

Town of New Scotland

ALBANY COUNTY

NEW YORK

Adopted
APRIL 12, 1993

SUBDIVISION LAW

Local Law #1
1993

Planning Consultants



CT.MALE ASSOCIATES, P.C.
50 Century Hill Drive
Latham, New York

TABLE OF CONTENTS

Town of New Scotland Subdivision Regulations

ARTICLE I. GENERAL PROVISIONS.....	1
§1.100 Authority and Jurisdiction.....	1
§1.200 Purpose.....	1
§1.300 Short Title.....	1
§1.400 Fees.....	1
ARTICLE II. PROCEDURE - MINOR SUBDIVISION	1
§2.100 General Provisions.....	1
§2.200 Optional Pre-Application Sketch Plan Procedure.....	2
§2.201 Optional Sketch Plan Submission Requirements.....	2
§2.300 Procedure for Approval of a Minor Subdivision Plat	2
§2.400 Minor Subdivision Plat Submission Requirements.....	2
§2.500 Open Space.....	3
§2.600 Action on Minor Subdivision Plat /Inspector.....	3
§2.601 Action on Minor Subdivision Plat /Planning Board.....	4
§2.700 Final Approval and Certification of Minor Subdivision Plat	4
§2.800 Compliance with State and County Regulations.....	5
§2.900 Minor Subdivision Plat Filing Requirements.....	5
ARTICLE III. PROCEDURE - MAJOR SUBDIVISION	5
§3.100 Optional Pre-Application Procedure.....	5
§3.101 Optional Sketch Plan Submission Requirements.....	5
§3.200 Procedure for Approval of Preliminary Plat	6
§3.201 Major Subdivision Preliminary Plat Submission Requirements.....	6
§3.202 Action on the Preliminary Plat Submission.....	9
§3.203 Certification of the Preliminary Plat Submission.....	9
§3.204 Compliance with State and County Regulations.....	9
§3.300 Procedure for Approval of Major Subdivision Final Plat	10
§3.301 Major Subdivision Final Plat Submission Requirements.....	10
§3.302 Accompaniments.....	11
§3.303 Action on the Final Plat.....	11
§3.304 Certification of the Final Plat	13
§3.305 Major Subdivision Plat Filing Requirements	13
ARTICLE IV. DESIGN STANDARDS	13
§4.100 Land Requirements	13
§4.200 Street or Highway System.....	14
§4.300 Cul-de-Sacs.....	14
§4.400 Street or Highway Right-of-Way Widths.....	15
§4.500 Pavement Widths.....	15
§4.600 Street or Highway Alignment.....	15
§4.700 Street or Highway Grades.....	15
§4.800 Street Intersections.....	16

TABLE OF CONTENTS (cont.)

**Town of New Scotland
Subdivision Regulations**

ARTICLE IV. DESIGN STANDARDS (cont.)..... 16

 §4.900 Lots..... 16

 §4.1000 Easements 18

 §4.1100 Blocks 17

 §4.1200 Storm Water Management Plan..... 17

 §4.1300 Community Facilities and Comprehensive Land Use Plan
 Requirements 17

 §4.1400 Open Space..... 17

ARTICLE V. INFRASTRUCTURE IMPROVEMENTS..... 18

 §5.100 Identification of Proposed Improvements..... 18

 §5.200 Construction Standards..... 18

 §5.300 Minimum Improvements..... 18

 §5.400 Procedure for Installation of Required Improvements..... 19

 §5.500 Completion of Improvements..... 19

 §5.600 As Built Plans..... 19

ARTICLE VI. CLUSTER DEVELOPMENT..... 20

 §6.100 Applicability..... 20

 §6.200 Procedure 20

 §6.300 Standards..... 21

ARTICLE VII. WAIVERS AND MODIFICATIONS..... 21

 §7.100 Waivers..... 21

 §7.200 Modifications..... 22

 §7.300 Procedure for Applying..... 22

ARTICLE VIII. DEFINITIONS 22

 §8.100 Inclusions..... 22

 §8.200 Definition of Terms..... 22

APPENDIX A 25

ARTICLE I. GENERAL PROVISIONS

§1.100. Authority and Jurisdiction

A. The Town of New Scotland Planning Board has the power and authority to approve plats for sub-divisions within its corporate limits by virtue of a resolution adopted by the Town Board on the 4th day of May, 1962, pursuant to the provisions of Article 16, Chapter 62 of the Consolidated Town Laws of the State of New York and as amended thereafter.

B. The Town of New Scotland Building Inspector is hereby granted the power and authority to approve plats for Minor Subdivisions within the corporate limits of the Town of New Scotland by virtue of adopted of local town law # 1 by the Town Board on the 12th day of April, 1993 and as amended thereafter, provided such approval does not include discretionary interpretations of this law in which case said approval will be passed on by the Inspector to the Town of New Scotland Planning Board for review and approval.

C. Hereafter, all subdivision plats shall be submitted to the Town Building Inspector for appropriate distribution and approval, before being filed and recorded with the Office of the County Clerk.

D. Pursuant to Municipal Home Rule Law Sections 10 and 22 the Town Board of the Town of New Scotland hereby expressly supersedes all provisions of New York State Town Law Section 276 (enacted pursuant to chapter 964, Section 2 of the Laws of 1972 and as thereafter amended and as the same may hereafter be amended or recodified) and replaces the same with the provisions of this Local Law.

E. Pursuant to Municipal Home Rule Law Sections 10 and 22 the Town Board of the Town of New Scotland hereby expressly supersedes the current provisions of Subdivision 1 of New York State Town Law Section 277 (originally enacted pursuant to Chapter 634 of the Laws of 1932 and thereafter amended) and Subdivision 4 of

New York State Town Law Section 277 (scheduled to take effect on July 1, 1993 pursuant to Chapter 727, Section 2, of the Laws of 1992 and as the same may hereafter be amended or recodified). Such provisions are superseded by Section 2.500 of this Local Law.

§1.200. Purpose

These Regulations have been adopted in order to create conditions favorable to the health, safety, morals and general welfare of the citizens of the Town of New Scotland through provision of regulations that will ensure the harmonious development of the community.

§1.300. Short Title

These regulations shall be known and may be cited as "The Subdivision Law of the Town of New Scotland".

§1.400. Fees

Subdivision Applications shall only be accepted with appropriate application fees as outlined in the Town of New Scotland Fee Schedule, available through the Town Clerk and/or the building department.

ARTICLE II. PROCEDURE MINOR SUBDIVISION

§2.100. General Provisions

Designation of Minor Subdivision - A Minor subdivision of land is any subdivision of land into at least two (2) but not more than four (4) lots, parcels or sites within any consecutive three year period, which do not require the construction of a new street or public utility or expansion or extension of an existing street or public utility. Any subdivision which involves such improvement or which includes more than four (4) lots shall be considered a major subdivision and shall be subject to the review procedures outlined in Article III Procedure-Major Subdivision.

§2.200. Optional Pre-Application Sketch Plan Procedure

Prior to the official submission of any Minor Subdivision plat as outlined in §2.300, the subdivider may prepare a Sketch Plan for informal discussion with the Inspector. Said submission shall not be considered an official submission, but shall be for the purpose of establishing, in advance, insofar as is possible, the extent to which the proposed subdivision conforms with the design standards of these regulations.

§2.201. Optional Sketch Plan Submission Requirements

In the case of a minor subdivision ONLY, acceptable sketch plans shall include the following:

- A. Key map. A key map or location map, showing the location of the proposed subdivision within the Town.
- B. A rough-scale sketch of the proposed subdivision and adjoining properties which displays the following information.
 1. Name of the Town and County in which the subdivision is located and name and address of record owner and subdivider.
 2. North Arrow/Point.
 3. Date of submission.
 4. Map scale.
 5. Names of all adjoining property owners.
 6. The specific boundary of the area to be subdivided.
 7. Zoning district boundaries, if more than one zoning classification applies to the parcel.
 8. Existing drainage features (i.e., ponds, rivers, streams, marshes wetlands and culverts).

9. Proposed pattern of lots (including approximate lot width, depth and area).

10. All setback and frontage requirements of the appropriate zoning district.

§2.300. Procedure for Approval of a Minor Subdivision Plat

A. On reaching conclusions informally as recommended in §2.200, or otherwise regarding general program and objectives, the subdivider shall cause to be prepared, a Minor Subdivision Plat together with other supplementary support material as specified in §2.400.

§2.400 Minor Subdivision Plat Submission Requirements

The following plat and data requirements shall apply ONLY to minor subdivision plats as defined in these regulations.

A. Two (2) copies of the Minor Subdivision Plat and supplementary support material specified, shall be submitted to the Inspector with written application, for acceptance. The inspector must schedule his review to begin at least fourteen (14) days after acceptance of the application.

B. Key Map. A key map showing the following information for the proposed subdivision:

1. The boundary lines of zoning districts, and municipal areas.
2. Names and shared boundary limits of adjacent property owner's. Adjacent properties which are a part of a recorded subdivision plat may be identified by the subdivision name.

C. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the lot a will be located on the ground and marked by monuments as approved by the Inspector, and shall be referenced and shown on the plat.

D. 911 Requirements - Lot numbering shall be in compliance with Town of New Scotland 911 designations.

E. A Minor Subdivision Plat (may be incorporated on the survey outlined in "B" above) prepared on permanent reproducible medium at a scale of not more than one hundred (100) feet to the inch (no larger than 30"x40" sheet size), containing the following information:

1. Title Block including:
 - a. Name of subdivision, name of Town and County and name and address of record owner and subdivider.
 - b. North Arrow/Point.
 - c. Date of original submission and any subsequent submission(s).
 - d. Map scale.
 - e. Name License number, address and seal of the New York State licensed professional who prepared the drawing and support documentation.
2. Existing site conditions to be shown:
 - a. Approximate location of tree masses and other significant natural features.
 - b. Approximate location of marshes, ponds, streams, or any wetlands including area of cover. (Note: federal and state regulated wetlands may require additional field survey verification).
 - c. Existing buildings, water mains, culverts, utility lines, hydrants, and other significant man made features.
 - d. All existing streets on or within three hundred (300') feet of the lot, including name, right-of-way width and pavement width and all existing property lines.
 - e. All, easements and rights-of-way, and the reasons for their establishment.
3. Proposed site conditions:
 - a. The dimensions and area of new lots to the nearest one-hundredth (1/100) foot.
 - b. The location and size of any stormwater management improvements to be constructed, if any.
 - c. Set back and frontage requirements of the appropriate zoning district.
 - d. A short Environmental Assessment Form with (part one) Project Information completed.

- e. Such other certificates, affidavits, endorsements or agreements as may be required by the Inspector in the enforcement of these regulations.

§2.500 Open Space

A. As the Town of New Scotland Planning Board has determined that a park land set aside for recreation purposes is not practicle for minor subdivisions and consistent with the requirements of Article 16 §277 of the New York State Town Law and Article 4, Section 4.1400 of this law, a fee in lieu of parkland set-aside will be required for minor subdivision approval. Said fee shall be as set forth in the Town of New Scotland Fee Schedule

§2.600 Action on Minor Subdivision Plat/Inspector

A. The Inspector, within forty-five (45) days from the date of submission of a minor subdivision plat, shall act to approve, disapprove or defer decision to the Planning Board for review and determination. Whenever a plat is not approved, reasons for such action shall be explicitly stated. The provisions of this Article shall not provide the Inspector with the option of granting conditional approval of any minor subdivision.

B. The time in which the Inspector must take action on such plat may be extended by mutual consent of the subdivider and the Inspector. Failure of the Inspector to act within such time, absent any mutually agreed extension, shall constitute approval of the plat.

C. Following initial review by the Inspector of the minor subdivision plat for conformity thereof to these regulations and, absent resolution of any negotiations with the subdivider on changes deemed advisable, the Inspector may defer action on the Minor Subdivision to the Planning Board for review and decision. Said deferral may include recommendations for conditional approval deemed appropriate by the Inspector for guidance during Planning Board review and determination. The official submittal date to the Planning Board will be considered the date of referral

by the Inspector provided such date falls at least fourteen days prior to a regularly scheduled Planning Board Meeting.

D. At least once monthly, the Inspector shall provide the Planning Board with a listing of all minor subdivisions approved under the provisions of §2.500 during the previous monthly period. A copy shall also be forwarded to the Town Clerk for record keeping purposes.

§2.601 Action on Minor Subdivision Plat/Planning Board

A. The Planning Board, upon deferment by the Inspector, may review and determine appropriate action on any Minor Subdivision Plat.

B. A deferred minor subdivision plat must be received at least fourteen (14) days prior to a regular, scheduled Planning Board meeting in order to be considered officially submitted.

C. A public hearing shall be held by the Planning Board within forty-five (45) days from the time of official submission of the minor subdivision plat to the Planning Board. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing. Should a SEQR hearing be required, the review period requirements of 6 NYCRR Part 617 shall supersede the requirements of this section and said hearings shall be held simultaneously.

D. Within forty-five (45) days after the date of the public hearing, the Planning Board shall, by resolution, approve, conditionally approve, or disapprove such minor subdivision and authorize the signing of such plat. 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.

E. In the event that the Planning Board fails to take action within the time prescribed, the plat shall be deemed approved and a certificate of the clerk of the Town of New Scotland as to the date of submission and the failure to take action within such prescribed time shall be issued

on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required. Research to determine the official submission date and any mutual extensions of time may be required by the clerk of the Town of New Scotland prior to release of said certificate. Said research will be conducted by the Inspector at the clerks request.

§2.700 Final Approval and Certification of Minor Subdivision Plat

A. Within five (5) days of approval by the Inspector, or in the case of deferment to the Planning Board, of the resolution granting approval by the Planning Board, the Plat shall be certified by the Inspector as approved, a copy shall be filed in the Office of the Inspector and a copy forwarded to the subdivider, via registered, certified or return receipt mail.

B. If upon deferment, the Planning Board elects to conditionally approve the Plat, within five (5) days of the resolution granting conditional approval, the Plat shall be certified by the Inspector as conditionally approved, a copy shall be filed in the Office of the Inspector and a copy mailed to the subdivider, via registered, certified or return receipt mail. The copy mailed to the subdivider shall include a certified statement of such conditions which, when completed, shall authorize the signing of the conditionally approved Plat. Upon completion of such requirements the Plat shall be signed by the Inspector. The subdivider shall have one hundred and eighty (180) days to meet the conditions set forth by the Planning Board for Plat approval. The Planning Board may extend this time for not more than two additional consecutive ninety (90) day periods.

C. If the Plat is disapproved by the Inspector, or in the case of a deferment, disapproved by the Planning Board, the subdivider shall be notified in writing by the Inspector of such disapproval. Within five (5) days of such disapproval, the Plat shall be certified by the Inspector as disapproved, a copy shall be filed in the Office of the Inspector and a copy mailed to the subdivider, via registered, certified or

return receipt mail. The copy mailed to the subdivider shall include a certified statement of such reasons for which the Plat was disapproved.

§2.800 Compliance with State and County Regulations

A. If said subdivision is located within a distance of five hundred (500) feet from any of the following, the subdivision must also be referred to the Albany County Planning Board for their review as required under General Municipal Law § 239-n:

- 1) the boundary of any other city, town or village;
- 2) the boundary of any existing or proposed county or state park or other recreation area;
- 3) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- 4) the existing or proposed right-of-way of any stream or drainage channel owned by the county or state land on which a public building or institution is situated
- 5) the existing or proposed boundary of any county or state land on which a public building or institution is situated

B. Pursuit to 6 NYCRR Part 617.13 (b) of the New York State SEQR Law all minor subdivisions reviewed and approved under the purview of the Building Inspector are considered Type II actions and do not require environmental determinations or procedures. Approval of a minor subdivision plat deferred to the Planning Board shall not be deemed final until the subdivider has fulfilled all requirements of this law, 6 NYCRR Part 617 SEQR Law and any other appropriate state and county requirements. The time requirements of this section shall be superseded by any time requirements of 6 NYCRR Part 617 SEQR Law. No Minor Subdivision Plat, deferred to the Planning Board, may be approved prior to full compliance with 6 NYCRR Part 617 SEQR Law. After completion of these details and notation to that effect upon the Plat, it shall be deemed as having final approval.

§2.900 Minor Subdivision Plat Filing Requirements

A. Within sixty (60) days after final approval and endorsement of the minor subdivision plat, and in compliance with the requirements of Article 9 §334 of the New York State Real Property Law, the subdivider must file the plat for recording with the County Clerk. One (1) mylar or linen and one (1) paper copy, properly endorsed, of the approved subdivision shall be filed. Should the final plat not be offered for recording within such period, final approval of the plat shall expire and become null and void.

ARTICLE III. PROCEDURE - MAJOR SUBDIVISION

§3.100. Optional Pre-Application Procedure

Prior to the official submission of any Major Subdivision Plat discussed in §3.200 and §3.300, the subdivider may prepare a Sketch Plan for informal discussion with the Planning Board. Except when submitted voluntarily by the subdivider in association with the cluster development procedure in Article VI, this submission shall not be considered an official submission, but shall be for the purpose of establishing in advance, insofar as is possible, the extent to which the proposed subdivision conforms with the design standards of these regulations.

§3.101 Optional Sketch Plan Submission Requirements

In the case of a major subdivision ONLY, acceptable sketch plans shall include the following:

A. Key map. A key map or location map, showing the location of the proposed subdivision within the Town.

B. A rough-scale sketch of the proposed subdivision and adjoining properties which displays the following information.

1. Title Block:

- a. Subdivision name, name of the Town and County in which the subdivision is located and name

- and address of record owner and subdivider.
- b. True or magnetic north and date taken.
 - c. Date of original submission and each subsequent submission(s).
 - d. Map scale.
2. Names of all adjoining property owners.
 3. The specific boundary of the area to be subdivided including existing lot lines and easements.
 4. Zoning district boundaries, if more than one zoning classification applies to the parcel.
 5. Site Conditions:
 - a. Topographic contours. United States Geological Survey (USGS) and/or New York State Department of Transportation Geological Survey Maps will be acceptable.
 - b. Existing drainage features (e.g., ponds, rivers, streams, marshes and culverts).
 - c. Existing utilities, structures, streets and street names.
 - d. Present and proposed means of sewage disposal, water supply and storm drainage.
 - e. Tree masses, bedrock outcroppings and other physically limiting and/or visually unique features.
 - f. Existing easements and lot lines.
 6. Proposed site conditions:
 - a. The proposed pattern of lots (including approximate lot width, depth and area).
 - b. Proposed utilities (including sewer, water, storm drainage, subsurface drains, stormwater and dewatering detention, infiltration and/or retention basins).
 - c. All setback and frontage requirements of the appropriate zoning district.
 - d. A written statement addressing how open space and shared facilities will be owned and maintained.
 - e. Proposed street and block layout, with reference to surrounding properties, street pattern, and any proposed rights-of-way for access to other land through the subdivided property.

§3.200. Procedure for Approval of Preliminary Plat

A. On reaching conclusions, informally as recommended in §3.100, or otherwise regarding general program and objectives, the subdivider shall cause to be prepared a Preliminary Plat, together with any other supplementary support material. Said Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in §3.201. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of New York State Town Law, and §3.201 of these regulations except where a waiver of the requirements of these regulations is specifically authorized by the Planning Board.

§3.201. Major Subdivision Preliminary Plat Submission Requirements

A. Twelve (12) copies of the Preliminary Plat and supplementary material specified, shall be submitted to the Inspector with written application for acceptance at least fourteen (14) days prior to the Planning Board meeting at which it is to be considered.

B. The subdivision plat submitted for Preliminary Plat approval shall be clearly legible on white background drawings.

C. Preliminary Plats shall be on sheets not larger than thirty inches by forty inches (30"x40") overall. It is recommended that as far as practicable final plat sheets be held to the following overall standards sizes: 17 inches by 22 inches; 22 inches by 34 inches; 24 inches by 36 inches; 30 inches by 40 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plats shall be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.

D. The Preliminary Plat shall be at a scale of not more than one hundred (100) feet to the inch. All dimensions shall be shown in feet and in hundredths of a foot. The Preliminary Plat shall include the following information:

1. **Key Map.** A key map at a scale of one (1) inch equals eight hundred (800) feet showing the following information for the proposed subdivision and areas extending two hundred (200) feet beyond the subdivision:

- a. The relationship of the proposed subdivision to the primary and secondary highway system and main intersections.
- b. The boundary lines of zoning districts, special districts and municipal areas.
- c. Match lines, as needed, when there are two (2) or more drawings showing the complete subdivision.
- d. Boundary data. The proposed subdivision area shall be shaded or significantly outlined.
- e. Boundaries of adjacent properties and property owners' names. Adjacent properties which are a part of a recorded subdivision plat may be identified by the subdivision name.

2. **Preliminary Plat** at a scale of not more than one hundred (100) feet to the inch, shall display or be accompanied by the following information:

a. **Title Block** including:

1. Subdivision name, name of the Town and County in which the subdivision is located and name and address of record owner and subdivider.
2. True or magnetic north and date taken.
3. Date of original submission and each subsequent submission(s).
4. Map scale.
5. The name, address, license number and seal of the New York State licensed professional (including but not limited to an engineer, architect or landscape architect) who prepared the drawing and support documentation.

b. **Existing site conditions** to be shown:

1. **Topographic Contours**

- i Contours existing on the tract, and extending fifty (50) feet beyond the subdivision boundary, at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
- ii Datum to which contour elevations refer shall be presented. Where reasonably practicable, data shall refer to known, established elevations.
- iii The extent to which existing contours will be altered during the course of subdivision development for street and driveway placement, storm control, sewage disposal, etc., including identification of all grading and clearing limits.

2. **Natural features.**

- i The location and area of all existing water courses, tree masses and other significant natural features.
- ii All areas designated as wetlands by the N.Y. State Department of Environmental Conservation as Freshwater Wetlands and/or jurisdictional Federal Wetlands, flagged as necessary.
- iii A map of soils interpretation of existing soils, indicating type, percolation, soil bearing and depth to groundwater.

3. **Limits of clearing** for all vegetated areas.

4. **Existing conditions.**

- i All existing buildings, water mains, culverts, sewer and gas mains, power lines, fire hydrants and other significant manmade features shall be identified by size, type of structure, location and as applicable, elevation.

- ii All existing streets or highways on or adjacent to the tract, including name, right-of-way width and pavement width.
 - iii All existing property lines, easements and right-of-ways, and the reason for their establishment.
5. Municipal or public lands, lands designated as parks or open spaces or some other public or community use.
 6. Buildings and other structures on the subdivision which are to remain.
- c. Proposed site conditions:
1. Location, width, grades, names and restrictions, if any, of all proposed streets, highways, rights-of-way and easements.
 2. Open space and community facilities. The location of playgrounds, public buildings, public areas and open space.
 3. Lot Lay-Out.
 - i The dimensions and area of lots to the nearest one one-hundredth (1/100) foot. Blocks and lots shall be numbered and lot drainage shall be shown.
 - ii Identification of lots or parcels for special use and whether they are to be offered for dedication.
 - iii Easements and restricted areas, with notation as to purpose shall be shown.
 - iv Street access to adjoining property.
 - v 911 Requirements - Lot numbering shall be in compliance with Town of New Scotland 911 designations.
- d. Utilities.
1. The location of any proposed on-site water system or connection to existing system; sanitary disposal system, showing depth to water table, soil boring data (as necessary), treatment area, connection points and line size, or connection to existing system.
 2. Evidence that the proposed methods for water supply and sanitary sewage disposal have been review and approved by the New York State Health Department, the New York State Department of Environmental Conservation, and the Albany County Department of Health, as required.
 - e. Stormwater management and erosion control. The location and size of stormwater management improvements and/or erosion control measures, to be constructed.
 - f. Cross-sections showing the proposed location and type of water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
3. Test hole data, if required.
 - a. Date and location.
 - b. Graphic representation of findings for all test holes.
 - c. The number and location of test holes shall be acceptable to the Planning Board.
 - d. Protective Covenants. A draft of any protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development, including those required to preserve open space and those required for maintenance and care of shared open space and facilities shall be provided.
 4. Submission of State Environmental Quality Review Act Full Environmental Assessment Form, Part One completed with support documentation.
 5. An engineering project narrative outlining the design intent of the subdivision layout, and compliance issues with appropriate federal, State, County and local laws, ordinances and regulations.

§3.202. Action on the Preliminary Plat Submission

A. Applications must be received by the Inspector at least fourteen (14) days prior to a regular, scheduled Planning Board meeting in order to be considered officially submitted at that meeting. Applications received by the Inspector less than fourteen (14) days prior to a regular scheduled Planning Board meeting will be considered officially submitted at the following Planning Board meeting.

B. A public hearing shall be held by the Planning Board within forty-five (45) days from the time of submission of the Preliminary Plat. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing. Should a SEQR hearing be required, the review period requirements of 6 NYCRR Part 617 shall supersede the requirements of this section and said hearings shall be held simultaneously.

C. Within forty-five (45) days after the date of such hearing, the Planning Board shall approve, conditionally approve or disapprove such Preliminary Plat, stating the grounds of modification, if any or the grounds for disapproval upon the records of the Planning Board. When so approving a Preliminary Plat, the Planning Board shall state in writing, modifications if any, as it deems necessary for submission of the plat in final form. 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.

D. In the event that the Planning Board fails to take action within the time prescribed, the Preliminary Plat shall be deemed approved and a certificate of the clerk of the Town of New Scotland as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required. Research to determine the official submission date and any mutual extensions of time may be required by the Town Clerk

of the Town of New Scotland prior to release of said certificate. Said research will be conducted by the Inspector at the Town Clerks request.

§3.203. Certification of the Preliminary Plat Submission

A. Within five (5) days of the approval of such Preliminary Plat, it shall be certified by the Inspector as preliminarily approved. A copy shall be filed in the Office of the Inspector and a copy mailed to the subdivider, via registered, certified or return receipt mail.

B. Review and acceptance of a Preliminary Plat as the basis for the preparation of a Final Plat shall not constitute approval of the Final Plat. Rather it shall be deemed an expression of acceptance of the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat. The Final Plat must be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of review and acceptance, if any.

§3.204. Compliance with State and County Regulations

A. If said subdivision is located within a distance of five hundred (500) feet from any of the following, the subdivision must also be referred to the Albany County Planning Board for their review as required under General Municipal Law §239-n:

- a) the boundary of any other city, town or village;
- b) the boundary of any existing or proposed county or state park or other recreation area;
- c) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- d) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; and

- e) the existing or proposed boundary of any county or state land on which a public building or institution is situated."

B. Approval of a Preliminary Plat shall not be deemed final until the subdivider has fulfilled all requirements of this law, 6 NYCRR Part 617 SEQR Law and any other appropriate state and county requirements. The time requirements of this section shall be superseded by any time requirements of 6 NYCRR Part 617 SEQR Law. No Preliminary Plat may be approved prior to full compliance with 6 NYCRR Part 617 SEQR Law. After completion of these details and notation to that effect upon the Plat, it shall be deemed as having Preliminary Approval.

§3.300. Procedure for Approval of Major Subdivision Final Plat

A. As required in New York State Town Law § 276.3, within six (6) months after Planning Board action on the Preliminary Plat, the Final Plat and necessary supplementary data required for final approval shall be prepared as specified in §3.301 and shall be submitted for review and final approval. An extension of time may be granted by the Planning Board for submission of the Final Plat upon written request by the subdivider for up to two additional six (6) month periods. Any plat submitted after said provisions shall be considered as a new Preliminary Plat.

§3.301. Major Subdivision Final Plat Submission Requirements

A. The Final Plat shall conform substantially to the Preliminary Plat as approved. Prior to granting conditional or final approval of the plat in final form, and, if desired by the Subdivider, the Planning Board may permit the plat to be split into two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to ensure the orderly development of the plat before such sections may be signed by the Inspector. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Planning Board,

shall be granted concurrently with conditional or final approval of the plat.

B. Twelve (12) copies of the application for approval of the Final Plat, the Final Plat and all necessary supplementary data required shall be submitted in writing to the Inspector for distribution to the Planning Board at least fourteen (14) days prior to the meeting at which it is to be considered.

C. The subdivision plat submitted for final approval shall be clearly legible on white background drawings.

D. Final plats shall be on sheets not larger than 30 inches by 40 inches (30"x40") overall. It is recommended that as far as practicable final plat sheets be held to the following overall sizes: 17 inches by 22 inches; 22 inches by 34 inches; 24 inches by 36 inches; 30 inches by 40 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plats shall be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.

E. The Final Plat shall be at a scale of not more than one hundred (100) feet to the inch. All dimensions shall be shown in feet and in hundredths of a foot. The Final Plat shall include all information required on the Preliminary Plat (unless superseded by the following) and the following information:

1. Survey data.
 - a. Boundaries of the tract.
 - b. Street or highway lines, lot lines, rights-of-way, easements, and areas dedicated or proposed to be dedicated to public use.
 - c. Sufficient data to determine readily the location, bearing and length of every street or highway lot, and boundary line and to reproduce such lines on the ground.
 - d. The length of all straight lines, radii, lengths of curves and tangent bearings for each street or highway.

- e. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
- f. The proposed building setback line for each street or highway or the proposed placement of each building.
- g. Location and width of all private driveways.
- h. Lots and blocks within a subdivision shall be numbered in accordance with prevailing Town practices and comply with Town of New Scotland 911 designations.

2. Names of streets or highways within and up to five hundred (500') feet of the subdivision.

3. Monuments: The accurate location of all permanent reference monuments shall be shown and constructed as specified in §5.300 b.

4. Wherever practicable names of any adjoining subdivisions shall be shown.

5. List of names, lot numbers, addresses, and phone numbers of property owners within five hundred (500') feet of the proposed subdivision

§5.302. Accompaniments.

The Final Plat shall include thereon or be accompanied by the following:

A. A statement duly acknowledged before the Clerk of the Town of New Scotland and signed by the owner or owners of the property, to the effect that the subdivision as shown on the Final Plat is made with free consent and that it is desired to record the same.

B. Certification by the Planning Board Engineer and the Town Planning Board Attorney that the subdivider has met the requirements of Article VI of these Regulations.

C. Typical cross sections, street or highway profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street center line; proposed finished center line grade and proposed grade of culvert inverts in accordance with the requirements of the New Scotland Highway Department and the Town Board.

D. Protective covenants, including covenants governing the maintenance of unceded public open space or reservations.

E. Letters, as appropriate, to the Chairman of the Planning Board, signed by a responsible official of the State Department of Transportation or County Public Works Department, approving proposed construction on state or county rights-of-way and indicating that the necessary permits have been issued by their office, or submission of a copy of appropriate permits.

F. The subdivider shall tender offers of cession in a form certified as satisfactory by the Town Attorney of all land included in streets, highways or parks, not otherwise specifically reserved. Approval of the plat by the Planning Board shall not constitute an acceptance by the Town Board or Town Highway Department of the dedication of any street, highway, or park or other open space for public use.

G. Such other certificates affidavits, endorsements or agreements as may be required by the Inspector, and/or the Planning Board in enforcing these regulations shall be provided.

§5.303. Action on the Final Plat

A. Applications must be received by the Inspector at least fourteen (14) days prior to a regular, scheduled Planning Board meeting in order to be considered officially submitted at that meeting. Applications received by the Inspector less than fourteen (14) days prior to a regular scheduled Planning Board meeting will be considered officially submitted at the following Planning Board meeting.

B. Within forty five (45) days after the Planning Board meeting at which the Final Plat is reviewed, the Board shall hold a public hearing on the Final Plat, which hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing, provided however, that when the Planning Board deems the final plat as submitted is in substantial agreement with the Preliminary Plat approved under §3.200 and modified in accordance with requirements of such approval if such Preliminary Plat has been approved with modification, the planning board may waive the requirement for such hearing.

C. Within forty-five (45) days after the date of such hearing, or within forty-five (45) days from the time of submission of the Final Plat, if no public hearing is held, the Planning Board shall meet to take action on the submission of the completed application. 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.

D. The Planning Board shall take one of the following actions:

1. The Planning Board may move to approve the Final Plat as submitted. The Planning Board is required to approve the Final Plat, subject to the following conditions:

- a. All of the requirements for Final Subdivision Plat submission have been met;
- b. All required corrections and modifications have been made or a sufficient guarantee has been accepted by the Planning Board for such corrections and modifications.
- c. Any bonds or other forms of surety requested by the Planning Board, Planning Board Attorney, Town Board Attorney, and the Highway Department have been obtained by the subdivider and approved by the Town Board
- d. A statement has been supplied by the Town Attorney approving as to the legal sufficiency of all offers of cession or

covenants governing the maintenance of unceded public open space.

2. The Planning Board may move to conditionally approve the final plat, outlining in it's decision the requirements which must be meet for Final Plat approval. The subdivider shall have one hundred and eighty (180) days to meet the conditions set forth by the Planning Board for Final Plat approval. The Planning Board may extend this time for not more than two additional consecutive ninety (90) day periods.

3. If the Final Plat is disapproved, the subdivider shall be formally notified of such disapproval. The Planning Board shall outline in it's decision the reasons for disapproval.

E. In the event that the Planning Board fails to take action within the time prescribed, the Final Plat shall be deemed approved and a certificate of the clerk of the Town of New Scotland as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required. Research to determine the official submission date and any mutual extensions of time may be required by the clerk of the Town of New Scotland prior to release of said certificate. Said research will be conducted by the Inspector at the Town Clerks request.

F. Approval shall not be deemed final until the subdivider has fulfilled all requirements of this section, conditions of any conditional approval and any other appropriate State and County requirements. In addition, said approval shall not be deemed final until the subdivider has established appropriate surety with the Town of New Scotland Town Board sufficient to cover the full cost to construct all improvements to be dedicated to the Town of New Scotland.

§3.304. Certification of the Final Plat

A. Within five (5) days of the resolution granting approval by the Planning Board, the Plat shall be certified by the Inspector as

approved, a copy shall be filed in the Office of the Inspector and a copy mailed to the subdivider, via registered, certified or return receipt mail.

B. If the Planning Board elects to conditionally approve the Plat, within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Inspector as conditionally approved, a copy shall be filed in the Office of the Inspector and a copy mailed to the subdivider, via registered, certified or return receipt mail. The copy mailed to the subdivider shall include a certified statement of such conditions which, when completed, shall authorize the signing of the conditionally approved Plat. Upon completion of such requirements the Plat shall be signed by the Inspector.

C. If the Plat is disapproved by the Planning Board, the subdivider shall be notified in writing by the Inspector of such disapproval. Within five (5) days of such disapproval, the Plat shall be certified by the Inspector as disapproved, a copy shall be filed in the Office of the Inspector and a copy mailed to the subdivider, via registered, certified or return receipt mail. The copy mailed to the subdivider shall include a certified statement of such reasons for which the Plat was disapproved.

§3.305. Major Subdivision Plat Filing Requirements

A. Within sixty (60) days after final approval and endorsement of the major subdivision plat, and in compliance with Article 9, §334 of the New York State Real Property Law, the subdivider must file the plat for recording with the county clerk. In the event the subdivider shall file only a section of such approved plat in the office of the county clerk, the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town of New Scotland Town Clerk. Any section filed with the county clerk shall encompass at least ten (10) percent of the total number of lots contained in the approved plat. The approval of the remaining sections of the approved plat shall expire unless said

sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of subdivision two (2) §265-a of New York State Town Law.

One (1) mylar or linen and one (1) paper copy, properly endorsed, of the approved subdivision shall be filed with the county clerk. Should the final plat not be offered for recording within such period, final approval of the plat shall expire and become null and void.

ARTICLE IV. DESIGN STANDARDS

§4.100. Land Requirements

The following general land requirements, where applicable, shall apply to "All" subdivisions in the Town of New Scotland. Land shall be suited to the purposes for which it is to be subdivided. In general, the Planning Board and for minor subdivisions, the Inspector, shall take the following factors into consideration prior to the approval of any subdivision plat.

1. Subdivisions laid out on low-lying land that is subject to periodic flooding and/or qualifies as a wetland¹, shall not be approved unless it is proven that adequate safeguards against such

¹Wetlands include all areas identified as being Town Designated Wetlands, New York State Department of Environmental Conservation Freshwater wetlands and/or Jurisdictional Federal Wetlands as outlined in "Federal Interagency Committee for Wetland Delineation, Federal Manual for Identifying and delineating Jurisdictional Wetlands. U.S. Army Corp of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington D.C. Cooperative technical publication. 76pp. plus appendices. Use most recent modification and/or update .

hazards are provided by the plan and such layout complies with State and Federal wetland regulations and Federal flood protection regulations.

2. Areas characterized by steep slopes in excess of twenty (20) percent grade, rock formations, wetlands and floodplains may be included in area calculations for individual lots identified by the applicant to adequately support structures, water supply and sanitary disposal systems, as required.

§4.200. Street or Highway System

A. The location of all secondary (collector) streets in a proposed subdivision shall conform in general alignment to the Official Map, adopted by the Town of New Scotland, Town Board, if so identified.

B. The proposed street layout shall provide for the continuation or projection of existing streets or highways in the surrounding area unless the Planning Board deems such extension undesirable for specific reasons of topography or design.

C. Streets shall be related to the topography so as to produce usable lots and grades which do not exceed ten percent (10%).

D. Local streets shall be so laid out as to discourage through traffic, however, provision for street connections into and from adjacent areas will generally be required.

E. Where it is desirable in the opinion of the Planning Board to provide street access to adjoining property, proposed streets shall be extended to the boundary of such property.

F. If lots resulting from the original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-ways to permit further subdivision shall be provided as necessary and required by the Planning Board.

G. Where a subdivision abuts or contains an existing or proposed primary or secondary street, the Planning Board may require marginal access streets, rear service alleys, reverse frontage or through lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with any primary or secondary street, and separation of local and through traffic as necessary for adequate protection of residential properties and to afford separation of local and through traffic.

H. New half or partial streets will not be permitted, except where essential for reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

I. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be designed within such tract.

J. Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts, or when designed as culs-de-sac. Any dead-end street will comply with the requirements of §4.300 C.

§4.300. Cul-de-Sacs

A. Cul-de-sac streets permanently designed as such, shall not exceed one thousand (1000) feet in length, and shall furnish access to not more than twenty four (24) nor less than six (6) dwelling units.

B. Cul-de-sac street shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge of seventy-five (75) feet and a minimum right-of-way radius of ninety (90) feet, or as acceptable to the Planning Board and Town Highway Department.

C. A temporary turnaround shall be provided at the end of a street where future extension is expected. The excess right-of-way of the turnaround will revert to lot owners when the street is extended. A paved turnaround having a minimum radius to the outer pavement edge of fifty (50) feet and a minimum right-of-way radius of sixty (60) feet shall be provided at the closed end of any temporary cul-de-sac or as acceptable to the Planning Board and Town Highway Department.

§4.400. Street or Highway Right-of-Way Widths

A. Minimum street right-of way widths, measured from lot lines, shall be as shown on the Official Map adopted by the Town Board, or if not shown thereon, shall meet the following minimum standards:

1. Primary Street: 66 foot right-of-way.
2. Secondary Street: 60 foot right-of-way.
3. Local (minor) Street: 50 foot right-of way
4. Marginal Access Street: 50 foot right-of-way.

B. Where a subdivision abuts or contains an existing street or right-of-way of inadequate right-of-way width, additional right-of-way width in conformance with the above standards shall be required.

§4.500. Pavement Widths

Minimum pavement widths, measured from edge of pavement to edge of pavement, shall be as shown on the Official Map; or if not shown there-on, shall meet the following standards:

1. Primary Street: 24 foot pavement width.
2. Secondary (collector) Street: 24 foot pavement width.
3. Local (minor) Street: 24 foot pavement width.
4. Marginal Access Street: 24 foot pavement width.

All streets listed above are to have three foot wide shoulders on either side in addition to the minimum pavement widths as shown on the Town's "Typical Street Section."

§4.600. Street or Highway Alignment

A. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

B. To ensure adequate sight distance, minimum center line radii for new streets for horizontal curves shall be as follows:

1. Primary Street: 500 feet.
2. Secondary (collector) Street: 300 feet.
3. Local (minor) Street: 150 feet.
4. Marginal Access Street: 150 feet.

C. Except on local and marginal access streets, a tangent shall be required between reverse curves.

§4.700. Street or Highway Grades

A. Center line grades shall not exceed the following:

1. Primary Street: five percent (5%)
2. Secondary Street: seven percent (7%)
3. Local Street: ten percent (10%).
4. Marginal Access Street: ten percent (10%).

B. Vertical curves shall be used at changes of grade exceeding two percent (2%) and shall be designed in relation to the extent of the grade change and to provide the following minimum sight distances:

1. Primary Street: four hundred (400) feet
2. Secondary Street: two hundred (200) feet
3. Local Street: one hundred (100) feet.
4. Marginal Access Street: one hundred (100) feet.

C. Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than one percent (1%) grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

D. To provide for adequate drainage, the minimum grade shall not be less than one percent (1%).

§4.800. Street Intersections

A. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.

B. No more than two (2) streets shall intersect or meet at any one point. Where this proves impossible, such intersections shall be designed to minimize pedestrian and vehicular conflicts and confusing traffic patterns.

C. Clear sight triangles of thirty (30) feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.

D. To the fullest extent possible, local streets intersecting with primary and/or secondary streets shall be located not less than eight hundred (800) feet apart, measured from center line to center line.

E. Streets or highways entering opposite sides of another street or highway shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center lines.

F. Minimum pavement radii at street or highway intersections shall be twenty five (25) feet for intersections involving only local streets, thirty three (33) feet for intersections involving other primary or secondary streets, or such other radius layout, as is suited and/or required for the specific intersection.

§4.900. Lots

A. Lot dimensions and areas shall not be less than specified by provisions of the Town of New Scotland zoning requirements.

Where either or both water supply and sanitary sewage disposal are provided by individual on-lot facilities, the Planning Board may employ the services of a registered and qualified independent engineer, hydrogeologist, or other

appropriate professional for advice as to the minimum lot size and/or facilities necessary to prevent unsanitary conditions and hazards to the public health. In such cases, the reasonable cost of retaining the services of the professional shall be borne by the subdivider.

B. The ratio of the depth of any lot to its width shall not exceed the depth to width ratio stated in the Zoning Law for minimum lot size calculation purposes only.

C. Side lot lines shall be designed such that lot lines run substantially at right angles or radial to street or highway lines.

D. Double frontage lots are prohibited, except where employed to prevent vehicular access to primary and secondary streets.

E. Depth and width of parcels laid out or reserved for non-residential use shall be sufficient to provide satisfactory space for off-street parking and unloading as required by the Town of New Scotland zoning requirements.

§4.1000. Easements

A. Easements with a minimum width of thirty (30) feet shall be provided for public utilities, including storm drains and sanitary sewers conveyed to and/or installed by the Town. Wider easements or rights-of-way may be required subject to the Town Engineer's recommendation.

B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

C. Where a subdivision is traversed by a watercourse, drainage way, channel or stream there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such further width as will be adequate to preserve natural drainage.

§4.1100. Blocks

A. The length, width and shape of blocks shall be determined with due regard to the

following:

1. Provision of adequate sites for buildings of the type proposed.
2. Zoning requirements.
3. Topography.
4. Requirements for safe and convenient vehicular and pedestrian circulation.

B. Block length shall not exceed twelve hundred (1200) feet. In the design of blocks longer than one thousand (1000) feet, special consideration shall be given to the requirements of satisfactory fire protection.

C. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic highway are used.

§4.1200. Storm Water Management Plan

A stormwater management plan must be submitted prior to the Planning Board taking any action on any Major Subdivision and/or development of land specified elsewhere in the regulations and laws of the Town of New Scotland, New York. Said plan is to comply with the requirements outlined in Appendix A of these regulations, as modeled after NYSDEC Division of Water, Technical and Operations Guidance Series 95.1.8. Said plan must address the following issues:

A. Flood Control

1. Peak Flow Attenuation
2. 100-year flood plains
3. Runoff conveyance systems

B. Water Quality Management.

1. Control of "first flush"
2. Control of thermal discharges,
3. Hierarchy for managing stormwater quality

§4.1300. Community Facilities and Comprehensive Land Use Plan Requirements

A. In reviewing subdivision plans, the Planning Board will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.

B. Areas provided or reserved for such community facilities shall be adequate to provide for building sites landscaping and off-street parking as appropriate to the use proposed.

C. The layout of the proposed subdivision shall be in general conformity with the development concepts and policies proposed in the Comprehensive Land Use Plan of the Town of New Scotland.

§4.1400. Open Space

A. All common open space and recreation areas proposed within any major subdivision shall be identified on the preliminary and final subdivision plats. Such open space and recreation areas shall be reasonably level and conveniently located so as to be easily accessible to all areas of the subdivision. Such provisions shall be subject to Planning Board approval.

B. Preliminary and final subdivision plats shall show in proper cases and when required by the Planning Board, a park or parks suitably located and containing suitable site conditions for development of playgrounds or other active recreational purposes. Such park or parks shall be provided by the Subdivider in an amount equal to not less than ten (10) percent of the land area of the subdivision, as provided for under Article 16 §277 of the New York State Town Law. If the Planning Board determines that a suitable park or parks of adequate size can not be properly located in any such subdivision or is otherwise not practical, the Planning Board may require as a condition to approval of any such subdivision a payment to the Town, in certified check, bank check or money order, of an amount equal to that provided for in the

Town of New Scotland Fee Schedule, which amount shall be available for use by the Town for neighborhood park, playground or recreational purposes including the acquisition of property.

C. Development and maintenance of the open space areas shall be in accordance with the requirements of the Town of New Scotland zoning requirements. The Planning Board shall receive documentation of ownership, minimum maintenance standards, and placement of any easements or other rights to the property, as may be required to effectuate the requirements of these regulations and the Town of New Scotland zoning requirements prior to Final Plat approval.

ARTICLE V. INFRASTRUCTURE IMPROVEMENTS

§5.100. Identification of proposed improvements

Improvements to be identified on the plat submission by the Subdivider shall include the following, except where the Planning Board finds that, due to the circumstances of a particular plat, the provision of certain required improvements are not requisite in the interest of the public health, safety or general welfare or; is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, in which case the Planning Board may waive such requirements:

- A. Streets.
- B. Curbs and gutters.
- C. Water supply, water mains and fire hydrants.
- D. Sanitary systems.
- E. Storm drainage.
- F. Sidewalks.
- G. Street lighting.

H. Street signs

I. Monuments and markers.

J. Street Trees

All improvements are to be designed and constructed in compliance with appropriate Town of New Scotland, engineering specifications, and State of New York engineering and design specifications.

§5.200. Construction Standards

Construction standards for all required improvements shall be as set forth in §5.300, and shall further be established by the New Scotland Highway Department and Town Board. The standards shall also conform to the Official Map as and when adopted. Alternate improvement standards may be permitted if the Planning Board deems that they are equal or superior in performance characteristics to the specified improvements.

§5.300. Minimum Improvements

A. Minimum on-site improvements required of all subdivisions shall be as set forth in this section. Additional or more extensive improvements may be required in specific cases where in the opinion of the Planning Board, they are necessary to create conditions essential to the health, safety, morals, and general welfare of the citizens of the Town of New Scotland.

B. Monuments and Markers. Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

1. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Monuments may be of the following types.

a) Cut stone 5"x 5"x 3'-0" long with a drill hole in the center.

- b) Concrete 5"x 5"x 3'-0" long with a 1/2" round brass pin in the center.
- c) A 2" round galvanized 3'-0" long pipe with a brass cap with a punch hole for center.

2. Markers shall be set at the beginning and ending of all curves along streets, property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots, at all corner lots; markers shall consist of steel bars at least fifteen (15) inches long and not less than three-quarter (3/4) inch in diameter.

C. Streets. Streets shall be installed in accordance with the specifications of the New Scotland Highway Department.

D. Gutters. Gutters shall be installed in accordance with the specifications of the New Scotland Highway Department.

§5.400. Procedure for Installation of Required Improvements

Required improvements shall be installed by the subdivider, under the supervision of the Town Engineer and/or Town Highway Superintendent, with the cost of inspection charged to the subdivider.

A pre-construction meeting is mandatory and is the responsibility of the subdivider to set-up. Any improvements undertaken prior to the pre-construction meeting shall be considered a breach of the approved subdivision plat and must be removed if so directed by the Town Engineer and/or the Town Highway Superintendent.

The Planning Board, at its discretion, may compel the subdivider to carry out minimum improvements by any of the following methods:

A. A certificate to the Planning Board from the Board Engineer and/or the Town Highway Superintendent, that all improvements and installations to the subdivision required by this law have been made or installed in accordance with specifications.

B. A performance bond or other security acceptable to the Town Board and approved by the Town Board Attorney as to form, sufficiency and manner of execution shall be filed with the Planning Board and made payable to the Town of New Scotland.

Such bond or security shall be in an amount sufficient to cover the full cost of completing the improvements and installations in compliance with these regulations.

In case of a bond filed, it shall specify the time for the completion of the improvements and installations and the bond shall run for a term to be fixed by the Planning Board, but in no case for a longer term than (3) years provided, however, that the term of such performance bond may be extended by the Planning Board with the consent of the parties thereto.

C. No building permits shall be issued by the Inspector prior to the subdivider meeting all appropriate requirements of the Town Highway Specifications.

§5.500. Completion of Improvements

Upon completing the construction of public improvements covered by any performance bond and prior to the termination of the bond period, the subdivider shall apply to the Town for a final inspection of the work. Upon inspection of the improvements performed, the Town Board shall act on the release of, extension of or default on the performance bond.

§5.600. As Built Plans

A. Permanent improvements, such as sanitary sewers, water mains and storm sewers, often require maintenance and repair following their installation. To facilitate repair and maintenance, it is necessary to know exact locations of the utilities in order to avoid tedious and expensive searches, therefore, upon completing of the improvements and prior to release of the performance bond, exact locations based upon engineering and surveying techniques of direction, distance and grade shall be drawn to scale on plans

submitted by the subdivider or a designated engineer to the Town for its records.

B. Information including, but not limited to the following should be indicated on the plans:

1. The location of manholes (both vertical and horizontal).
2. The location of catch basins (both vertical and horizontal).
3. The location (both vertical and horizontal) and direction of sanitary sewer lines, storm sewer lines and water mains.
4. The location of connections between the sanitary sewer trunk line and laterals.
5. Grades for laterals.
6. The depth and grade of main trunk lines and laterals.
7. The size, capacity and location of all storm water conveyance structures

ARTICLE VI. CLUSTER DEVELOPMENT

In an effort to encourage flexibility of design and development of land so as to promote appropriate use of land, facilitate the adequate and economic use of streets and utilities, encourage the conservation and continued agricultural use of agriculturally valuable land and preserve the natural and scenic qualities of the Town of New Scotland, the Planning Board is empowered to modify certain provisions of the subdivision law in accordance with this section and the provisions of §281 of the Town Law of the State of New York.

§6.100. Applicability.

A. This section shall apply only to subdivisions of land parcels containing an area of appropriate size and dimension to accommodate five (5) or more building lots in accordance with the Town of New Scotland zoning requirements and other relevant Town law.

B. Request by subdivider. A subdivider may request the use of this section simultaneously with, or subsequent to, presentation of the Preliminary Plat. In the event of a request by the subdivider, two (2)

Preliminary Plats, meeting the requirements described in §3.200 shall be presented simultaneously for Planning Board review, or, in lieu of two (2) Preliminary Plats, the subdivider may present two (2) Sketch Plans as provided for in §3.100 prior to Preliminary Plat submission, for concept review by the Planning Board. Any subdivider presenting a Sketch Plan for concept review, must subsequently, formally apply for Preliminary Plat and Final Plat approval as described in §3.200 and §3.300.

C. Application required by the Planning Board. The Planning Board, in accordance with the Town of New Scotland zoning requirements, may request that application be made in accordance with this section, simultaneously, or subsequent to, presentation of a Preliminary Plat. Two (2) Preliminary Plats, meeting the requirements described in §3.200 shall be presented simultaneously for Planning Board review, or, in lieu of two (2) Preliminary Plats, the subdivider may present two (2) Sketch Plans as provided for in §3.100 prior to Preliminary Plat submission, for concept review by the Planning Board. Any subdivider presenting a Sketch Plan for concept review, must subsequently, formally apply for Preliminary Plat and Final Plat approval as described in §3.200 and §3.300.

§6.200. Procedure

A. Preliminary Plat/Sketch Plan. A complete application under this part shall include a Preliminary Plat, or optional Sketch Plan, of a cluster development form in accordance with the provisions of this section and a standard Preliminary Plat or optional Sketch Plan which is consistent with all the criteria established by these subdivision regulations, including but not limited to highways, highway specifications and lots, and consistent with the Town Zoning requirements.

B. Determination. Determination on voluntary or required applications under this part shall be made by the Planning