Classification (check one): ___ Minor ___ Major ___ Accepted for filing only

SEQR Recommendation (check one): ___ EAF short form ___ EAF long form ___ EIS

Planning Board's specific recommendations (send to subdivider in writing):

STEP TWO (FOR MINOR SUBDIVISIONS ONLY): FINAL SUBDIVISION PLAT

REVIEW:

_____ Location

_____ Application Filing Date

Map

_____ Tax map data

_____ Structures & significant physical features
 _____ Covenants & Deed Restrictions
 _____ Sewer & water meet Dept. of Health specifications
 _____ Names of owner(s) and adjacent property owners
 _____ SEQR requirements met

PLANNING BOARD ACTION:

_____ Public Hearing _____ Approval Date _____ Disapproval Date

Conditions for approval/Reasons for disapproval (send to subdivider in writing):

**STEP THREE (FOR MAJOR SUBDIVISIONS ONLY):
PRELIMINARY SUBDIVISION PLAT**

REVIEW:

_____ Subdivision Title	_____ Application Filing Date
_____ Existing property lines, buildings and easements	_____ Date, Scale, North Arrow
_____ Name of owner & surveyor	_____ Names of adjoining property owner(s) or subdivision(s)
_____ Location & sizes of existing proposed sewer, water & culverts	_____ Land to be dedicated to public &
_____ Name, location and width of adjacent streets	_____ Location of rock outcrops, streams, trees over 12" dia. & other pertinent features
_____ Right-of-way & pavement width, depth & sub-base	_____ Street access to adjoining property
_____ Bridge & culvert design	_____ Street grades & evaluations
_____ Dimensions, bearings or angles of all property boundary lines	_____ Contour intervals of 5 feet
_____ Covenants & deed restrictions	_____ Dimensions and area of lots
_____ Proposed parks and playgrounds	_____ SEQR requirements met
	_____ Proposed storm drainage plan

PLANNING BOARD ACTION:

_____ Mail SEQR Lead Agency Letter

_____ Public Hearing _____ Approval Date _____ Disapproval Date

Conditions for approval/Reasons for disapproval (Send to subdivider in writing):

STEP FOUR (MAJOR SUBDIVISION ONLY) FINAL SUBDIVISION PLAT

- REVIEW: _____ Application Filing Date
- _____ Plat on mylar _____ Date, Scale, North Arrow
- _____ Names, addresses & signatures of owner and subdivider _____ Name of adjoining property owners or subdivisions
- _____ Name, address & signature of licensed engineer or surveyor _____ Dimensions, bearings or angles of property being subdivided
- _____ Location, names & widths of existing & proposed streets _____ Location & names of proposed parks & playgrounds
- _____ Location & widths of existing & proposed easements _____ Lot lines with accurate dimensions & bearings or angles
- _____ Lot numbers _____ Curve data
- _____ Location, description & size of all monuments _____ Certification of Health Department approval
- _____ Lands dedicated to public _____ Lands reserved to developer
- _____ Covenants & deed restrictions _____ Conforms to preliminary plat?
- _____ SEQR requirements met

ARE CONSTRUCTION PLANS INCLUDED THAT SHOW:

- _____ Plans & profiles showing location, size & invert elevations of existing & proposed sanitary & storm sewers _____ Typical cross-section & details on street pavements, including curbs, gutters, sidewalks, manholes & catchbasins
- _____ Street trees _____ Street lighting standards
- _____ Street designs, plans & profiles on mylar or as required _____ Fire hydrants

PLANNING BOARD ACTION:

Second Public Hearing needed: () Yes () No If yes, date held _____

SEQR process completed & required SEQR notices filed _____

_____ Approval Date _____ Disapproval Date

Conditions for approval/Reasons for disapproval (Send to subdivider in writing):

Checklist for Review and Approval of a Clustered or Conservation Subdivision

This checklist has been devised to assist Halcott through the clustered or conservation subdivision review process.

Application No: _____

Sketch Plan Filing Date: _____

Name and Address of Applicant: _____

Name and Location of Subdivision _____

Step One: Identify Primary and Secondary Conservation Areas

_____ Primary Conservation Areas Identified on Map

_____ Secondary Conservation Areas Identified on Map

_____ Conservation Areas meet Criteria and include 50% of parcel

_____ Conservation Areas meet Layout Criteria

_____ Approved Plans for ownership

Step Two: Location of House Sites

_____ House Sites located to meet criteria

Step Three: Alignment of Streets and Trails

_____ Streets and Trails Identified and planned to meet criteria

Step Four: Lot Lines

_____ Lot Lines Drawn

_____ All other required Sketch Plan, Plat, Approval, Hearing and Filing Requirements Met (pages 45 – 47)