Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
Town
Village of New Scotland

Local Law No. 5 of the year 2004

A local law providing for the codification of certain land use, sewer, and water local laws and ordinances of the Town of New Scotland into a municipal code to be designated the "Code of the Town of New Scotland, New York".

Be it enacted by the Town Board (Name of Legislative Body) of the

~~County~~
~~City~~
Town
~~Village~~ of New Scotland as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 04 of the ~~(County)(City)~~(Town)~~(Village)~~ of New Scotland Town Board (Name of Legislative Body) on December 8, 20 04, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20---- of the (County)(City)(Town)(Village) of ---------- (Name of Legislative Body) on ---------- 20 ---, and was (approved)(not approved)(repassed after disapproval) by the ---------- (Elective Chief Executive Officer*) and was deemed duly adopted on ---------- 20----, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20---- of the (County)(City)(Town)(Village) of ---------- (Name of Legislative Body) on ---------- 20---- , and was (approved)(not approved)(repassed after disapproval) by the ---------- (Elective Chief Executive Officer*) on---------- 20---- . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ---------- 20---- , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20---- of the (County)(City)(Town)(Village) of ---------- (Name of Legislative Body) on ---------- 20---- , and was (approved)(not approved)(repassed after disapproval) by the ---------- (Elective Chief Executive Officer*) on ---------- 20---- . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ---------- 20---- , in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. **(City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20------ of the City of ---------- having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on---------- 20----, became operative.

6. **(County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20------ of the County of ---------- State of New York, having been submitted to the electors at the General Election of November ---------- 20----, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph-----1------, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: December 8, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Town Attorney
Title

~~County~~
~~City~~
Town of New Scotland
~~Village~~

Date: December 8, 2004

617.20

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR
New Scotland Town Board

2. PROJECT NAME
Local Law #5 of 2004

3. PROJECT LOCATION:
Municipality Town of New Scotland County Albany

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
Town of New Scotland

5. PROPOSED ACTION IS:
[X] New [ ] Expansion [ ] Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Recodification into the "Code of the Town of New Scotland" certain land use, sewer, and water Local Laws and ordinances.

7. AMOUNT OF LAND AFFECTED:
Initially _____ acres Ultimately _____ acres Entire Town

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
[ ] Yes [ ] No If No, describe briefly
N/A

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
[ ] Residential [ ] Industrial [ ] Commercial [ ] Agriculture [ ] Park/Forest/Open Space [ ] Other
Describe:
N/A

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
[ ] Yes [X] No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
[ ] Yes [ ] No If Yes, list agency(s) name and permit/approvals:
N/A

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
[ ] Yes [X] No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: New Scotland Town Board Date: 12/08/04

Signature: Edward F. Clark

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with is assessment

OVER

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☒ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

No

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

New Scotland Town Board
Name of Lead Agency

November , 2004
Date

Edward Clark
Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Edward D. Clark
Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The local law is simply a recodification, with some minor administrative changes, of existing local laws and ordinances.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of pubication in the ENB)

For Further Information:

Contact Person: Edward Clark

Address: New Scotland Town Hall, 2029 New Scotland Road,
Slingerlands, New York 12159

Telephone Number: 518-439-4889

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750 (Type One Actions only)

12-12-79 (3/99)-9c

SEQR

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number

Date: November _____, 2004

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The New Scotland Town Board as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Local Law #5 of 2004

SEQR Status: Type 1 ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ Yes
☒ No

Description of Action:

Recodification into the "Code of the Town of New Scotland" certain land use, water, and sewer Local Laws and ordinances.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

GENERAL CODE PUBLISHERS CORP.

INSTRUCTIONS

Town of New Scotland Code Supplement No. 1

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
190:3 – 190:4	190:3 – 190:4
190:7 – 190:14	190:7 – 190:14

09 - 01 - 2004

GENERAL CODE PUBLISHERS

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Tab Instruction Sheet

Your municipality has worked hard to make current regulations easily accessible. Tab dividers are provided to help you find the Code material that you use frequently.

To insert the tabs place each tab in front of its corresponding chapter or regulation. Continue on in this manner until all of the tabs have been inserted.

If you have any questions about using these tabs, or wish to order additional tab dividers, please call 1-800-836-8834.

www.generalcode.com ▪ mail@generalcode.com

Code of the Town of New Scotland

COUNTY OF ALBANY

STATE OF NEW YORK

SERIAL NO. ....1.....

GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, NY 14624

2004

PREFACE

Town History

The earliest European settlement of the area known as the Town of New Scotland occurred in the early 17th century. In 1629, the Dutch West India Company granted a patroonship to Killian VanRensselaer. This patroonship would prove to be a strong economic and political influence in the area until the early 19th century, ending with what is called the "Anti-Rent Wars." By the 18th century, many settlers from Holland, Scotland, England and elsewhere began to populate the choicest land for farmsteads.

The early economy of the region was primarily based on agriculture. Food crops and fodders for the livestock were raised and hops were harvested extensively for shipment to nearby breweries in the City of Albany. Apples, plums, melons and other fruits were later added to this list of valuable produce. Many still-existing farms date back to this early period.

After the American Revolution, the population began to grow significantly. Various churches (Dutch Reform, Presbyterian, and Methodist) were erected in the various hamlets. They not only provided for the religious needs of the people, but also served as meeting halls and social centers. The results of this would be the development of many rural communities throughout the future Town's area.

On April 25, 1832, the Town of New Scotland was created by an act of the New York State Legislature. The Town's entire jurisdiction has formerly been part of the Town of Bethlehem within the County of Albany.

Following the Civil War, the Town of New Scotland, along with the rest of the nation, began to feel the influence of improved communication and transportation. Perhaps the single greatest factor in its total impact on the Town was the establishment of the railroad. Both Feura Bush and New Scotland were already established communities when their train stations were built. The Village of Voorheesville came into being as a result of the train's expansion, and it is the only incorporated Village in the Town.

The Town of New Scotland consists of a total of 58 square miles. Its population has grown from 2,030 in 1835 to nearly 9,000 people in 2000. The villages and hamlets of the Town include Clarksville, Feura Bush, New Salem, New Scotland, Onesquethaw (Tarrytown), Unionville, and Voorheesville.

Introduction

The Town of New Scotland has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of munici-

pal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Board ordered the following codification of the Town's legislation.

Contents of Code

The various chapters of the Code contain selected legislation of a general and permanent nature enacted by the Town Board of the Town of New Scotland, including revisions or amendments to such legislation deemed necessary by the Town Board in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, is reserved for Town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, is reserved for Town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions

are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Town officials is gratefully acknowledged by the editor. The codification of the legislation of the Town of New Scotland reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

TABLE OF CONTENTS

Tools for Finding Information – In addition to the municipality's legislation, this publication contains tools to help locate information: table of contents, index, chapter outlines (schemes), and a disposition list.

Chapters – Chapters are generally discrete pieces of legislation, but can also be made up of several individual pieces on a related topic. In that case, the individual pieces are arranged into articles or parts within the chapter. The article or part titles can be found in the chapter scheme or by subject in the index. If you are familiar with a former number or title, look for it chronologically in the disposition list.

Reserved Chapters – In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the "Instructions for Amending the Code" in the Preface.

Section Numbering – A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

Scheme – The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Page Numbers – A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 begins on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

PART I: ADMINISTRATIVE LEGISLATION

General Provisions 1:1

PART II: GENERAL LEGISLATION

Dumps and Dumping 89:1
Highway Specifications 110:1
Junk and Junk Vehicles 116:1
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Subdivision of Land 164:1
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DISPOSITION LIST

INDEX

PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[A local law adopting the Code of the Town of New Scotland and making certain substantive changes to existing land use, sewer and water local laws and ordinances of the Town is presently proposed before the Town Board. Upon final adoption, it will be included here as Article I of this chapter.]

PART II

GENERAL LEGISLATION

Chapter 89

DUMPS AND DUMPING

§ 89-1. Legislative findings and intent.
§ 89-2. Definitions and word usage.
§ 89-3. Applicability.
§ 89-4. Dumping prohibited.
§ 89-5. Private landfilling; restrictions on use.
§ 89-6. Town dump restrictions.
§ 89-7. Enforcement.
§ 89-8. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of New Scotland 9-24-1969; amended and readopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Junk — See Ch. 116.

Zoning — See Ch. 190.

§ 89-1. Legislative findings and intent.

By the adoption of this chapter, the Town Board of the Town of New Scotland declares its intent to be to regulate in a manner consistent with the interest of the citizens of the Town of New Scotland the dumping of garbage, rubbish, refuse and similar waste material on lands within the Town, and to provide for the disposal thereof on established Town dumps. Garbage is a deleterious substance and garbage dumps emit obnoxious odors and fumes. Unattended, private garbage dumps and disposal areas attract rodents and vermin and become breeding place for them. All of these conditions can adversely affect the development of the Town unless they are properly and carefully regulated. Therefore, recognizing the above and the need of the community for an adequate and well-regulated procedure for the disposal of garbage and rubbish, and in the exercise of its police power in these regards, the Town Board of the Town of New Scotland does hereby enact the following chapter.

§ 89-2. Definitions and word usage.

When terms are not defined in this chapter and are defined in other codes, laws or ordinances of the Town of New Scotland, such terms shall have the meanings ascribed to them as in those codes, laws or ordinances. When terms are not described through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

§ 89-3. Applicability.

This chapter shall apply to dumping upon all lands, public and private, within this Town except upon such premises as are or may be lawfully established as a public dump or dumping grounds of this Town and thereon only in the manner herein provided.

§ 89-4. Dumping prohibited.

No person shall use any of the lands within the Town of New Scotland as a dump, dumping grounds or sanitary landfill, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on such lands any waste materials or waste substances such as bottles, cans, stumps, junk, yard trimmings and waste (generated off site), garbage, refuse, trash, rubbish, litter or any nauseous or offensive matter, nor dispose or attempt to dispose of any such materials, substances or matter by burying the same, by so-called sanitary landfills or otherwise, on such lands, except as otherwise provided herein.

§ 89-5. Private landfilling; restrictions on use.

No person shall deposit or cause to be deposited on premises any clean fill, obtained from on or off the site, in excess of 100 cubic yards prior to the issuance of a special use permit by the Town of New Scotland Planning Board, except as required by other authorities having jurisdiction in regard to fill needed for the construction of sanitary waste or stormwater management facilities.

§ 89-6. Town dump restrictions.

A. No person shall deposit or cause to be deposited on premises established as a public dump of this Town, except at the places and in the manner directed by the person in charge of the premises under the authority of the Town Board, if such a person is so designated, or by a sign or signs erected upon the premises by the authority of the Town Board.

B. No person shall deposit or cause to be deposited on premises established as a public dump of this Town any substance of any kind which originated or was collected from outside of the Town of New Scotland.

C. No person, not a resident of or conducting an established business in the Town of New Scotland, may deposit or cause to be deposited any substance of any kind on premises established as a public dump of this Town. The Town Board may provide for such method of identification of Town residents or their vehicles as it may deem necessary and expedient.

D. No person shall hunt, trap or snare animals or birds of any description, set any traps or snares or discharge any firearms on premises established as a public dump of the Town, nor shall any person trespass on said premises for such purposes.

E. Said premises established as a public dump shall be open to the public on such days and hours as the Town Board shall from time to time determine, and notice of such days and hours shall be given by posting same on a sign or signs erected on the premises by the authority of the Town Board.

F. All gates to said premises shall be securely locked at all times and no unauthorized persons shall trespass on said premises for any purpose except during the days and hours so determined.

§ 89-7. Enforcement.

This chapter may be enforced by the Building Inspector of the Town of New Scotland as follows:

A. Whenever the Inspector or an authorized employee of the Building Department determines that a violation exists, the Inspector or any authorized employee may issue, without further notice, to the person responsible for such violation, a summons or appearance ticket returnable in the Justice Court for the Town of New Scotland for the prosecution of said offense, or take such other such enforcement procedures as may be authorized by law.

§ 89-8. Penalties for offenses.

A. Any person who shall violate any provision of this chapter shall be guilty of an offense punishable by a fine not exceeding $350 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed 15 days, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $700 nor more than $1,000 or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.

B. In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Chapter 110

HIGHWAY SPECIFICATIONS

§ 110-1. Specifications for Town acceptance of streets.

§ 110-2. Documentation required for street acceptance.

§ 110-3. Standard highway cross-section for residential streets.

§ 110-4. Penalties for offenses.

Highway Cul-de-Sac

Typical Street Section

[HISTORY: Adopted by the Town Board of the Town of New Scotland 7-11-2001 by L.L. No. 8-2001; amended and readopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 164.

§ 110-1. Specifications for Town acceptance of streets.

No street laid out after the date of the passing of this chapter will be accepted as a Town street unless it shall conform to regulations hereinafter provided and the applicable provisions of Chapter 164, Subdivision of Land, of the Code of the Town of New Scotland.

A. Prior to acceptance by the Town all streets shall be graded according to the typical section on file in the office of the Town Superintendent of Highways, as follows: Proper drainage shall be installed where required. Corrugated iron pipe shall be used throughout for all culverts or subsurface drains. Said pipe is to conform to the standard usage adopted by the Town Superintendent of Highways and/or the Town-designated Engineer. Driveway pipe and installation shall conform to the attached drawing "Typical Street Section."[1] A profile, in duplicate, approved by the Town Planning Board, shall be filed with the Town Board, showing the grade and fall of surface water to be not less than one foot every 200 feet and also showing the final disposition of flow.

B. All streets or roads offered for dedication shall be suitably and properly graded and shall meet with the approval of the Town Superintendent of Highways and/or the Town-designated Engineer. There shall be a roadway of adequate width as designated in Chapter 164, Subdivision of Land, constructed as specified herein. The roadway section shall be as specified herein and in Chapter 164, Subdivision of Land. The subgrade shall slope uniformly from the center line of the street to its intersection with the gutter line. The above details are indicated on the attached drawing "Typical Street Section, Town of New Scotland," dated January 1, 1986.[2]

1. Editor's Note: Said diagram is included at the end of this chapter.

2. Editor's Note: Said diagram is included at the end of this chapter.

C. Subgrade. After all drains have been satisfactorily completed and the subgrade has been properly sloped, it shall be thoroughly rolled and compacted with an approved self-propelled roller weighing not less than 10 tons. Care shall be taken not to roll clay foundations enough to develop a plastic condition. All subbase material shall be placed on geotextile fabric unless otherwise determined by the Highway Superintendent or Town-designated Engineer. All hollows and depressions which develop shall be filled with acceptable materials and the subgrade shall be rolled again. This process of filling and rolling shall continue until no depressions develop. In places where the character of the material makes the use of such a roller impracticable, a lighter one may be permitted. The subgrade shall not be muddy, or otherwise unsatisfactory when pavement is placed upon it. All necessary drainage to effectively drain the roadway must be completed before the placing of any pavement will be permitted thereon.

D. Road subbase. All subbase material shall be gravel of hard, durable stone, and well graded as specified herein.

E. Storm drainage. Storm drainage shall be provided so that in no case will surface water be carried in highway ditches more than 600 feet. The minimum size storm sewer shall be 15 inches.

F. All manholes, catch basins, or inlets shall be four feet in diameter and shall have a circular cross or square section. The minimum depth of catch basins from the top of the casting shall be three feet eight inches, and the minimum sump shall be 12 inches. Openings in catch basin castings shall be rectangular in shape with section modulus providing for heavy loading.

§ 110-2. Documentation required for street acceptance.

Further, no street offered for acceptance as a Town highway after the date of this chapter shall be accepted by the Town unless the offer is accompanied by the following:

A. The written approval of the Town Planning Board.

B. A deed acceptable to the Town Board.

C. A title search covering a period of at least 40 years prior to the date of application together with a tax search.

D. An assignment to the Town of all easements and rights-of-way necessary to provide for the drainage of all water from said highway.

E. The written approval of the New York State Department of Transportation to connect the street with any state highway if the street joins a state highway; and the written approval of the County Superintendent of Highways to connect the street with the county highway if the street joins a county highway. This approval shall also include a statement that the provisions for drainage from the street are acceptable to the state or county.

F. A maintenance contract signed by offeror wherein he agrees to maintain the street in a good state of repair satisfactory to the Town Superintendent of Highways for a period of 18 months from the date of formal acceptance of the street as a Town highway.

(1) The agreement shall cover the maintenance of all portions of the street including the carriageway, shoulders, ditches, culverts, sluiceways, drainage facilities, and any other portions of the street. It shall also obligate the offeror to correct all defects of initial installation or construction however caused.

(2) It shall also obligate the offeror to use only materials which are satisfactory to the Town Superintendent of Highways, and if unsatisfactory materials are used, to remove them and replace them with materials satisfactory to the Town Superintendent of Highways.

(3) The contract shall obligate the offeror to perform the work when needed and without notice from the Town and to save the Town harmless from all liability arising out of failure to fulfill his obligations under the agreement or his failure to do any work required in a proper manner.

(4) The contract shall require the offeror to complete any work deemed to be necessary by the Town Superintendent of Highways within 10 days of receipt of a written notice by the Town Superintendent of Highways (or any such longer time as the notice may state) stating the deficiency and corrective work required. Upon the offeror's failure to comply with this written request, the Town Superintendent of Highways may, without further notice, perform or contract for the performance of the corrective work set forth in the notice at the expense of the offeror, and the offeror shall agree to pay the Town all expenses, including labor, materials, and equipment expenses, within 15 days of presentation of a statement of expenses.

(5) The contract shall state that the offeror's obligation to perform any corrective work necessary before the end of the eighteen-month period shall survive the termination of the agreement and if, in the opinion of the Town Superintendent of Highways, this work cannot be segregated from work which becomes necessary after the end of the eighteen-month period, he, the Town Superintendent, shall in his sole discretion, designate the part (including the whole) of the work which shall be performed by the offeror.

(6) It is the purpose of this maintenance contract to enable the Town to accept streets as Town highways prior to the time when it would otherwise do so to assist the offeror in the financing and sale of property abutting the street but to leave with the offeror the expenses and obligations for the road which the Town would otherwise prematurely assume.

G. A performance bond or cash deposit in the amount designated by the Town Board to guarantee the performance of the maintenance contract and the completion of the requirements of the Town Planning Board.

§ 110-3. Standard highway cross-section for residential streets.

All streets shall conform to the Standard Highway Details.[3]

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3. **Editor's Note: Said diagrams are included at the end of this chapter.**

A. Drainage. Prior to placement of subbase material, underdrainage shall be installed where required, as determined by existing soil and/or subsurface water conditions or as required by the Highway Superintendent. The developer, or owner, laying out the streets or highways for acceptance by the Town shall obtain all necessary easements and/or right-of-ways necessary to take care of all surface and ground water caused by reason of the installation of culverts or surface drains or underdrains.

B. Highway subbase and pavement specifications.

(1) Prior to the placement of each course of material specified herein, the Superintendent of Highways or his authorized representative shall inspect and approve the roadway construction. The developer shall install all conduits specified by any utility company, at depths and locations specified by the respective utility company prior to the placement of gravel subbase material.

(a) Certain soil conditions or wet areas may require the use of geotextiles when so directed by the Superintendent of Highways of his authorized representative.

(2) Prior to placement of subbase material, geotextile fabric shall be placed on the compacted subgrade.

(3) Gravel subbase material for all highways/roadways shall be Item 304.05, Type 4.

(4) Gravel subbase shall be furnished, placed and compacted in conformance with the New York State Department of Transportation (NYSDOT) "Standard Specifications - Construction and Materials" of January 2, 1990, and all addenda.

(a) Materials:

[1] Item 304.04 - Subbase Course, Type 3.

Sieve Size Designation	% Passing By Weight
4 inch	100
1/4 inch	30 to 75
No. 40	5 to 40
No. 200	0 to 10

[2] Item 304.05 - Subbase Course, Type 4.

Sieve Size Designation	% Passing By Weight
2 inch	100
1/4 inch	30 to 65
No. 40	5 to 40
No. 200	0 to 10

[3] Materials furnished shall consist of approved blast furnace slag or stone, sand and gravel or blends of these materials, free of organic or other deleterious materials.

(b) Placement:

[1] The thickness and types of gravel subbase material to be used between the top of the subgrade and the bottom of the pavement shall be approved by the Superintendent of Highways or his authorized representative.

[a] For subgrade soil consisting of stone fragments, gravel, sand, fine sand, silty or clayey gravel and sand, the proposed subbase thickness shall be 12 inches.

[b] For subgrade consisting of silty soils, the proposed subbase thickness shall be 18 inches.

[c] For subgrade soil consisting of clayey soils, the proposed subbase thickness shall be 24 inches.

[2] To achieve these thicknesses, the following minimum and maximum depths apply:

[a] The maximum thickness of Item 304.05, Type 4, shall be 24 inches and the minimum thickness shall be four inches.

[b] The maximum thickness of Item 304.04, Type 3, shall be 20 inches and the minimum thickness shall be six inches.

[3] Item 304.04, Type 3, material shall not be placed within four inches of the bottom of the pavement course. In roadway cut sections where the native material is impervious to water, i.e., rock, glacial till or other materials, determined by the Superintendent of Highways or his authorized representative, the minimum thickness of Type 3 material shall be six inches.

[4] Item 304.05, Type 4, material shall be placed to final grade before paving, in a manner which minimizes segregation and shall be approved by the Superintendent of Highways or his authorized representative.

[5] If construction equipment or other traffic must ride on the exposed subgrade surface, that surface shall be graded two inches higher than its final grade. Just before placement of the subbase material, that final two inches shall be removed so that no subgrade material appears above its final plan grade. Just prior to placing the pavement courses, the subbase shall be regraded to its final elevation. Gravel subbase material shall not be placed until the entire subgrade has been graded in accordance with the Standard Details.[4]

4. **Editor's Note: Said diagrams are included at the end of this chapter.**

(5) Hot, plant-mixed, asphalt concrete base course shall be used to construct a base pavement course in conformance with the New York State Department of Transportation "Standard Specifications Construction and Materials" of January 2, 1990, and all addenda.

(a) Materials:

[1] Item 403.13 - Asphalt Concrete, Type 3 Binder Course.

Sieve Size Designation	% Passing By Weight	Tolerance %
1 1/2 inch	100	-
1 inch	95 to 100	-
1/2 inch	70 to 90	+/-6
1/4 inch	48 to 74	+/-7
1/8 inch	32 to 62	+/-7
No. 20	15 to 39	+/-7
No. 40	8 to 27	+/-7
No. 80	4 to 16	+/-4
No. 200	2 to 8	+/-2
Asphalt content	%4.5 to 6.5	+/-0.4
Asphalt cement grade	AC-20	
Materials specification number	702-0500	

NOTES:
Mixing and placing temperature range of 250° F. to 325° F.

[2] Bituminous plant-mixed asphalt concrete shall generally be composed of a mixture of aggregate, filler if required, and bituminous material. The contractor shall formulate and submit to the Superintendent of Highways, or his authorized representative, a job mix formula that satisfies the limits shown above, including the mineral aggregate sources and grade of bituminous material to be used. The aggregate tolerance shall be based on the total weight of the aggregate, and bituminous material tolerances shall be based on total weight of the mix. For additional specifications, refer to NYSDOT Section 401 - Plant Mix Pavements - General, Subsection 401-2, Materials.

(b) Placement:

[1] The asphalt concrete foundation shall be laid and rolled to a compacted thickness of three inches. The mixture shall not be laid on a frozen or wet surface. Before laying the asphalt concrete foundation, the subbase surface average temperature, taken at three separate locations at least 25

feet apart, shall be at least 40° F. For additional specifications on the mixing plant and construction equipment and procedures, refer to Section 401 - Plant Mix Pavements - General, Subsection 401-3, Construction Details, of the New York State DOT Specifications.

[2] Upon completion of placement of the base course, core samples shall be taken to verify the depth of materials placed. Locations and number of core samples shall be as determined by the Superintendent of Highways or his authorized representative. Cost for the core samples and reports shall be borne by the owner/developer.

[3] After acceptance of the base course by the Superintendent of Highways or his authorized representative, placement of the wearing surface shall occur as follows:

[a] The base course shall remain uncovered until April 15 if work on the base is completed after September 15. The base course shall be broom cleaned and a tack coat applied prior to placing wearing course (no exceptions).

[b] The wearing surface may be placed immediately following the base course if soil tests have been taken and confirmed by a testing lab that the following specifications have been met:

[i] Subgrade materials compacted to 90% maximum proctor density.

[ii] Subbase materials compacted to 95% maximum proctor density.

[c] All frames, grates, valve boxes and manholes shall be constructed at an elevation equal to the finish surface elevation of the base course material. Prior to placement of wearing surface, frames, grates, valve boxes and manholes shall be raised to the final surface elevation of the wearing course in accordance with the Standard Details.[5]

[d] Prior to placement of the wearing course, the top surface of the base shall be swept and cleaned with a self-propelled street sweeper. All joints, settlements and cracks shall be filled with wearing surface materials and compacted before approval by the Superintendent of Highways or his authorized representative.

(6) Hot, plant-mixed, asphalt concrete shall be used to construct wearing courses in conformance with the New York Department of Transportation "Standard Specifications - Construction and Materials" of January 2, 1990, and all addenda.

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5. **Editor's Note: Said diagrams are included at the end of this chapter.**

(a) Materials.

[1] Item 403.1901 - Asphalt Concrete, Type 7F Top Course.

Sieve Size Designation	% Passing By Weight	Tolerance %
1 1/2 inch	100	-
1/4 inch	90 to 100	-
1/8 inch	45 to 70	+/-6
No. 20	15 to 40	+/-7
No. 40	8 to 27	+/-7
No. 80	4 to 16	+/-4
No. 200	2 to 6	+/-2
Asphalt Content	%6.0 to 8.0	+/-0.4
Asphalt cement grade	AC-20	
Materials specification number	702-0500	

NOTES:
Mixing and placing temperature range of 250° F. to 325° F.

[2] For additional specifications refer to NYSDOT 401 - Plant Mix Pavement - General, Subsection 401-2, Materials.

(b) Placement:

[1] The asphalt concrete wearing course widths and thicknesses 1 1/2 inches shall be in accordance with the Standard Details.[6] These mixtures shall not be laid on frozen or wet surfaces. Before laying the asphalt concrete, the base course surface average temperature, taken at three separate locations at least 25 feet apart, shall be at least 50° F. The wearing course shall be laid and rolled to a compacted thickness of 1 1/2 inches.

[2] For additional specifications, refer to Section 401 - Plant Mix Pavements - General, Subsection 401-3, Construction Requirements, of the New York DOT Specifications.

(7) Bituminous pavers.

(a) The outside (pavement edge) of the screed or strike-off assembly shall be modified to extrude asphalt pavement to the shape detailed by the Typical

6. **Editor's Note: Said diagrams are included at the end of this chapter.**

Street Section,[7] forming a mountable curb edge monolythically with each pavement course.

(b) A minimum one-ton static steel wheeled roller shall be used to obtain satisfactory compaction at the curb edge.

(8) Tack coat material and construction details shall comply with NYSDOT Specification Section 407 - Tack Coat.

C. Highway crossings.

(1) Open cut method.

(a) Open cutting of Town roads shall take place only as approved by the Superintendent of Highways.

(b) In areas where open cutting of the pavement is allowed, it shall be restored as follows:

[1] Backfilling shall consist of NYSDOT Item 304.05, Type 4, gravel placed manually to a point one foot above the top of pipes and thoroughly tamped by use of shovels or similar implements, and brought up evenly on both sides of the pipe. This same gravel material shall be used to the underside of the base course asphalt concrete and shall be placed and mechanically compacted in six-inch layers.

[2] All trench backfill shall be compacted to a minimum dry density of 100% of the maximum density. "Maximum density" is defined as the maximum dry weight density, in pounds per cubic foot, as determined by AASHTO Designation T-99, Method C.

[3] As soon as the trench is backfilled, temporary pavement consisting of a three-inch depth cold-mix asphaltic concrete shall be placed and compacted to grade. Such repairs shall be maintained even with pavement surface until backfill has settled sufficiently to permit restoration of pavement surface. Minimum settling time shall be 30 days.

D. Bituminous pavement replacement.

(1) Where trench excavation is in paved areas of streets, construction of a hot-mix bituminous concrete, laid to conform to the original grade and cross-section, shall be required. The grade shall be excavated to the required depth, graded, and rolled to produce a firm foundation. Upon this prepared base, a twelve-inch foundation course of acceptable gravel shall be deposited in a uniform layer, and rolled.

(2) Upon this gravel base, a three-inch layer of hot, plant-mixed, asphalt concrete shall be placed, raked, and thoroughly compacted. After compacting, a two-inch top course of hot, plant-mixed asphalt shall be placed, raked, and rolled so it will

7. **Editor's Note: Said diagram is included at the end of this chapter.**

conform exactly to the adjoining pavement on both sides of the trench. This top course shall be rolled with a tandem roller weighing from seven to 10 tons. When compacted, the pavement shall be at the exact surface elevation of the adjoining pavement.

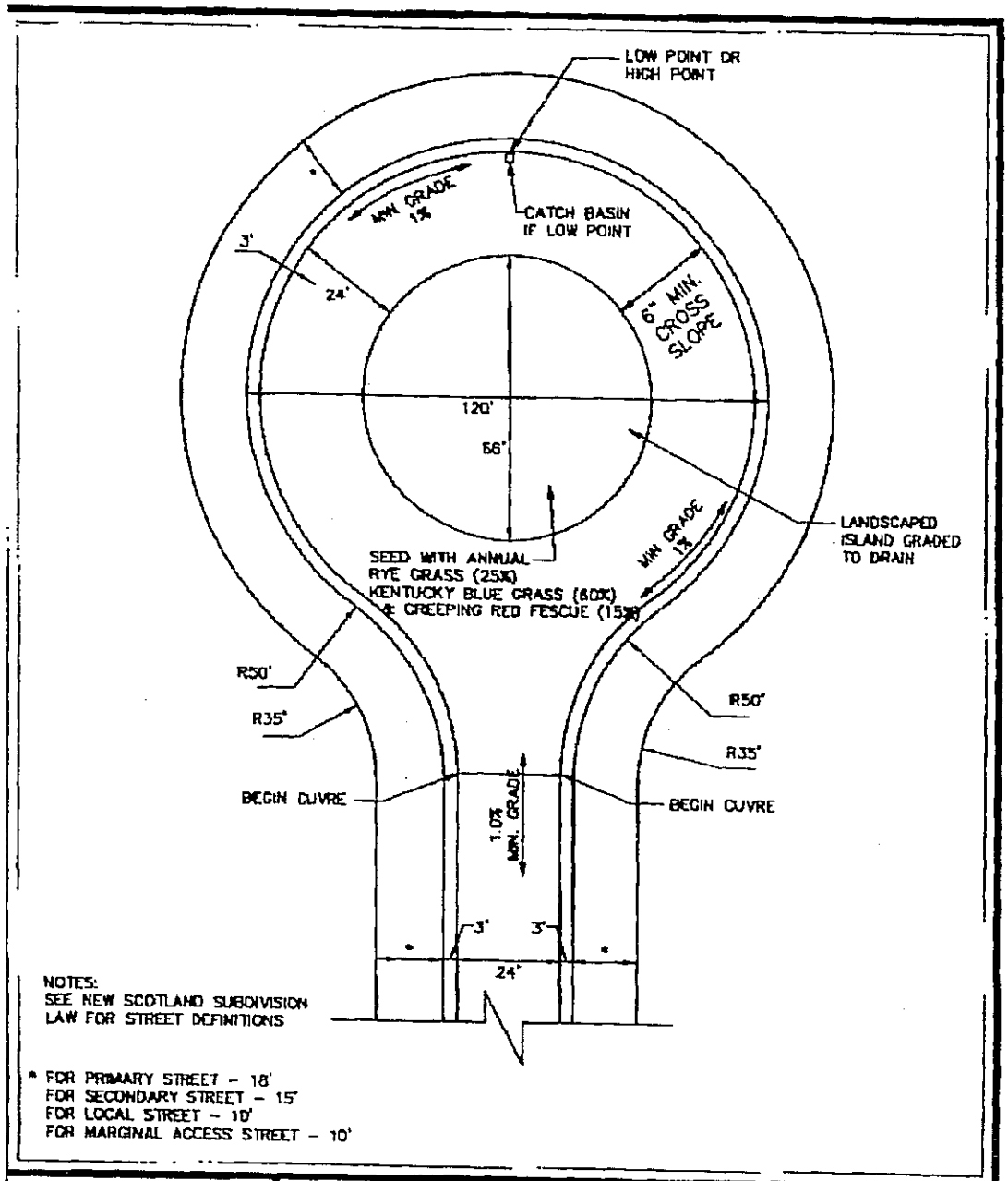
(3) Before replacing pavement, the existing pavement along the sides of the backfilled trench shall be saw cut at least 1 1/2 feet back from each side of the excavation to straight lines generally parallel to the center line of the trench, or if necessary, at the right angles thereto, to avoid ragged or irregular and unsightly replacement.

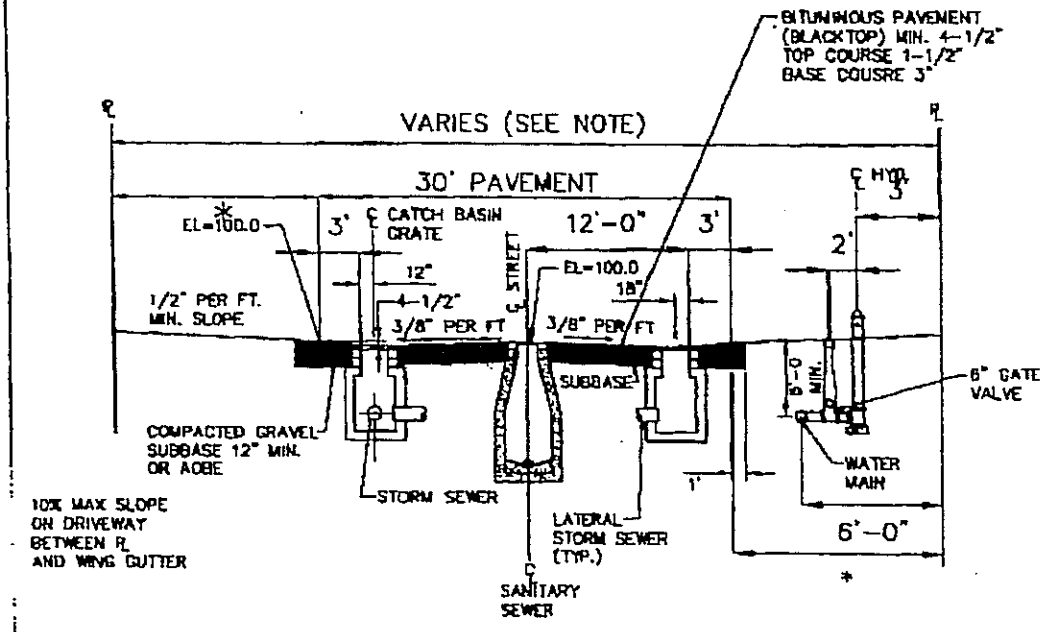
(4) The asphaltic concrete mixture shall be in conformance with Item 403 - Asphaltic Concrete Type 3 Binder Course, and Type 7F Top Course of the New York State Department of Transportation Specifications, latest version.

(5) On all Town pavement where cutting is across the line of, or longitudinally in the path of, traffic, temporary pavement consisting of a three-inch depth of cold-mix or asphaltic concrete shall be placed as soon as backfilling is completed. Such repairs shall be maintained by the contractor flush with the adjacent pavement surface until the backfill has settled sufficiently to permit permanent restoration of the pavement surface. Minimum settling time shall be 30 days.

§ 110-4. Penalties for offenses.

In addition to any other remedy provided herein or in Chapter 164, Subdivision of Land, any person or persons, associations or corporations committing an offense against this chapter or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not to exceed $250, or imprisonment not exceeding 15 days, or both, for each day the violation exists.


LOW POINT OR
HIGH POINT
CATCH BASIN
IF LOW POINT
MIN. GRADE
1%
3'
24'
6" MIN.
CROSS
SLOPE
120'
56'
LANDSCAPED
ISLAND GRADED
TO DRAIN
SEED WITH ANNUAL
RYE GRASS (25%)
KENTUCKY BLUE GRASS (60%)
& CREEPING RED FESCUE (15%)
MIN GRADE
1%
R50'
R35'
R50'
R35'
BEGIN CUVRE
BEGIN CUVRE
1.0%
MIN. GRADE
3'
3'
*
*
24'
NOTES:
SEE NEW SCOTLAND SUBDIVISION
LAW FOR STREET DEFINITIONS
* FOR PRIMARY STREET - 18'
FOR SECONDARY STREET - 15'
FOR LOCAL STREET - 10'
FOR MARGINAL ACCESS STREET - 10'
Date: 1/1/1998
Scale: NTS
Field:
Dsn. By:
Drawn By: TONS
Chk. By:
HIGHWAY CUL-DE-SAC
STANDARD HIGHWAY DETAILS
TOWN OF NEW SCOTLAND
ALBANY COUNTY NEW YORK



TYPICAL STREET SECTION

NTS

NOTES:
SEE NEW SCOTLAND SUBDIVISION LAW FOR STREET DEFINITIONS

* FOR PRIMARY STREET – 18'
FOR SECONDARY STREET – 15'
FOR LOCAL STREET – 10'
FOR MARGINAL ACCESS STREET – 10'

Date:	1/1/1988
Scale:	NTS
Field:	
Dsn. By:	
Drawn By:	TONS
Chk. By:	

TYPICAL STREET SECTION
STANDARD HIGHWAY DETAILS
TOWN OF NEW SCOTLAND
ALBANY COUNTY NEW YORK

Chapter 116

JUNK AND JUNK VEHICLES

§ 116-1. Legislative findings and intent.
§ 116-2. Definitions and word usage.
§ 116-3. Storage of junk vehicles prohibited.
§ 116-4. Deposit of junk prohibited.
§ 116-5. Notice.
§ 116-6. Presumption of violation.
§ 116-7. Enforcement.
§ 116-8. Penalties for offenses; remedies.

[HISTORY: Adopted by the Town Board of the Town of New Scotland 7-5-1984 by Ord. No. 12; amended and readopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Dumps — See Ch. 89.

Zoning — See Ch. 190.

§ 116-1. Legislative findings and intent.

A. The accumulation, storage and abandonment of unusable motor vehicles and component parts thereof, and junk and other waste materials on private and public property within the Town of New Scotland is hereby declared to be detrimental to the public health and welfare of the residents of the Town of New Scotland, aesthetically unattractive, and detracts from the enjoyment of the environment by the said residents, tends to depreciate neighborhood property values and is an infringement of the enjoyment of their properties and homes by neighboring residents. The purpose of this chapter is to prohibit the placement, storage or abandonment of vehicles which, because of mechanical defects, are inoperable and unsightly. In order to accord owners of vehicles which are damaged or inoperable a reasonable time to restore them to operating condition or to arrange for other disposition of them, and in recognition of the fact that certain types of businesses necessitate the temporary parking of inoperable vehicles out of doors, the prohibition does not apply until the vehicle has been situate of the property for in excess of 30 days.

B. The further purpose of this chapter is to prohibit the placement or accumulation of vehicle parts, or junk of any kind, out of doors on private or public property. A ten-day grace period is considered to be a reasonable time to allow for the removal and disposition of junk.

§ 116-2. Definitions and word usage.

A. When terms are not defined in this chapter and are defined in other codes, laws or ordinances of the Town of New Scotland, such terms shall have the meanings ascribed to them as in those codes, laws or ordinances. When terms are not described through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

B. As used in this chapter, the following terms shall have the meanings indicated.

JUNK — Old or scrap copper, brass, lumber, wood, rope, rags, batteries, paper, trash, rubber debris, waste or junked, scrapped, ruined, dismantled or wrecked vehicle parts, iron, steel and other old or scrap ferrous or nonferrous material, and construction and demolition debris.

JUNK VEHICLE — Any vehicle which for any reason is incapable, with out repair, of being moved or propelled by application of internal power, if it is a vehicle originally designed to be propelled by internal power or is incapable without repair of being drawn or towed in the manner originally intended, if it is a vehicle originally designed to be towed or drawn from behind and internally powered vehicle, and as adjudged by the standards of an ordinary reasonable man, is unsightly in appearance because of the existence of one or more conditions such as, but not limited to, the following: deterioration by rust of the body; deterioration of the exterior finish of the vehicle; broken windows; absence of component parts of the vehicle (such as fenders, panels, doors, bumpers, headlights, hood, trunk door, tires, wheels, grille, roof, tailgate); physical damage (such as dents, cracks, scrapes, holes) to component parts of the vehicle; absence of interior components (such as seats, dashboard, interior door moldings, etc.)

PERSON — One or more individuals, a partnership, corporation, association or any other legal entity.

VEHICLE —

(1) Any means of transport or conveyance having wheels originally designed and manufactured:

(a) To be moved or propelled by any power other than muscular power; or

(b) To be drawn or towed.

(2) A vehicle shall include but not be limited to automobiles, trucks, trailers, motorcycles, motorbikes, buses.

§ 116-3. Storage of junk vehicles prohibited.

No person shall within the Town of New Scotland deposit, place, store or abandon on any real property, or permit, cause or consent to be deposited, placed, stored or abandoned on real property owned or occupied as a tenant by such person, a junk vehicle for a period of longer than 30 days after receipt by such person of the notice prescribed by § 116-5 unless such vehicle is completely enclosed in a garage or other similar structure. This chapter shall not apply to the storage, placement, deposit or abandonment of junk vehicles in junkyards as defined in, and duly operating in accordance with, the provisions of the ordinance of the Town of New Scotland providing for the regulation and licensing of automobile junkyards within the Town and its amendments as may be enacted from time to time. Nor shall this chapter apply to the storage, placement, deposit or abandonment of up to two junk vehicles when neither junk vehicle is visible from any of the following locations:

A. A public road;

B. A residence or any point six feet or less above the ground and within 15 feet of a residence; or

C. A private road used for ingress and egress.

§ 116-4. Deposit of junk prohibited.

No person shall, within the Town of New Scotland, deposit, store, accumulate or abandon upon any real property, nor cause consent or permit to be deposited, stored, accumulated or abandoned upon any real property owned or occupied as a tenant by such person outside of an enclosed structure or a securely covered garbage or trash container, any junk for a period longer than 10 day after receipt by such person of the notice prescribed by § 116-5. This section shall not apply to lawn, garden, nursery or agricultural refuse or waste nor to disposal in the Town of New Scotland Sanitary Landfill in accordance with the rules, regulations and ordinances of the Town pertaining thereto.[1]

§ 116-5. Notice.

After the enforcement officer has determined that a junk vehicle or junk is stored, deposited, placed or abandoned on a parcel of property, he shall serve a written notice thereof on the occupant or owner of the property, or on the owner of the junk vehicle, or to both such persons, as the case may be, directing the removal of such junk vehicle within 30 days, or the removal of such junk within 10 days, after receipt of such notice. The notice shall be sent by certified mail, return receipt requested, or by personal service. Possession by the enforcement officer of the US Postal receipt indicating delivery of the notice to the addressee, whether the receipts are signed by the addressee or by a third party, shall constitute conclusive proof of the receipt by the addressee of the said notice. The thirty-day period or the ten-day period, as the case may be, shall commence on the date of delivery of the notice as indicated on the postal receipt. If the notice is personally served, the respective thirty- and the ten-day periods shall commence running on the date of the personal service of the notice.

§ 116-6. Presumption of violation.

There shall be a presumption that a person who has received the notice prescribed by § 116-5, has stored, deposited or placed, or abandoned, or caused, consented or permitted the deposit, storage, abandonment, or placement of the junk vehicles or junk described in the said notice.

§ 116-7. Enforcement.

This chapter may be enforced by the Building Inspector of the Town of New Scotland, as follows:

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1. Editor's Note: See Ch. 89, Dumps and Dumping.

A. Whenever the Inspector or an authorized employee of the Building Department determines that a violation exists, the Inspector or any authorized employee may issue, without further notice, to the person responsible for such violation, a summons or appearance ticket returnable in the Justice Court for the Town of New Scotland for the prosecution of said offense, or take such other such enforcement procedures as may be authorized by law.

§ 116-8. Penalties for offenses; remedies.

A. Any person who shall violate any provision of this chapter shall be guilty of an offense punishable by a fine not exceeding $350 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed 15 days, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $700 nor more than $1,000 or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.

B. In addition to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Chapter 155

SEWERS

ARTICLE I
Legislative Intent

§ 155-1. Adoption of general rules and specifications.

ARTICLE II
Scope; Standards

§ 155-2. Applicability.

ARTICLE III
Terminology

§ 155-3. Definitions and word usage.

ARTICLE IV
Power and Authority of Town Inspectors

§ 155-4. Right of entry for inspection and testing.
§ 155-5. Observance of safety rules.
§ 155-6. Entry on private property to observe compliance of facilities.
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ARTICLE V
General Connection and Installation Requirements

§ 155-8. Costs to be borne by owner; indemnification of Town.
§ 155-9. Where no sewer service lateral has been supplied.
§ 155-10. Connection to existing public sewer main.
§ 155-11. Inspection and testing.
§ 155-12. Installation of sewer laterals.

ARTICLE VI
Permits

§ 155-13. Permit required to connect existing sewer main or sewer service lateral.
§ 155-14. Classes of sewer permits; connection fees.

ARTICLE VII
Rules and Regulations for Sewer Use

§ 155-15. Service requirements; interruption of service.

ARTICLE VIII
Violations and Penalties

§ 155-16. Penalties for offenses.
§ 155-17. Assessment in addition to penalty.
§ 155-18. Judicial proceedings to prohibit violations.

ARTICLE IX
Drainage

§ 155-19. Applicable standards.
§ 155-20. Submittals.
§ 155-21. Drainage easements.
§ 155-22. Design standards.
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ARTICLE X
Construction Methods

§ 155-24. Regulations.

ARTICLE XI
Sewer Systems

§ 155-25. Applicable standards.
§ 155-26. Design standards.
§ 155-27. Materials.
§ 155-28. Construction methods.

[HISTORY: Adopted by the Town Board of the Town of New Scotland 7-11-2001 by L.L. No. 6-2001; amended and readopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 164. Water use — See Ch. 182.

ARTICLE I
Legislative Intent

§ 155-1. Adoption of general rules and specifications.

For the proper use and services of all sewer districts owned, operated and maintained by the Town of New Scotland, and all sewers constructed in the Town of New Scotland, the following general rules and specifications are hereby adopted.

ARTICLE II
Scope; Standards

§ 155-2. Applicability.

A. The following specifications apply to all storm and sanitary mains and laterals installed on public or private property connected directly or indirectly to the Town of New Scotland sewer system, any system served by agreement within the Town of New Scotland and any storm drainage system within the Town of New Scotland. All plans and specifications for such sewer mains shall be reviewed and approved by the Superintendent of Highways, the Sewer Inspector, Town-designated Engineer or other duly authorized officials of the Town of New Scotland.

B. Standard Sewer Details of the Town of New Scotland supplement these specifications and shall be considered an integral part hereof.[1]

C. Whenever standards are referenced in these specifications, the latest version of the standard referenced shall be applicable.

D. Recommended Standards for Wastewater Facilities, Great Lakes Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, supplement these specifications and shall be considered an integral part hereof.

1. Editor's Note: The Standard Sewer Details are site specific and will be provided on an as-needed basis for each project.

ARTICLE III
Terminology

§ 155-3. Definitions and word usage.

A. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

CONTRACTOR — The party who is employed by the owner to actually construct the sewerage system and/or service lateral.

DISTRICT — Any regularly established "sewer district" or "sewer improvement" and extensions thereof in the Town of New Scotland.

DISTRICT BOUNDARIES — The physical boundaries of districts or improvements as presently established or as may be extended or created from time to time as duly enacted by law.

EASEMENT — An acquired legal right for the specific use of land owned by others.

ENGINEER — A person registered as a professional engineer by the State of New York.

OWNER — An individual, firm, company, association, society, corporation or group such as a developer, who initiates and pays for the installation of the sewer collection system. In the case of sewer laterals, the owner shall mean the applicant who applies for sewer service.

PERSON — Any individual, firm, company, association, society, corporation or group.

PREFERRED METHOD — Shall generally mean the standard method of installation that shall be used. Methods other than the preferred method may only be used with the approval of the Superintendent of Highways, the Sewer Inspector or other duly authorized official of the Town.

PROPERTY LINE — The edge of a sewer right-of-way in those instances where the sewer service lateral connects to the public sewer main not located on a street right-of-way, and the owner's property line in those instances where the sewer service lateral connects to a public water main located in the street right-of-way.

PUBLIC SEWERAGE — A common sewerage collection main controlled by a governmental agency or public utility.

SEWER DISTRICT — Any sewer district owned, maintained and operated by the Town of New Scotland.

SEWER INSPECTOR — The duly authorized representative for the Superintendent of Highways.

SEWER LATERALS — A pipe six inches in diameter or smaller conveying sewage from a building.

SEWER MAIN — Any pipe bigger than six inches in diameter collecting and conveying sewerage as part of a system.

STANDARD DETAILS — Supplements to these specifications and an integral part thereof, located in the Detail Section of Chapter 182, Water Use, of the Code of the Town of New Scotland, or as provided by the Town of New Scotland.

SUPERINTENDENT OF HIGHWAYS — The legally elected Superintendent of Highways for the Town of New Scotland. Whenever the words "ordered," "directed," "required," "approved," or "accepted" or variations thereof are used, they shall refer to action by the Superintendent of the Town of New Scotland Highway Department, or his designated representative(s), unless otherwise specified.

TOWN ENGINEER and/or DESIGNATED ENGINEER — The legally appointed or engaged Engineer by the Town of New Scotland to oversee the design and/or construction of the sewer system, or other sewer work, and who is responsible to certify the same.

UNIT — As described below:

Description	**Unit Value**
Single-family dwelling	1 unit
Multiple-family dwelling	1 unit per family
Apartments	1 unit per apartment
Business establishments:	
Water use less than 100,000 gallons per year	1 unit
Water use greater than 100,000 gallons per year	1 unit per 100,000 gallons or part thereof
Schools and institutions:	
Water use less than 100,000 gallons per year	1 unit
Water use greater than 100,000	1 unit per 100,000 gallons or part thereof
Vacant lot	0.4 units

B. Word usages. "Shall" is mandatory; "may" is permissive.

ARTICLE IV
Power and Authority of Town Inspectors

§ 155-4. Right of entry for inspection and testing.

The Superintendent of Highways, the Sewer Inspector, and other duly authorized officials of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation and testing. Where a user has security

measures in force, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay.

§ 155-5. Observance of safety rules.

While performing the necessary work on private properties referred to in §§ 155-6 and 155-11B, the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town shall observe all safety rules applicable to the premises.

§ 155-6. Entry on private property to observe compliance of facilities.

The Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of but not limited to inspections, observation, measurement, sampling, repair, and maintenance of any portion of the sewer service facilities lying within an easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 155-7. Enforcement.

This chapter shall be enforced by the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town. The Town may terminate or cause to be terminated sewer service to any premises if a violation of any provision of this chapter has occurred.

ARTICLE V
General Connection and Installation Requirements

§ 155-8. Costs to be borne by owner; indemnification of Town.

All costs and expenses incidental to the installation and connection of the sewer lateral shall be borne by the property owner(s). These costs shall include attorneys' fees, legal fees, filing fees, engineering fees, etc. The owner(s) shall indemnify the sewer district and the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer lateral. Also see § 155-9.

§ 155-9. Where no sewer service lateral has been supplied.

A. In the case where a sewer lateral has not been provided at the property line (or permanent easement boundary), the property owner(s) will be required, if and when a sewer lateral connection becomes necessary, to construct at his own expense such a sewer lateral from the public sewer main to his property.

B. In all cases, it will be the property owner's responsibility to extend and construct at his own expense the sewer lateral across his property to a proper point of connection with the public sewer main.

C. Any separate and independent sewer lateral must be provided for every building. Any exceptions must first be approved by the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town.

§ 155-10. Connection to existing public sewer main.

Except in rare occasions, in newly formed sewer districts the sewer main will be tapped and a sewer lateral will be extended to the property line. However, in existing sewer districts it may sometimes be necessary for the property owner(s) to connect to the existing public sewer main and construct the entire sewer lateral from the sewer main to the building.

§ 155-11. Inspection and testing.

A. When the sewer lateral is installed and completed, but prior to refilling the trench, the contractor performing the work shall notify the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town so that the installation can be inspected and approval given to refill the trench. Trenches refilled prior to inspection will have to be reopened by the contractor at his own expense. The contractor may also be subject to a penalty. These refilling regulations also apply to property owners installing their own sewer lateral connection.

B. In the discharge of duties, and for the purpose of sewer inspection, properly identified representatives of the sewer district are legally authorized to enter any premises or property in the Town of New Scotland.

§ 155-12. Installation of sewer laterals.

A. Who can make installations and requirements.

(1) No person shall make any attachment with the sewer mains of the Town of New Scotland sewer districts nor may make any repairs, additions to or alterations with the sewer/lateral lines unless he be authorized by the Superintendent of Highways, the Sewer Inspector, or other duly authorized officials of the Town and a written permit is issued.

(2) A separate sewer lateral shall be required for each dwelling or commercial building as specified under § 155-9C of this chapter. In case of multiple occupancy the size and number of separate service lines required shall be approved by the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town.

(3) Any existing consumer in violation of these requirements may be notified, on 30 days' written notice from the district, to conform to this regulation.

B. Public safety. When any street, public or private grounds shall be opened for the purpose of making a connection with the lines or for laying any sewer lines or fixtures, public safety and convenience shall be duly regarded and the street or public place shall be restored to its original condition as soon as possible; and whenever a trench is opened, bridges for the safety and convenience of the public shall be provided, and if left open at night such excavations and bridges shall be guarded with barricades and lights shall be displayed to warn and protect the public. The applicant must obtain from the Town Highway Superintendent, Albany County Highway Department or New York State DOT the required street permit.

C. Ownership.

(1) At his own expense, the applicant shall install from the sewer main to the building on the premises, a sewer lateral line and sewer connections, all to be approved by the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town.

(2) The sewer lateral line and connections from the sewer main to the building shall at all times remain the sole property of the applicant, in whom title thereto shall vest. All sewer lateral lines installed shall have no bends between the sewer main and the building foundation unless otherwise approved.

D. Maintenance and replacement.

(1) The owner, at his own expense, will maintain and protect from freezing and when necessary replace such service line and service connections, specifications for which are contained in Subsection E of this section.

(2) Should a leak occur in a sewer lateral line, the owner shall forthwith cause same to be repaired at his own expense. Should the owner fail to effect such repair after two days' written notice from the Town, the sewer district will cause the sewer lateral to be repaired and shall levy all costs therefor to the owner.

E. Sewer lateral specifications.

(1) All sewer laterals shall have a minimum cover necessary to maintain its integrity and in no case will any sewer line be allowed to be laid in any water trench. Sewer lateral lines shall be installed at a horizontal distance of 10 feet from all water lines and at a vertical distance of 18 inches from water lines, preferably below water lines.

(2) All sewer lateral lines shall not be less in size than six-inch inside diameter PVC SDR 35 pipe or service weight cast iron. The Town reserves the right in all cases to stipulate the size and type of service lines to be used.

F. Sewer lateral connection specifications and rules.

(1) Sewer lateral connections to the sewer main shall be made by installing a wye fitting in the sewer main. Tapping saddles of any kind will not be permitted.

(2) If a building is razed, abandoned or moved, it will be the responsibility of the owner or authority which requires such razing, moving or abandonment to notify the Superintendent of Highways, the Sewer Inspector or other duly authorized official of the Town that the sewer lateral is being discontinued. The owner shall discontinue the sewer lateral at the property line, by capping the lateral.

ARTICLE VI
Permits

§ 155-13. Permit required to connect existing sewer main or sewer service lateral.

A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public lines thereof without a written permit from the Town. Failure to obtain a permit may result in a penalty as specified under §§ 155-16 and 155-17 of this chapter. Permits expire one year from date of issue.

B. Before connecting to an existing sewer main or a sewer lateral, the owner shall contact the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town notifying him of the work to be done. He shall obtain a written permit as required. No connections shall be made to the public sewer main except in the presence of the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town.

C. Whenever it is necessary to work within any public right-of-way a bond will be required. Before a permit may be issued for work in any public right-of-way, the person applying for such permit shall have executed into the Town of New Scotland and deposited with the Town Clerk, a corporate surety in the sum of $1,000, except where a larger amount is required by the Town, conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or ordinances of the Town of New Scotland. This bond shall state that the person will indemnify and save harmless the Town of New Scotland against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with the work or excavating for same. Such bond shall remain in force and must be executed for a period of one year after completion of work except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

§ 155-14. Classes of sewer permits; connection fees.

A. Three types of sewer permits will be issued. These will be for residential, nonresidential, and repair/reconnection/disconnection. The owner or his agent shall make application on a special form furnished by the sewer district. The permit shall be supplemented by any plans, specifications and other information considered pertinent in the judgment of the Superintendent of Highways, the Town Engineer, the Sewer Inspector or other duly authorized officials of the Town.

B. The permit fees including inspection are as follows:

(1) Residential sewer lateral connection: $50.

(2) Nonresidential sewer lateral connection: $100, minimum.

(3) Repair/reconnection/disconnection: $35.

ARTICLE VII
Rules and Regulations for Sewer Use

§ 155-15. Service requirements; interruption of service.

A. Sewer service may be discontinued by the Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town for any one of the following reasons:

(1) For use of discharge of waste other than household sewage or waste other than as represented in customer's applications;

(2) For nonpayment of bills for sewer service or other services rendered by the district in accordance with these rules and regulations;

(3) For violation of the rules of the Town of New Scotland or the sewer district as set forth in its rules and regulations;

(4) For failure to repair leaky lateral line after two days' notice.

B. Under no circumstances shall chemicals or any other materials that may impair the sewerage system or other system equipment be discharged into the sewerage system.

C. The district undertakes to use reasonable care and diligence to provide a constant sewer collection system for customers, but reserves the right, at any time, after giving notice, to interrupt service for the purposes of making repairs or extensions, or for other purposes, and it is expressly agreed that the district shall not be liable for a deficiency or failure in maintaining sewerage flows for any cause whatsoever, nor for any damage thereby.

D. The Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town shall have the right in periods of emergency to restrict the use of sewerage systems to prohibit such use entirely. Notice of such restriction shall be published by the Superintendent of Highways, the Sewer Inspector, or other duly authorized officials of the Town in the official Town newspaper or by other appropriate means.

ARTICLE VIII
Violations and Penalties

§ 155-16. Penalties for offenses.

Any conviction under this chapter shall be deemed a violation, and every conviction of a violation of any provision of this chapter shall be punishable by a fine of not more than $250

or by imprisonment of not more than 15 days, or both such fine and imprisonment. For the purpose of conferring jurisdiction upon courts and judicial officers generally, charges under this chapter shall be deemed violations.

§ 155-17. Assessment in addition to penalty.

In addition, a penalty may be assessed, not exceeding $500 for each violation, to be used for and recovered in a civil action brought in the name and for the benefit of the sewer district within the Town of New Scotland where the violation occurred.

§ 155-18. Judicial proceedings to prohibit violations.

The Superintendent of Highways, the Sewer Inspector or other duly authorized officials of the Town are authorized to issue appearance tickets and to initiate whatever appropriate judicial proceedings are deemed necessary to prohibit violations of this chapter.

ARTICLE IX
Drainage

§ 155-19. Applicable standards.

The design, material and construction methods shall conform to the applicable sections of the current editions and subsequent revisions of the following documents:

A. Design and Construction of Sanitary and Storm Sewers. Manual of Practice No. 9, Water Pollution Control Federation.

B. Technical Release No. 55 (TR-55), Soil Conservation Service (SCS).

C. New York State Guidelines for Urban Erosion and Sediment Control (NYSGUESC), Soil and Water Conservation Society.

§ 155-20. Submittals.

Complete plans and drainage calculations shall be submitted, including drainage basin maps of predevelopment and postdevelopment stormwater runoff and hydraulic calculations for all detention basins, pipes and other drainage structures as required in Chapter 164, Subdivision of Land, of the Code of the Town of New Scotland.

§ 155-21. Drainage easements.

A. Drainage easements or rights-of-way shall be provided for all drainageways and structures within the development and, when required, downstream of the development.

B. Drainage easements shall be a minimum width of 30 feet and wider where required.

§ 155-22. Design standards.

A. Methodology.

(1) Calculations shall be done for predevelopment and postdevelopment runoff for the ten-, twenty-five-, and one-hundred-year storm events.

(2) SCS TR-55 or TR-20 shall be used for all calculations, except that the Rational Method may be used for sites of less than two acres.

(3) Calculations shall consider the total upstream drainage area as potentially developed and all downstream structures and drainage facilities.

(4) Peak runoff.

(a) The postdevelopment peak runoff from the site may not be increased from the predevelopment amount during a twenty-five-year storm event.

(b) Detention basins or other storage facilities shall be used as required to store the additional runoff from the development.

(c) An emergency spillway shall be provided for the one-hundred-year storm.

(d) An outlet structure shall be provided to minimize sedimentation and plugging and achieve the designed outflow.

(e) The requirement for storage facilities can be waived in special circumstances if it can be shown that no downstream property or structures will be impacted. The total potential build-out of the watershed must be considered for a waiver to be granted.

B. Drainage pipe and structures.

(1) The design storm shall be:

(a) Twenty-five-year for general site work, local roads and collector roads.

(b) One-hundred-year for critical structures which may impact downstream property.

(2) The minimum pipe slope shall be 0.5%.

(3) Ditch slopes greater than 5% and where velocity exceeds five feet per second shall be protected with stone lining.

(4) The minimum pipe size shall be 15 inches.

(5) The maximum length of surface flow on streets and ditches shall be 400 feet.

(6) Stone apron on filter fabric, minimum size 10 feet by 10 feet, shall be provided at all pipe inlets and outlets and points of discharge. Size and details shall be in accordance with NYSGUESC.

(7) Flared pipe end sections shall be provided.

(8) Pipes and structures in traffic areas shall accommodate HS-20 loading.

(9) Sedimentation control, sumps, trashracks and other measures shall be provided as required to minimize system maintenance and prevent failure.

C. Subsurface drainage.

(1) In areas of high groundwater or springs, measures shall be taken to control subsurface water so as not to impact building basements and foundations, on-site wastewater systems or other structures or facilities.

(2) Transverse and longitudinal subsurface drains and underdrains shall be provided within the street right-of-way to fully drain the road base.

(3) Stormwater facilities/capacity shall be provided to accommodate roof and foundation drains. Drains shall be connected into storm manholes, catch basins or junction boxes. Under no circumstances shall storm water or mains conveying storm water be connected to sanitary sewer systems.

D. Surface drainage.

(1) Proper grading and drainage facilities shall be provided to accommodate site drainage, including runoff from upstream areas, in a controlled manner without adverse impact to or flooding of on-site or downstream buildings, roads, wastewater systems or other facilities.

(2) Additional temporary drainage measures shall be provided as required to accomplish soil erosion and sedimentation control during construction operations.

§ 155-23. Materials.

A. Drainage pipe shall be as follows:

(1) Smooth-lined corrugated polyethylene pipe: AASHTO M294-ADS(r) N-12 or equivalent.

(2) PVC SDR 35, ASTM 3034.

(3) Ductile iron with bituminous seal coating, AWWA C151, C111 and C104.

B. Subsurface drains shall be as follows:

(1) Fabric: Trevira Spunbound Type 1114 or equal.

(2) Stone: NYSDOT Filter Stone 703-02 No. 1 and No. 2 stone.

(3) Corrugated polyethylene pipe: ADS(r) 401 or 601 or equal.

C. Underdrains shall be as follows:

(1) Perforated PVC SDR 35: ASTM D3034.

(2) Perforated corrugated metal pipe with bituminous coating: NYSDOT Section 707-07.

D. Catch basins and manholes shall be as follows:

(1) Precast concrete manhole: ASTM 478.

(2) Mortar: ASTM C270.

E. Frame and grates shall be NYSDOT Section 715.

F. Stone protection shall be NYSDOT Section 620-02, dry riprap, medium-weight stone greater than 100 pounds.

ARTICLE X
Construction Methods

§ 155-24. Regulations.

A. Drainage structures and facilities shall be staked out prior to construction.

B. Pipe and ditches shall be installed to the designed line and grade.

C. Pipe, catch basins and manholes shall be installed in accordance with NYSDOT Section 604-3.

D. Underdrains with filter stone and geotextile fabric shall be installed in accordance with NYSDOT Section 6.05 and the recommendations of the geotextile manufacturer.

ARTICLE XI
Sewer Systems

§ 155-25. Applicable standards.

The design, material and construction methods shall conform to the applicable sections of the current editions and subsequent revisions of the following documents:

A. Recommended standards for Wastewater Facilities, Great Lakes Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, supplement these specifications and shall be considered an integral part hereof.

B. Part 75-A, New York State Department of Health.

C. Standards for Waste Treatment Works, Institutional and Commercial Sewerage Facilities, New York State Department of Environmental Conservation.

D. Design and Construction of Sanitary and Storm Sewers, Manual of Practice No. 8, Water Pollution Control Federation.

§ 155-26. Design standards.

A. Public sewer systems.

(1) Sites within or adjacent to an existing or proposed future sewer district as shown on the Official Map or within 1,000 feet of public sewers shall be served by public sewers. Any individual system abandoned as a result thereof shall be properly abandoned by pumping out, and crushing/filling of septic tanks. Connections to new public sewers shall be made within 60 days of the availability of the public sewer.

(2) The applicant shall pay for the cost of extending the sewer district and facilities to connect to the existing system.

(3) The extension of facilities can be waived in specific instances where economic hardship and suitable alternative methods of sewage disposal can be demonstrated.

B. Community sewer system.

(1) Community wastewater treatment and collection systems shall be provided for all sites with a design wastewater flow of greater than 15,000 gallons per day within any major aquifer and for all sites serving 50 or more housing units.

(2) Subsurface discharge is preferred over surface discharge.

(3) Surface discharge may be allowed only when no alternatives are available and the assimilative capacity of the stream is considered under low flow (MA7Q10) conditions.

(4) Wastewater treatment systems shall be acceptable to the Town Engineer and shall comply with the Recommended Standards for Wastewater Facilities and all applicable New York State Department of Environmental Conservation and Environmental Protection Agency regulations.

(5) Upstream and downstream monitoring wells shall be provided on a case-by-case basis for subsurface discharge systems, with testing being done quarterly and reported to the Town.

(6) All copies of laboratory test results shall be provided to the Town for nonmunicipal facilities.

C. On-site wastewater treatment systems.

(1) Where public sewers or community systems are not feasible, on-site wastewater systems will be considered, provided that suitable site conditions exist.

(2) System designs shall be approved by the Albany County Department of Health.

(3) The adequacy of existing systems shall be verified prior to any expansion of site facilities, changes in use, or issuance of a building permit.

(4) Dry sewers shall be required on all major subdivisions, unless waived by the Planning Board.

(5) Appeal.

(a) Any person or entity aggrieved by a determination of the Planning Board regarding the waiver of the dry sewer requirement under this chapter may appeal the Planning Board's decision to the Town Board for further consideration by filing of a notice of appeal with the Town Clerk within 30 days of the filing of the decision of the Planning Board denying such a waiver. The Town Board shall consider whether the applicant has suffered an undue hardship as a result of the denial of a waiver and may exercise its discretion using all relevant factors.

(b) An appeal to the Town Board must be made within the thirty-day period following the filing of Planning Board decisions denying a waiver, except that any application for a waiver which has been decided in the 12 months prior to the date of this subsection may be taken by filing a notice of appeal with the Town Clerk within the thirty-day period following the effective date of this subsection.

D. Discharges other than domestic wastewater. Industrial and nondomestic wastewater discharges may be allowed only after careful review on a case-by-case basis. Pretreatment may be required prior to connection to any private or public sewer systems. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).

(2) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32° F. and 150° F.

(3) Any waters or wastes containing fats, wax, grease, or oils, whether emulsified or not, exceeding an average of 50 parts per million (417 pounds per million gallons) other soluble matter.

(4) Any gasoline, benzene, naphtha, fuel oil, or mineral oil or other flammable or explosive liquid, solid, or gas.

(5) Any noxious or malodorous gas as hydrogen sulfide, sulfur dioxide, or nitrous oxide or other substance, which either singularly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

(6) Any garbage that has not been property shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Highway Superintendent.

(7) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshing, entrails, lime slurry, lime residue, cannery waste, bulk solids, or any other viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage system.

(8) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewerage system. Free acids and alkalis must be neutralized at all times, within a permissible pH range of 6.5 to 9.5.

(9) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Highway Superintendent in compliance with applicable state or federal requirements.

(10) Any waters or wastes that for a duration of 15 minutes has a concentration greater than five times that of "normal" sewage as measured by suspended solids and BOD and/or which is discharged continuously at rate exceeding 1,000 gallons per minute except by special permit.

(a) Normal sanitary sewage shall be construed to fall within the following ranges at the effluent of the industrial plant in question.

Constituents	Permissible Range
Suspended solids	180 to 350 ppm
BOD	140 to 300 ppm
Chlorine requirements	5 to 15 ppm

(11) Any stormwater, roof drains, spring water, cistern or tank overflow, footing drain, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air-conditioning machine or refrigeration unit.

(12) Any waters or wastes containing a toxic or poisonous substance, high BOD or chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters. Such toxic substances shall be limited to the average concentration listed hereinafter in the sewage as it arrives at the plant and at no time shall the hourly concentration at the plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control in volume and concentration of sewage by the Highway Superintendent and Town Engineer.

Limits of Toxic Substances In Sewage

Substance	Limit
Iron, as Fe	0.5 ppm
Chromium, as Cr (hexavalent)	1.5 ppm
Copper, as Cu	0.3 ppm
Chlorine requirements	15.0 ppm
Phenol	1.0 ppm
Cyanide, as CN	0.17 ppm

Limits of Toxic Substances In Sewage

Substance	Limit
Cadmium, as Cd	0.5 ppm
Zinc, as Zn	0.5 ppm
Nickel	1.0 ppm

E. Gravity collection systems. Gravity sewer systems shall be provided unless not feasible.

F. Pump stations and force mains.

(1) Central pump stations and force mains shall be provided where gravity systems are not feasible.

(2) Pump stations shall be designed by a licensed processional engineer in accordance with the Recommended Standards for Wastewater Facilities, and New York State Department of Environmental Conservation standards, including provisions for emergency power.

(3) A remote alarm system shall be provided to alert maintenance people of system failure.

G. Ownership, operation and maintenance.

(1) All community sewer systems shall be owned and operated by the Town. The applicant must make provisions to own and operate the system during previously read: the one-year waiting period for acceptance as discussed in § 188-30, Acceptance of improvements.any waiting period for acceptance.

(2) For all community wastewater systems and pump stations three complete operation and maintenance manuals shall be submitted, including:

(a) As-built drawings.

(b) Equipment lists.

(c) Instruction manuals.

(d) Spare parts list.

§ 155-27. Materials.

A. Sewer pipe shall be as follows:

(1) PVC SDR 35: ASTM D3034.

(2) Ductile iron pipe, double cement lined with bituminous seal coating: AWWA C151, C111 and C104.

B. Manholes shall be as follows:

(1) Precast concrete manhole: ASTM C478.

(2) Mortar, Type M: ASTM C270.

(3) Frames and covers: NYSDOT Section 715.

C. Pump stations. Pump stations shall be wet-well-mounted pump stations as manufactured by Smith and Loveless or an approved equivalent.

D. Force mains shall be as follows:

(1) PVC SDR 21: ASTM D2241 for heads up to 90 feet.

(2) PVC SDR 26: ASTM D2241.

(3) PVC Schedule 40: ASTM D1785.

(4) Ductile iron pipe, double cement lined with bituminous seal coating: AWWA C151, C111 and C104.

§ 155-28. Construction methods.

A. Stakeout. Sewer systems shall be staked out prior to construction.

B. Pipe installation.

(1) Sewer pipe shall be installed to line and grade.

(2) Metallic warning tape shall be installed 12 inches above all pipe.

C. Testing.

(1) Pipe shall be tested as follows:

(a) Deflection testing.

(b) Low-pressure air testing.

(c) Corroborative infiltration/exfiltration tests on the three sections with greatest air loss.

(2) These tests are to be performed and witnessed prior to connection between the house services and the system. Testing shall follow recommendations of UNI-BELL.

(3) Infiltration testing. Infiltration testing is considered an acceptable method of leakage test if the ground water level is above the top of the pipe for the entire length being tested. A weir shall be installed in locations as directed by the Town Engineer and will be used to measure the infiltration. The allowable infiltration shall not exceed 50 gallons per inch of internal pipe diameter per mile per twenty-four-hour day. The minimum length of testing shall be one hour.

(4) Exfiltration testing. Exfiltration testing will be acceptable only when the groundwater level is suitably low or in dry area. Plugs, caps and branch connections must be secured against blowoff during leakage tests. The maximum allowable exfiltration for any section of pipe between manholes shall be measured and shall not exceed 50 gallons per inch of internal pipe diameter per mile per twenty-four-hour day. The contractor shall provide water and measuring devices. During testing, the maximum internal pipe pressure at the lowest end shall not exceed 25 feet, and the internal head shall be two feet higher than the top of the pipe.

(5) Low-pressure air testing. All plugs, fittings, gauges and pumping systems required shall be provided by the owner. The pressure drop shall not exceed 0.5 pound per square inch from 3.5 pounds per square inch to 3.0 pounds per square inch in excess of the groundwater pressure above the top of the pipe.

(6) The duration of the testing shall be taken from Table I - II in accordance with UNI-BELL standard UNI-B-6-90.

(7) Deflection testing. Sewer lines shall be tested for straightness with a maximum allowable deflection of 7 1/2%. Sections found to be questionable shall be tested by pulling an appropriately sized mandrel through the pipe.

(8) The contractor shall furnish the correct mandrels for the pipe size being tested, as determined from Table 5-4.03.2. The contractor shall be responsible for furnishing all necessary rope, labor, fittings, etc., in order to conduct the testing.

Table 5-4.03.2 Specified Mandrel Size for Pipe Diameter Indicated

Pipe Diameter (inches)	Mandrel O.D. (inches)
6	5.31
8	7.09
10	8.85
12	10.51
15	12.86
18	15.70
21	18.50
24	20.80
27	23.43

(9) Acceptance. Any section of the sewer system that does not comply with the requirements of the testing outlined above shall be repaired or replaced at the owner's expense, to meet the requirements of the Town.

(10) All mechanical systems shall be tested to ensure proper operation within the design parameters prior to placing in service.

Chapter 164

SUBDIVISION OF LAND

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Appendix A

[HISTORY: Adopted by the Town Board of the Town of New Scotland 4-12-1993 by L.L. No. 1-1993; amended and readopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Highway specifications — See Ch. 110.
Sewers — See Ch. 155.
Zoning — See Ch. 190.

ARTICLE I
General Provisions

§ 164-1. Authority and jurisdiction.

A. The Town of New Scotland Planning Board has the power and authority to approve plats for subdivision within its corporate limits by virtue of a resolution adopted by the Town Board on the fourth day of May 1962, pursuant to the provisions of Article 16, Chapter 62 of the Consolidated Town Law 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 Local Town Law No. 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 chapter, 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, prior to the subdivision of, or boundary line adjustment to, any parcel of land that occurs within the corporate limits of the Town of New Scotland, a subdivision plat shall be submitted to the Town Building Inspector for appropriate distribution and approval. Subdivision approval must be obtained prior to the plat being filed and recorded with the office of the County Clerk.

D. Pursuant to Municipal Home Rule Law §§ 10 and 22 the Town Board of the Town of New Scotland hereby expressly supersedes all provisions of New York State Town Law § 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 chapter.

E. Pursuant to Municipal Home Rule Law §§ 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 § 277 (originally enacted pursuant to Chapter 634 of the Laws of 1932 and thereafter amended) and Subdivision 4 of New York State Town Law § 277 (originally enacted 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 §§ 164-12 and 164-13 of this chapter.

§ 164-2. Purpose.

This chapter has 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.

§ 164-3. Short title.

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

§ 164-4. 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.

§ 164-5. Controlling regulation.

Where provisions of this chapter impose greater restrictions than those of any statute, other law or regulation, the provisions of this chapter shall be controlling. When the provisions of any statute, other law or regulation impose greater restrictions than this chapter, the provisions of such statute, other law or regulation shall be controlling.

ARTICLE II
Procedure for Minor Subdivisions

§ 164-6. Designation of minor subdivision.

A minor subdivision of land is any boundary line adjustment, or subdivision of land into at least two but not more than four lots, parcels or sites 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 lots shall be considered a major subdivision and shall be subject to the review procedures outlined in Article III, Procedure for Major Subdivisions. A minor subdivision of any parcel of land creating more than a total of four lots within any consecutive three-year period must be deferred to the Planning Board for review in accordance with § 164-13 of this chapter.

§ 164-7. Optional preapplication sketch plan procedure.

Prior to the official submission of any minor subdivision plat as outlined in § 164-9, the subdivider may prepare a sketch plan for informal discussion with the Inspector. Said submission shall not be considered an official subdivision, 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 this chapter.

§ 164-8. 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.

§ 164-9. Procedure for approval of minor subdivision plat.

On reaching conclusions informally as recommended in § 164-7, 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 § 164-10.

§ 164-10. Minor subdivision plat submission requirements.

The following plat and data requirements shall apply only to minor subdivision plats as defined in this chapter:

A. Two 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 14 days after acceptance of the application.

B. Key map. A key map showing:

(1) The boundary lines of zoning districts, and municipal areas.

(2) Proposed subdivision boundary line.

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 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 prepared on permanent reproducible medium at a scale of not more than 100 feet to the inch (no larger than 30 inches by 40 inches 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 supporting documentation;

(f) Names and shared boundary limits of adjacent property owners. Adjacent properties which are a part of a recorded subdivision plat may be identified by the subdivision name.

(2) Existing site condition 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 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 1/100 of a foot;

(b) The location and size of any stormwater management improvements to be constructed, if any;

(c) Setback and frontage requirement 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 this chapter.

F. List the names, lot numbers, addresses and phone numbers of property owners within 500 feet of the proposed subdivision when deferred to Planning Board.

§ 164-11. Open space in minor subdivisions.

The Town of New Scotland Planning Board has determined that a parkland set-aside for recreation purpose is not practical for minor subdivisions, and consistent with the requirements of Article 16, § 277, of the New York State Town Law and Article IV, § 164-43 of this chapter, a fee in lieu of parkland set-aside will be required for minor subdivision approval. Said fee shall be set forth in the Town of New Scotland Fee Schedule.

§ 164-12. Action on minor subdivision plat by Inspector.

A. The Inspector, within 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, reason 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 this chapter 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 14 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 this § 164-12 during the previous monthly period. A copy shall also be forwarded to the Town Clerk for recordkeeping purposes.

§ 164-13. Action on minor subdivision plat by 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 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 45 days from the date 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 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 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 Clerk's request.

§ 164-14. Final approval and certification of minor subdivision plat.

A. Within five 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 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 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-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 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.

§ 164-15. Compliance with state and county regulations.

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

(1) The boundary of any city, town or village; or

(2) The boundary of any existing or proposed county or state park or other recreation area; or

(3) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

(4) 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; or

(5) The existing or proposed boundary of any county or state land on which a public building or institution is situated; or

(6) The boundary of a farm operation located in an agricultural district, as defined by Article 25AA of the Agriculture and Markets Law.

B. Pursuant to 6 NYCRR Part 617.~~13~~5 (b) of the New York State SEQR Law, all minor subdivision reviewed and approved under the purview of the Building Inspector are considered Type II actions and do not require environmental determination 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 chapter, 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, and if needed, time requirements for any Zoning Board of Appeals review and decisions shall also prevail. 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.

§ 164-16. Minor subdivision plat filing requirements.

Within 60 days after final approval and endorsement of the minor subdivision plat, and in compliance with the requirement 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 Mylar or linen and one 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 for Major Subdivisions

§ 164-17. Optional preapplication procedure.

Prior to the official submission of any major subdivision plat discussed in §§ 164-19 and 164-24, 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 this chapter.

§ 164-18. Optional sketch plan submission requirements.

In the case of a major subdivision only, an acceptable sketch plan 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, name and address of record owner(s) and the subdivider;

(b) True or magnetic North point 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, structure, 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 proposed rights-of-way for access to other land through the subdivided property.

§ 164-19. Major subdivision preliminary plat procedure.

On reaching conclusions informally as recommended in § 164-17, 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 § 164-20. The preliminary plat shall, in all respects, comply with the requirements set forth in the provisions of New York State Town Law, and § 164-20 of this chapter except where a waiver of the requirements of this chapter is specifically authorized by the Planning Board.

§ 164-20. Major subdivision preliminary plat submission requirements.

A. Twelve copies of the preliminary plat and supplementary material specified, shall be submitted to the Inspector with written application for acceptance at least 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. The preliminary plat shall be on sheets not larger than 30 inches by 40 inches overall. It is recommended that as far as practicable preliminary 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, preliminary 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 scale of not more than 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 inch equals 800 feet showing the following information for the proposed subdivision and areas extending 200 feet beyond the subdivision:

(a) The relationship of the proposed subdivision to the primary and secondary highway system and main intersections; the boundary lines of zoning districts, special districts and municipal areas;

(b) Match lines, as needed when there are two or more drawings showing the complete subdivision;

(c) Boundary data. The proposed subdivision area shall be shaded or significantly outlined;

(d) 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) Title block including:

(a) Subdivision name, name of the Town and county in which the subdivision is located and name and address of record owner(s) and the subdivider;

(b) True or magnetic North point and date taken;

(c) Date of original submission and each subsequent submission(s).

(d) Map scale;

(e) 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.

(3) Existing site conditions to be shown:

(a) Topographic contours:

[1] Contours existing on the tract, and extending 50 feet beyond the subdivision boundary, at vertical intervals of five feet or, in the case of relatively level tracts, at such lesser internal as may be necessary for satisfactory study and planning of the tract;

[2] Datum to which contour elevations refer shall be presented. Where reasonably practicable, data shall refer to know, established elevations;

[3] 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.

(b) Natural features:

[1] The location and area of all existing watercourses, tree masses and other significant natural features;

[2] All areas designated as wetlands by the NY State Department of Environmental Conservation as freshwater wetlands and/or jurisdictional federal wetlands, flagged as necessary;

[3] A map of soils interpretation of existing soils, indicating type, percolation, soil bearing and depth to groundwater.

(4) Existing conditions:

(a) All existing buildings, water mains, culverts, sewer and gas mains, power lines, fire hydrants and other significant man-made features shall be identified by size, type of structure, location and, as applicable, elevation;

(b) All existing streets or highways on or adjacent to the tract, including name, right-of-way width and pavement width;

(c) All existing property lines, easements and rights-of-way, and the reason for their establishment.

(5) Proposed site improvements and descriptions:

(a) Location, width, grades, names and restrictions, if any, of all proposed streets, highways, rights-of-way and easements;

(b) Municipal or public lands designated as parks or open spaces, or for some other public or community use, including community facilities;

(c) The location of playgrounds, public buildings, public areas and open space;

(d) Building and other structures on the subdivision which are to remain;

(e) Limits of clearing for all vegetated areas.

(f) Lot layout:

[1] The dimensions and area of lots to the nearest 1/100 foot. Blocks and lots shall be numbered and lot drainage shall be shown;

[2] Identification of lots or parcels for special use and whether they are to be offered for dedication;

[3] Easements and restricted areas, with notation as to purpose, shall be shown;

[4] Street access to adjoining property;

[5] 911 requirements. Lot numbering shall be in compliance with Town of New Scotland 911 designations.

(g) Utilities:

[1] The location of any proposed on-site water systems 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 reviewed 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;

[3] Stormwater management and erosion control. The location and size of stormwater management improvements and/or erosion control measures, to be constructed;

[4] 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 subbase, the location of manholes, basins and underground conduits.

(h) Test hole data, if required:

[1] Date and location;

[2] Graphic representation of findings for all test holes.

E. 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.

F. Submission of State Environmental Quality Review Act[1] full environmental assessment form, part one, completed with documentation.

G. 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.

H. List of names, lot numbers, addresses and phone numbers of property owners within 500 feet of the proposed subdivision.

§ 164-21. Action on preliminary plat submission.

A. Application must be received by the Inspector at least 14 days prior to a regularly scheduled Planning Board meeting in order to be considered officially submitted at that meeting. Applications received by the Inspector less than 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 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 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 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.

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1. **Editor's Note: See Environmental Conservation Law § 8-0101 et seq.**

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 Clerk's request.

§ 164-22. Certification of preliminary plat approval.

A. Within five 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 this chapter and the conditions of review and acceptance, if any.

§ 164-23. Compliance with state and county regulations.

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

(1) The boundary of any city, town or village; or

(2) The boundary of any existing or proposed county or state park or other recreation area; or

(3) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

(4) 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; or

(5) The existing or proposed boundary of any county or state land on which a public building or institution is situated; or

(6) The boundary of a farm operation located in an agricultural district, as defined by Article 25AA of the Agriculture and Markets Law.

B. Approval of a preliminary plat shall not be deemed final until the subdivider has fulfilled all requirements of this chapter, 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 requirement of 6 NYCRR Part 617 SEQR Law, and, if needed,

time requirements for any Zoning Board of Appeals review and decisions shall also prevail. 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.

§ 164-24. Major subdivision final plat procedure.

As required in New York State Town Law § 276, Subdivision 5(h), within six 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 § 164-25 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-month periods. Any plat submitted after six months or, extension provided, shall be considered as a new preliminary plat.

§ 164-25. 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 copies of the completed final plat application and all necessary supplementary data required shall be submitted in writing to the Inspector for distribution to the Planning Board at least 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 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 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, which 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 500 feet of the subdivision.

(3) Monuments. The accurate location of all permanent reference monuments shall be shown and constructed as specified in § 164-46B.

(4) Wherever practicable names of any adjoining subdivision shall be shown.

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

§ 164-26. Accompaniments.

The final plat shall include hereon 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 is it 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 this chapter.

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.[2]

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 this chapter shall be provided.

§ 164-27. Action on final plat.

A. Applications must be received by the Inspector at least 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 14 days prior to a regular scheduled Planning Board meeting will be considered officially submitted at the following Planning Board meeting.

B. Within 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. The final plat hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing. The Planning Board may waive the requirement for such hearings when the Board deems that the final plat, as submitted, is in substantial agreement with the preliminary plat approved under § 164-19, and, if such preliminary plat had been approved with modifications, the final plat is modified in accordance with requirements of such approval.

C. Within 45 days after the date of such hearing, or within 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:

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2. **Editor's Note: See also Ch. 110, Highway Specifications.**

(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 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 its decision the requirements which must be met for final plat approval. The subdivider shall have 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-day periods.

(3) If the final plat is disapproved, the subdivider shall be formally notified of such disapproval. The Planning Board shall outline in its 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 Clerk's 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.

§ 164-28. Certification of final plat.

A. Within five 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 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 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.

§ 164-29. Major subdivision plat filing requirements.

Within 60 days after the 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 approval plat shall be filed within 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 10% of the total number of lots contained in the approval 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 2 of § 265-a of New York State Town Law. One Mylar or linen and one 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

§ 164-30. 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 purpose 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.

A. A subdivision laid out on low-lying land that is subject to periodic flooding and/or qualifies as a wetland

[NOTE: Wetlands 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," US Army Corp of Engineers, US Environmental Protection Agency, US Fish and Wildlife Service, and USDA Soil Conservation Service, Washington D.C. Cooperative Technical Publication, 76pp. plus appendices. Use most recent modification an/or update.] shall not be approved unless it is proven that adequate safeguards against such hazards are provided by the plan and such layout complies with state and federal wetland regulations and federal flood protection regulations.

B. Areas characterized by steep slopes in excess of 20% 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.

§ 164-31. 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 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 § 164-32C.

§ 164-32. Cul-de-sac.

A. Cul-de-sac streets permanently designed as such shall not exceed 1,000 feet in length, and shall furnish access to not more than 24 nor fewer than six dwelling units.

B. Cul-de-sac street shall be provided at the closed end with a pavement turnaround having a minimum radius to the outer pavement edge of 75 feet and a minimum right-of-way radius of 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 50 feet and a minimum right-of-way radius of 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.

D. In place of a cul-de-sac or a temporary turnaround, the Town Highway Superintendent may recommend to the Planning Board either a "K"-type or "T"-type turnaround. In any event the details of such must be acceptable to both the Planning Board and the Town Highway Department.

§ 164-33. 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 streets: sixty-six-foot right-of-way;

(2) Secondary street: sixty-foot right-of-way;

(3) Local (minor) street: fifty-foot right-of-way;

(4) Marginal access street: fifty-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.

§ 164-34. Pavement widths.

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

(1) Primary street: twenty-four-foot pavement width;

(2) Secondary (collector) street: twenty-four-foot pavement width;

(3) Local (minor) street: twenty-four-foot pavement width;

(4) Marginal access street: twenty-four-foot pavement width.

B. 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."[3]

§ 164-35. Street or highway alignment.

A. Whenever street lines are deflected in excess of 5°, 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.

§ 164-36. Street or highway grades.

A. Center-line grades shall not exceed the following:

(1) Primary street: 5%;

(2) Secondary street: 7%;

(3) Local street: 10%;

(4) Marginal access street: 10%.

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3. **Editor's Note: Said diagram is included at the end of Ch. 110, Highway Specifications.**

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

(1) Primary street: 400 feet;

(2) Secondary street: 200 feet;

(3) Local street: 100 feet;

(4) Marginal access street: 100 feet.

C. Where the grade of any street at the approach to an intersection exceeds 7%, a leveling area shall be provided having not greater than 1% grades for a distance of 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 1%.

§ 164-37. 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 60°.

B. No more than two 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 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 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 125 feet between their center lines.

F. Minimum pavement radii at street or highway intersections shall be 25 feet for intersections involving only local streets, 33 feet of intersections involving other primary or secondary streets, or such other radius layouts, as is suited and/or required for the specific intersection.

§ 164-38. Lots.

A. Lot dimensions and areas shall not be less than specified by provisions of the Town of New Scotland zoning requirements.[4]

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4. **Editor's Note: See Ch. 190, Zoning.**

B. 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 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.

C. The ratio of the depth of any lot to its width shall not exceed the depth to width ratio stated in Chapter 190, Zoning, of the Code of the Town of New Scotland for minimum lot size calculations purposes only.

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

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

F. Depth and width of parcels laid out or reserved for nonresidential use shall be sufficient to provide satisfactory space for off-street parking and unloading as required by the Town of New Scotland zoning requirements.[5]

§ 164-39. Easements.

A. Easements with a minimum width of 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.

§ 164-40. 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;[6]

(3) Topography;

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5. Editor's Note: See Ch. 190, Zoning.

6. Editor's Note: See Ch. 190, Zoning.

(4) Requirements for safe and convenient vehicular and pedestrian circulation.

B. Block length shall not exceed 1,200 feet. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.

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

§ 164-41. Stormwater 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 this chapter,not attached; draft question 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) One-hundred-year flood plans;

(3) Runoff conveyance systems.

B. Water quality management:

(1) Control of "first flush";

(2) Control of thermal discharges;

(3) Hierarchy for managing stormwater quality.

§ 164-42. 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.

§ 164-43. 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, 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 provide by the subdivider in an amount equal to not less than 10% 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 cannot 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.[7] 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 this chapter and the Town of New Scotland zoning requirements prior to final plat approval.

ARTICLE V
Infrastructure Improvements

§ 164-44. Identification of proposed improvements.

A. 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:

(1) Streets;

(2) Curbs and gutters;

(3) Water supply, water mains and fire hydrants;

(4) Sanitary systems;

(5) Storm drainage;

(6) Sidewalks;

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7. Editor's Note: See Ch. 190, Zoning.

(7) Streetlighting;

(8) Street signs;

(9) Monuments and markers;

(10) Street trees.

B. 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.

§ 164-45. Construction standards.

Construction standards for all required improvements shall be as set forth in § 164-46, 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.

§ 164-46. 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 five inches by five inches by three feet zero inches long with a drill hole in the center;

(b) Concrete five inches by five inches by three feet zero inches long with a one-half-inch round brass pin in the center;

(c) A two-inch round galvanized three feet zero inches 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 15 inches long and not less than 3/4 inch in diameter.

C. Streets. Streets shall be constructed in accordance with the specifications of the New Scotland Highway Department.[8]

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

§ 164-47. Procedure for installation of required improvements.

A. 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.

B. A preconstruction meeting is mandatory and is the responsibility of the subdivider to set up. Any improvements undertaken prior to the preconstruction 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.

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

(1) 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 chapter have been made or installed in accordance with specifications;

(2) 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.

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

E. 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 three years; provided, however, that the term of such performance bond may be extended by the Planning Board with the consent of the parties thereto.

F. Any method of security accepted by the Town shall be subject to an annual review by the Town to assure that the amount of such security is still sufficient to complete the improvements to Town specifications. At the annual review, should it be found that the amount of the security is not sufficient to complete the improvements required, the subdivider, land owner or developer will be notified in writing of the additional amount of security that is needed to be provided to the Town to allow for the completion of the improvements, and it shall be incumbent upon the subdivider, land owner or developer to

8. Editor's Note: See Ch. 110, Highway Specifications.

provide the necessary additional security to the Town to insure completion of the improvements.

G. Regardless of the methods accepted by the Town for the assurance of the completion of improvements, and lacking any other written agreement by the Town to the contrary, the responsibility for the completion of any infrastructure or improvements rests solely upon the subdivider, land owner or developer of the subdivision. Any method accepted by the Town to assure improvement completion, bond or other security, will be held by the Town until such time that the improvements are considered, by the Town Engineer and/or Town Highway Superintendent, to be completed to Town specifications, with a certificate stating such filed with the Planning Board and, where required, such improvements are accepted by deed conveyance by the Town Board.

H. No building permits shall be issued by the Inspector prior to the subdivider meeting all appropriate requirements of Chapter 110, Highway Specifications, of the Code of the Town of New Scotland.

§ 164-48. 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 preformed, the Town Board shall act on the release of, extension of, or default on the performance bond.

§ 164-49. 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 search, 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 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 stormwater conveyance structures.

ARTICLE VI
Cluster Development [9]

§ 164-50. Purpose and authority.

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 this chapter in accordance with this section and the provisions of § 278 of the Town Law of the State of New York.

§ 164-51. Applicability.

A. This article shall apply only to subdivisions of land parcels containing an area of appropriate size and dimension to accommodate five or more building lots in accordance with the Town of New Scotland zoning requirements[10] and other relevant Town law.

B. Request by subdivider. A subdivider may request the use of this article simultaneously with, or subsequent to, presentation of the preliminary plat. In the event of a request by the subdivider, two preliminary plats meeting the requirements described in § 164-19 shall be presented simultaneously for Planning Board review, or, in lieu of two preliminary plats, the subdivider may present two sketch plans as provided for in § 164-17 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 §§ 164-19 and 164-24.

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 article simultaneously, or subsequent to, presentation of a preliminary plat. Two preliminary plats, meeting the requirements described in § 164-19 shall be presented simultaneously for Planning Board review, or, in lieu of two preliminary plats, the subdivider may present two sketch plans as provided for in § 164-17 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 §§ 164-19 and 164-24.

§ 164-52. Procedure.

A. Preliminary plat/sketch plan. A complete application under this article 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 this chapter, including but not

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9. Editor's Note: See also Article VI, Cluster Development, of Ch. 190, Zoning.

10. Editor's Note: See Ch. 190, Zoning.

limited to highways, highway specifications and lots, and consistent with the Town zoning requirements.[11]

B. Determination. Determination on voluntary or required applications under this article shall be made by the Planning Board based on the preliminary plat, or optional sketch plan, other information required by these and other regulations and Town of New Scotland zoning requirements.

C. Plat submission. Upon a determination by the Planning Board that such preliminary plat or optional sketch plan is suitable for the use of this section, one preliminary plat meeting all of the requirements of such a determination shall be presented to the Planning Board, and thereafter the Planning Board shall proceed with the required public hearings outlined in Article IV and all other requirements of this chapter.

D. Local filing and notation on Zoning Map. Any subdivision plat finally approved which involves modifications as provided for in this article shall be filed with the Inspector, who shall make appropriate notation and reference thereto on the Town Zoning Map.

§ 164-53. Standards.

A. No such modifications by the Planning Board shall result in a greater overall density of lots or dwelling units than is permitted in the zoning district wherein such lands lie, as specified in the Town of New Scotland zoning requirements and as shown on the Official Zoning Map.[12]

B. No subdivision shall be approved by the Planning Board pursuant to this article which shall not reasonably safeguard the appropriate use of adjoining land or which shall not be consistent with the purposes and intent of the Town of New Scotland zoning requirements or the policy of this chapter.

C. In the event that the implementation of this article results in a plat showing lands available for park, recreation or other municipal purposes directly related to the plat, or in a plat showing land to be retained in open space in order to comply with the average density of lots or dwelling units greater than is permitted in the zoning district wherein such lands lie, then the Planning Board, as a condition of plat approval, may establish, in the case of lands for park, recreation or other municipal purpose, such conditions of the ownership, use and maintenance of such lands as it deems necessary to assure the

11. Editor's Note: See Ch. 190, Zoning.

12. Editor's Note: See Ch. 190, Zoning.

preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenants, conveyance of a scenic easement or conservation restriction to the Town or other appropriate means against any development or land use inconsistent with their retention in open space.

D. The provisions of this article shall not be deemed to authorize a change in the permissible use of such lands as provided in the Town of New Scotland zoning requirements.[13]

ARTICLE VII
Waivers and Modifications

§ 164-54. Requests for reconsideration of finding, decision or recommendation.

Any subdivider aggrieved by a finding, decision or recommendation of the Inspector or Planning Board may request and receive the opportunity to appear before the Planning Board to present additional relevant information, and request reconsideration of the original finding, decision or recommendation.

§ 164-55. Waivers.

A. The Planning Board may grant a waiver of certain provisions contained herein where, by reason of the exceptional shape of a specific piece of property, or where by reason of exceptional topographic conditions, or where the specific issues of health, safety, or welfare of the neighborhood outweigh the strict application of this chapter, and such strict application of this chapter would result in extreme practical difficulties upon the owner(s) of such property(ies); provided, however, that such relief may only be granted without detriment to the public good and without substantially impairing the intent and purpose of this chapter.

B. In granting such waiver, the Planning Board may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so waived.

§ 164-56. Modifications.

The standards and requirements of this chapter may be modified by the Planning Board in the case of subdivisions for complete communities or neighborhood units or other large scale developments which, in the judgment of the Planning Board, achieve substantially the objective of the regulations contained herein and which are further protected by such covenant or other legal provisions as will ensure conformity to and achievement of the plan. Such developments will comply with the standards for planned unit development as set forth in the Town of New Scotland zoning requirements.[14]

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13. Editor's Note: See Ch. 190, Zoning.

14. Editor's Note: See Ch. 190, Zoning.

§ 164-57. Procedure for applying.

A. Applications for waivers and modifications shall be submitted in writing by the subdivider at the time of preliminary plat is filed with the Inspector. The application shall state fully the grounds and all the facts relied upon by the applicant.

B. Applications for reconsideration shall be submitted to the Inspector, in writing by the subdivider, not less than 14 calendar days in advance of a regularly scheduled Planning Board meeting at which reconsideration is desired.

ARTICLE VIII
Terminology

§ 164-58. Word usage.

As used in this chapter, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof." The word "street" includes avenue, boulevard, court, expressway, highway, lane, arterial, and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, and stream. The word "may" is permissive; the words "shall" and "will" are mandatory; subject, however, to the provisions of § 164-55 hereof.

§ 164-59. Definitions.

As used in this chapter, the following terms shall be defined as follows:

BLOCK — An area bounded by streets.

BOARD ENGINEER — A designated registered Engineer retained by the Town Board to perform all administrative and/or supervisory duties required of the Board Engineer by the provisions of this chapter, whose duties, among others, are to review subdivision submissions at the request of the Planning Board, for compliance with the requirements of this chapter.

BOUNDARY LINE ADJUSTMENT — The changing, altering or moving of the boundary or property line between two or more parcels where no additional parcel(s) is(are) created, and where there is no requirement for the construction of, nor the extension of, a public street or public utility. Processed as a minor subdivision and does not require the payment of lot fees as no new lots are created.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street rights-of-way lines.

CUL-DE-SAC — A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

DEDICATION — The deliberate appropriation of land by its owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DOUBLE FRONTAGE LOT — A lot with rear and front lot lines which abut existing or proposed streets.

EASEMENT — A right-of-way granted for limited use of private land for a public or quasi-public purpose.

FINAL PLAT — A complete and exact subdivision plat, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

HALF OR PARTIAL STREET — A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.

INSPECTOR — The Building Inspector of the Town of New Scotland and/or the Building Inspector's duly appointed representative or assistant. The Inspector shall also function as the Clerk of the Planning Board as identified under Town Law Article 16, § 276.4,[15] and the Code Enforcement Officer of the Town.

LARGE SCALE DEVELOPMENT — Any large development of such a size or complex nature as to require multiple reviews under both zoning and subdivision requirements of the Town of New Scotland, and/or which requires phased development review by the Planning Board. Such developments include but are not limited to the following:

A. Large subdivisions for complete communities or neighborhood development, often proposed in phases.

B. Any subdivision which includes rezoning of existing district boundaries.

C. Any subdivision which will include a mixture of land uses such as commercial and residential, and/or mixes of residential uses.

D. Any form of planned unit development or planned commercial development.

E. Any form of large cluster development.

LOT — A tract or parcel of land occupied or intended to be occupied by one principal building and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this chapter, and having not less than 50 feet of frontage on a public highway, road, or street. All lot areas used to calculate frontage requirements and lot size must be held in fee simple.

LOT FEES — A per-lot fee assessed in lieu of open space or parkland dedications being required. The fee amount will be as set forth in the Town of New Scotland Fee Schedule.

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15. **Editor's Note: The reference to Town Law § 276.4 is to the version of § 276 prior to its amendment by L. 1992, c. 727.**

LOTS, NUMBER OF — The total number of lots shown on the approved plat. When a subdivision is subject to lot fees, this number shall be used in the calculation of the amount of lot fees due.

PAVEMENT — The portion of a street or alley intended for vehicular use.

PLAT — A plan, map or chart of a piece of land with actual or proposed features.

PRELIMINARY PLAT — A tentative subdivision plan in lesser detail than a final plat showing proposed streets and lot layout as a basis for consideration prior to preparation of a final plat.

REVERSE FRONTAGE LOT — A lot extending between and having frontage on a primary or secondary street and a local (minor) street, and with vehicular access solely from the latter.

RIGHTS-OF-WAY — Land reserved for the use as a street or for other purpose.

SETBACK OR BUILDING LINE — The line within a property defining the required minimum distance between any principal enclosed structure and the adjacent street rights-of-way, and/or side and rear property line.

SIGHT DISTANCE — The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

SKETCH PLAN — A discretionary feature of subdivision review with provides the applicant the opportunity to outline the general nature of the proposal for subdivision prior to official application for subdivision review. The sketch plan is intended to provide the Planning Board with sufficient information to evaluate the proposal and advise the subdivider on the proper method of application, the general acceptability of the concept, the consistency with the Comprehensive Land Use Plan and any other special concerns which should be addressed prior to submission by the applicant for preliminary plat approval.

STREET — Any public way used as a means for vehicular and pedestrian circulation, whether designed as a street, highway, thoroughfare, parkway, boulevard, lane, cul-de-sac, place or otherwise designated. Classes of streets are as follows:

A. PRIMARY STREET (ARTERIAL STREET) — Streets which are used primarily for traffic with limited access requirements.

B. SECONDARY STREET (COLLECTOR STREET) — Provide routes which connect local street (minor street) to community facilities, business and industrial districts and to the primary street system. Secondary streets include principal entrance streets of residential developments.

C. LOCAL STREET (MINOR STREET) — Streets which are used primarily for access to abutting residential properties. Local streets include culs-de-sac, marginal access streets and streets used for circulation within residential developments which do not provide for through traffic circulation.

D. MARGINAL ACCESS STREETS — Forms of local streets, generally parallel with and adjacent to primary and secondary streets providing access to abutting properties,

protection against through traffic and control of the number of intersections with primary and secondary streets.

STREET, CENTER-LINE — The line corresponding to the midpoint of the surface portion of any street.

STREET, PUBLIC — A street dedicated to public use.

SUBDIVIDER — The owner, or authorized agent of the owner, of a subdivision.

SUBDIVISION, MAJOR — The term "major subdivision" means the division of any parcel of land:

A. Into five or more lots, plots, sites, or other divisions of land, for immediate or future sale; or

B. Into any number of lots, plots, sites, or other divisions of land, for immediate or future sale which involves the formation of or extension to any water district; or

C. Into any number of lots, plots, sites, or other divisions of land, for immediate or future sale which involves the formation of or extension to any sewer district; or

D. Into any number of lots, plots, sites, or other divisions of land, for immediate or future sale which involves the construction of or extension to any municipal roadway; or

E. Into any number of lots, plots, sites, or other divisions of land, for immediate or future sale which involves the construction of or extension to any municipal infrastructure proposed to be dedicated to a municipality as specified in New York State Public Health Law Article 11, Title II, § 1115, Subdivision 1.

SUBDIVISION, MINOR — The division of land into at least two but not more than four lots, parcels or sites which do not require the construction of a new street, public utility or expansion or extension of an existing street or public utility.

Appendix A

Subdivision Regulations
Stormwater Management
Design Considerations

Following are design requirements which must be considered and addressed in any stormwater management plan submitted for review by the Town of New Scotland Planning Board

These Stormwater Management requirements are modeled after the New York State Department of Environmental Conservation, Division of Water, Technical and Operations Guidance Series 95.1.8) Stormwater Management Guidelines for New Development. A Stormwater Management Plan must be submitted prior to the Planning Board taking any action on any Major Subdivision and or any 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 following requirements:

A. Definitions: As used in relationship to the requirements for Stormwater Management, the following terms shall be defined as follows:

1. Drywell: Similar to infiltration trench but smaller with inflow from pipe; commonly covered with soil and used for drainage areas of less than one (1) acre such as roadside inlets and rooftop run-off.

2. Extended detention: A practice designed to store stormwater run-off by collection as a temporary pool of water, usually having less than a twenty-four (24) hour residence time. A practice which is used to control peak discharge rates, and which provides gravity settling of pollutants.

3. First Flush: The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants. The first flush in these regulations is defined as one-half inch of runoff per acre of land which has been made more impervious from pre-development (natural) conditions through land clearing, land grading and construction/development activities.

4. Forebay: An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.

5. HEC-2: A U.S. Army Corp of Engineers Computer Program intended for calculating water surface profiles for steady or gradually varied flow in natural or man-made channels.

6. Impervious area: Impermeable surfaces, such as pavement or rooftops, which prevent the infiltration of water into the soil.

7. Infiltration: A practice designed to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.

8. Infiltration Basin: An impondment made by excavation or embankment construction; commonly serves a drainage area of five (5) to fifty (50) acres.

9. Outfall: The terminus of a storm drain where the contents are released.

10. Peak Flow: The maximum instantaneous flow of water during a storm, usually in reference to a specific design storm event.

11. Peak Flow Attenuation: The reduction of the peak discharge of storm runoff by storage and gradual release of that storage.

12. Retention: A practice designed to store stormwater run-off by collection as a permanent pool of water without release except by means of evaporation, infiltration, or attenuation release when runoff volume exceeds the permanent storage capacity of the permanent pool.

13. Riprap: A combination of large stone, cobbles and boulders used to line channels, stabilize stream banks, reduce runoff velocities, or filter out sediment.

14. Riser: A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

15. Sand attenuating filter: A chamber open to the surface containing a surface layer of sand over high void aggregate base. Such chambers may only be used for atypical situations such as where a site is unsuitable for stormwater infiltration or retention.

16. Sheetflow: Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

17. Special flood hazard area: Areas in the Town that have been identified as susceptible to a one (1%) percent or greater chance of flooding in any given year. A one (1%) percent probability flood also is known as the 100-yaer flood.

18. SPDES: An acronym for the State Pollutant Discharge Elimination System. A regulatory permit program administered under Article 17 of the Environmental Conservation Law, by the NYS Department of Environmental Conservation to control point source discharges of water pollution.

19. Storm frequency: The average frequency of occurrence of events having a given volume and duration. For example; a 2-year; 10-year,; or 100-year storm.

20. Storm Drain: Any open or closed conduit designed to convey stormwater.

21. Storm duration: The length of time over which a precipitation event occurs (e.g., 24-hours).

22. Storm volume: The total amount of precipitation occurring over the storm duration.

23. Swale: A depression or wide a shallow ditch used to temporarily route, or filter runoff.

24. TR-20: A rainfall model developed by the USDA Soil Conservation Service for hydrologic analysis of a watershed under present conditions of land cover/use and structural or channel modifications using single event storm rainfall-frequency data. Output consists of peaks and/or flood hydrographs, their time of occurrence and water surface elevations at any desired cross section or structure.

B. Flood Control Requirements: The following requirements are to be followed to ensure that stormwater runoff is safely conveyed through and beyond a development site during and after construction. Also, through peak flow attenuation, the requirements are to be used to facilitate the control of stormwater runoff to minimize or alleviate flooding and stream bank erosion associated with land development. The requirements are as follows:

1. Peak Flow Attenuation

   a) The release of stormwater runoff from development shall not exceed pre-development (natural) conditions. To accomplish this, stormwater runoff is to be controlled so that during and after development, the-site will generate no greater peak than prior to development for a 2-year, 10-year, and 100-year 24-hour storm considered individually as follows:

      1. Attenuation of the 2-year storm is intended to achieve stream channel erosion control.

2. Attenuation of the 10-year storm is intended to assure the adequacy of existing and proposed culverts and storm drain systems.
3. Attenuation of the 100-year storm is intended to reduce the rate of runoff from development to prevent expansion of the 100-year flood plain so as to alleviate flooding of improved properties and streets.

b) Peak flow attenuation requirements may be satisfied by means of detention basins and/or other appropriate structures. Infiltration trenches, dry wells, or stone reservoirs underneath paving, may be used for the purpose of attenuating peak flows for smaller storms provided appropriate consideration is given to the length of life of the stormwater facility, and feasibility of maintenance of such facility.

c) Where dams are to be constructed for attenuating peak flows, approval may have to be obtained from DEC pursuant to Article 15-0503 of the Environmental Conservation Law.

2. 100-Year Flood Plains

a) Encroachment into any Area of Special Flood Hazard shall be allowed only in compliance with local restrictions adopted for participation in the National Flood Insurance Program, and other appropriate New York State laws and regulations.

b) A fifty (50) foot buffer (building restriction line) is required between the flood hazard area and any structure as a safety factor to allow for inaccuracy in boundary determination. Pursuant to Article 24 of the Environmental Conservation Law, a one hundred (100) foot buffer is required around any protected wetland.

c) The stormwater management plan for all developments of five (5) or more acres or containing five (5) or more dwelling units located wholly or partially within a 100-year flood plain where flood elevation data are not available through the NFIP, must include a study to determine 100-year flood plain elevations in accordance with TR-20, HEC-2 or other standard engineering methods. Such elevation data shall be used to regulate flood plain encroachments in accordance with the NFIP. The 100-year flood plain elevation and the building restriction line shall be shown on the subdivision plat.

3. Runoff Conveyance Systems

a) Priority shall be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches in an open condition.

b) Where closed storm drain systems (i.e., those involving a culvert or similar conduit) are deemed essential, justification shall be made as to why it is necessary to have a closed system. When justified, the closed system shall be designed to:

1. convey the 10-year storm flow within the closed storm drain system; and

2. provide for safe overland conveyance of flow of the 100-year storm through the development (generally over the top of the closed storm drain system). All overland flow conveyance structures are to be at least one (1) foot above the 100-year flood plain elevation and the outfalls of such conveyances are to be stabilized with rip-rap or other suitable material to reduce erosion.

c) Any alteration to a stream, a stream bed or the banks thereof, including the installation of stormwater conveyance systems will require an Article 15, Protection of Water Permit and may require an Article 24, Freshwater Wetlands Permit administered through the New York State Department of Environmental Conservation.

d) Any culvert or stormwater structure placed in a stream shall not impede fish migration.

4. Stream Corridor Management

a) Consistent with the State's Stream Corridor Management Program, land clearing and land grading within a stream corridor shall be avoided or minimized, except at stream crossings, so that stream and drainage courses remain in a natural state[1].

b) To the extent possible, riparian vegetation, including grasses, shrubs and trees in the stream corridor or along the watercourse, shall remain undisturbed during land clearing, land grading and land development. Provisions for temporary and permanent protection of said vegetation shall be identified on the subdivision plat.

C. Water Quality Management: The following requirements are to be used in conjunction with the flood control requirements outlined in Subsection A to protect water quality from runoff associated with land clearing, land grading and construction activities. The requirements must be presented by the subdivider in the form of a stormwater management plan (SMP). These requirements apply to all land areas where soil permeability has been and/or will be changed as a result of land clearing, land grading and land development.

1. Control of "first flush" - Control of the "first flush" is a priority in stormwater management as most runoff-related water quality contaminants are transported from land, particularly impervious surfaces, during the initial stages of a storm event. Regardless of whether infiltration, retention or extended detention practices are used to capture the first flush, the required control shall accommodate the following:

a) Provide for control of the first 1/2-inch of runoff from all land areas for which the surface porosity has been or will be changed from pre-development (natural) conditions due to land clearing, land grading and land development[2].

2. Control of Thermal Discharges: Control of thermal energy in stormwater runoff in watersheds having streams which support cold water fisheries is essential. Impervious surfaces including asphalt parking areas and roofs, store large quantities of heat during hot weather. The heat from such surfaces is released to stormwater through conduction during storm events. Stormwater runoff having elevated temperatures can, in turn, increase stream temperatures during storm events and adversely impact cold water fisheries. Accordingly, stormwater discharges are to be consistent with the thermal criteria found in Part 704 of the Water Quality Regulations, Title 6, Chapter X, New York State Codes, Rules and Regulations.

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[1] *New York State Department of Environmental Conservation, "Stream Corridor Management: A Basic Reference Manual", Albany, 1986.*

[2] *In addition to paved surface areas and areas covered by roofed structures, the contributory area for which the first 1/2-inch of runoff is to be controlled includes lawn and similarly landscaped surfaces.*

3. Hierarchy of Methods for Managing Stormwater Quality (See Design guidelines for controlling the first one-half inch of runoff starting on page 8): The following stormwater management systems, summarized in descending order of preference, are to be used to control the first flush when designing stormwater facilities. The practices are:

a) infiltration
b) retention, and
c) extended detention.

When a stream supporting a cold water fishery is the object of protection, extended detention should be placed ahead of retention in the hierarchy. A combination of these practices, including stormwater management adjuncts may be used to achieve first flush control objectives. Justification for the rejection of practices listed as having a higher priority must be provided prior to acceptance of a Stormwater Management Plan by the Planning Board.

a) Infiltration

Infiltration of runoff on-site by use of vegetated depressions and buffer areas, pervious surfaces, drywells, infiltration basins and trenches permits immediate recharge of groundwater and aids quality treatment through soil filtration. This practice eliminates or minimizes direct stormwater discharges to a waterbody and provides thermal benefits to cold water fisheries.

b) Retention

Retention by use of wet ponds and wetlands constructed in upland areas provides for the storage of collected runoff in a holding area prior to release in a waterway allowing quality treatment by sedimentation, flocculation, and biological removal. Retention is used when post-development runoff volume is expected to exceed the capabilities of infiltration. Summer temperatures of water in a retention facility may exceed temperatures required to sustain a cold water fishery, therefore, retention is not appropriate where stored (warm) water in a retention facility is displaced by storm runoff and discharged to a trout stream in contrast of Part 704 standards.

c) Extended Detention

Extended detention provides for the temporary storage of collected runoff in a holding area prior to release into a waterway. Settling is the primary pollutant removal mechanism associated with extended detention. Extended detention can provide thermal benefits to trout streams. By using a perforated, low flow drain pipe encased in a gravel jacket having an adequate mass, extended detention may be used to dissipate heat and cool stormwater runoff prior to its discharge to a trout stream.

d) Stormwater Management Adjuncts

Flow and pollutant attenuation by use of open vegetated swales, vegetated buffer zones, or filter strips, provides water quality treatment by filtration, attenuation, buffering, sedimentation, biological removal and particle retention. These practices should be used to complement infiltration, retention or extended detention.

Subdivision Regulations
Design Guidelines for Controlling
The First One-Half Inch of Runoff

Following are design guidelines for controlling the first one-half (1/2) inch of runoff from contributory drainage.

A. Infiltration

1. Infiltration systems should be designed to capture the first one half inch of stormwater runoff from impervious surfaces, lawns and similarly landscaped areas in the development site. Storm water volumes in excess of this amount should be managed for quantity control by supplemental practices.

2. Infiltration systems should incorporate measures which:

a. Recognize that the recommended design time to drain stored runoff from an infiltration system depends on the specific method or practice. Accordingly, the following ponding or storage times represent the maximum design time period for the referenced facility:

TYPE	TIME (24 - hour days)
Infiltration Basin	5
Infiltration Trench	15
Dry Wells	15
Porous Pavement	2
Vegetated Depression	1

b. Ensure that infiltration measures are placed at least one-hundred (100) feet from septic systems and water supply wells.

c. Recognize that soils with infiltration rates less than 0.5 inches per hour are unsuitable for infiltration measures.

d. Provide for a vertical separation distance of at least 4 feet between the bottom of the infiltration system and the seasonably high groundwater table or bedrock. (The excavation of an inspection trench/pit or soil borings at the proposed site of the infiltration facilities to determine the elevation of bedrock and groundwater, and the documentation of such tests must be conducted under the direction of a professional engineer, architect, or landscape architect licensed to practice in New York State.)

e. Trap excess loads of sediment, grease, oils, and settleable solids and other objectionable materials including floatable organics materials from roadways, parking surfaces, and similar paved areas before they enter the infiltration system.

f. Route design runoff flows through an infiltration basin without scouring or eroding the basin floor and clogging the surface soil pores.

g. Route base floor (if any exists) rapidly through the basin to prevent ponding or standing water.

h. Distribute storm water runoff volume evenly over the floor of the basin to maximize exfiltration rates.

i. Provide for safe emergency overflow with measures to provide a non-erosive velocity or flow along its length and at the outfall.

j. Infiltration systems should not receive runoff until the entire contributory drainage area to the infiltration system is permanently stabilized.

k. Placement of infiltration facilities in areas which have been filled is unacceptable. Compacted fill material loses permeability and the in-situ/fill material interface may cause slope failure due to slippage.

l. If on-site septic systems are to be used, soils must be able to accommodate loading from both on-site infiltration facilities and on-site septic systems.

B. Retention

1.Retention (Wet) Ponds

a. Retention is the preferred method of stormwater management when the water table or bedrock is too high for infiltration and soils are poorly drained. Retention improves stormwater quality by gravity settling, naturally occurring chemical flocculation, and biological uptake.

b. Wet ponds (another term for retention pond) should not be constructed by impounding existing wetlands unless authorized by the DEC under Article 24 Freshwater Wetlands Act. If existing wetlands are to be located in an anticipated permanent pool area, the maximum normal pool elevation should not increase mean water depth in the wetland area.

c. Retention ponds should be enhanced with areas of shallow water habitat for additional water quality benefits. Retention ponds also can be part of a created shallow water wetland design, (see use of wetlands for stormwater management, subsection B.2).

d. Retention ponds (other than shallow marshes addressed in subsection B.2.b) should be designed as follows:

1. pond geometry should provide for complete mixing of inflow before discharging.

2. in larger ponds, diversion barriers such as small islands should be used to increase effective length of flow and permit maximum mixing.

3. the depth of the pond will vary depending on its intended use. The pond contour should include:

i an average pond depth of three (3) to six (6) feet;

ii a shallow area six (6) inches to two (2) feet deep at the inlet;

iii a littoral area or bench ten (10) feet in width along the perimeter to promote marsh habitat for filtering and nutrient removal; and

iv an area eight (8) feet to fourteen (14) feet in depth to promote gravity settling and fish habitat.

4. the minimum drainage area to be served by a wet (retention) pond should be approximately 10 acres. Soils should have infiltration rates less than 0.5 inches/hour.

5. if soils are so porous that an unreasonably large drainage area is required to sustain a relatively small pond, then infiltration practices should be used.

6. the residence time of pond water should be twenty-four (24) to forty (40) hours to remove a minimum of two-thirds of the suspended solids and other pollutants from the incoming stormwater. For removal of phosphorus compounds in lake watersheds where eutrophication is a threat or problem, larger volume ponds should be designed to provide a fourteen (14) day residence time.

7. retention ponds should accommodate up to ten (10) year storm volumes. The minimum volume retained should be that associated with the first one-half inch of runoff. Excess volumes, for example, the one-hundred (100) year storm, may be detained.

8. velocity dissipation devices should be placed at the outfall of all retention structures and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to water course. Velocity dissipation devices may be required in stream channels at outfall locations to prevent erosion and fisheries habitat degradation. Pursuant to Article 15 of the Environmental Conservation Law, a Protection of Waters Permit may have to be obtained in order to install

in-stream velocity dissipation devices in protected streams.

9. the construction of wet (retention) ponds in and around class AA, A, B, C(T) and (TS) streams (water suitable for trout) may not be appropriate to protect these waters and are not be permitted except where, pursuant to 6 NYCRR Part 704 of the Water Quality Regulations, Title 6, Chapter X, retention will not be injurious to cold water fisheries or their habitat. This practice may elevate water temperatures as well as reduce dissolved oxygen levels.

10. pursuant to Article 15-0503 of the Environmental Conservation Law, approval for construction of a dam for a stormwater retention facility may have to be obtained from DEC.

2. Use of Wetlands

The use of wetlands for stormwater management is receiving increased attention. Wetlands are known to provide water quality benefits by filtering and trapping suspended solids including sediment, chemical adsorption, biological assimilation, microbial decomposition and chemical decomposition.

a. Use of Existing Wetlands

1. It is not acceptable to discharge untreated stormwater directly into naturally existing wetlands. Direct, untreated discharges may overload the natural system, and make it impractical to manage (e.g., by periodic sediment removal) resulting in contamination of the wetland and accelerated succession. Direct discharges also may alter the hydrology and hydroperiod of the wetland, which may significantly alter the vegetative community therein.

2. Incorporating an existing wetland in its natural state into a well-designed stormwater management plan may be an acceptable method of stormwater management when adverse impacts to the wetland can be avoided. Natural wetlands should be used only for final polishing after pre-treatment by preliminary practices, such as infiltration, retention or extended detention. In these situations, ultimate discharge to the natural wetland may maintain base flow into the system, thereby helping to maintain the health of the wetland.

3. Except as provided for in subsection B. (1) b., natural wetlands shall not be impounded for the creation of either wet or dry ponds.

b. Use of Artificially Created Wetlands

1. Wetlands may be created as part of a stormwater management plan to provide water quality improvement. They may enhance treatment provided by wet ponds and create extended detention areas by enlarging the wetland portions of existing basins.

2. A created wetland also can provide first-flush treatment when one or more smaller ponds are included. Such a design will be essential if no other pre-treatment practices are used. In the winter when vegetative uptake mechanisms are absent, a pond in the wetland retains higher levels of nitrogen compounds which would otherwise escape downstream.

c. Factors for Consideration in designing Created Wetlands

1. Location - the preferred locations are: upland areas adjacent to, but separated from, existing streams and wetlands by vegetated filter strips wide enough to provide a buffer; in an upland extended detention basin; or as a forebay to a wet pond or detention basin.

2. Hydraulic design - specific stormwater management plan criteria must be determined for each site to ensure the created wetland is sufficient to meet the demands being place on it and to determine hydrologic impacts to receiving wetlands, if any.

3. Expected inflows - inflows may be composed of stormwater surface water or groundwater. Stormwater should be introduced to wetlands as sheet flow whenever possible. If inflow is conveyed through the outfall, a forebay is necessary. Incoming velocities should not exceed 4 feet per second during two (2) year storm events.

4. Shape and depth - shallow ponds do not have as long a residence time as deeper ponds. Therefore, caution should be used in substituting deep ponds with shallow marshes. However, the water quality values provided by the substate, biota and vegetation in wetlands may provide services not provided by deeper ponds. It is important to determine what water quality improvement is needed and whether ponds or wetlands better serve that need.

   When creating wetlands, seventy-five (75) percent of the wetland should be eighteen (18) inches or shallower. Twenty-five (25) percent of the total surface area should be reserved for open water areas that are deeper than eighteen (18) inches. However, if the water exits the wetland through an outlet structure, the outlet should be located in water approximately three (3) feet deep. Similarly, if a forebay is used, it should be at least three (3) feet deep and comprise ten (10) percent of the total wetland and pond volume.

5. Vegetative composition - the plant species selected should be compatible with the physical nature of the wetland (e.g., depth), the climate conditions of the area, and their tolerance to the presence of pollutants. A planting scheme and schedule should be incorporated into the stormwater management plan.

C Extended Detention

1. Extended detention ponds may be used to enhance water quality in stormwater runoff. Extending the detention time of dry or wet ponds is an effective, low cost means of removing particulate pollutants and controlling increases in downstream bank erosion. Extended detention is preferred over retention where there is a need to maintain stream temperatures in support of a trout fishery pursuant to the thermal criteria found in Part 704 of the Water Quality Regulations, Title 6, Chapter X.

2. When extended detention ponds are used, they may be acceptable with the following conditions:

   a. The "first-flush" runoff volume (i.e., the first one-half inch of runoff from the contributory drainage) should be extended over a 24-hour detention period.

   b. Stormwater runoff volume generated from a one-inch storm should be released over a 24-hour detention period. The control device should be adjusted so that smaller runoff events (0.1 to 0.2 inches), which normally pass through the pond quickly, are detained for at least a minimum of six hours. In larger watersheds, up to forty (40) hours of extended detention may be needed for streambank erosion control.

   c. Pond outfall velocities should not exceed four (4) feet per second during two (2) year storm events.

   d. Velocity dissipation devices should be placed at the outfall of all extended detention structures and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to a water course. Velocity dissipation devices may be required in stream channels at outfall locations to prevent erosion and fisheries

habitat degradation. Pursuant to Article 15 of the Environmental Conservation Law, a Protection of Waters Permit may have to be obtained in order to install in-stream velocity dissipation devices in protected streams.

e. Pursuant to Article 15-0503 of the Environmental Conservation Law, approval for construction of a dam for a stormwater detention facility may have to be obtained from DEC.

D. Stormwater Management Adjuncts

Relatively small volumes of stormwater can be managed entirely by flow and pollutant attenuation practices (i.e., drainage from less than 1 acre or relatively small storms). Therefore, flow and pollutant attenuation practices usually are used to supplement other practices. Under this practice, stormwater should be managed as sheetflow to the extent possible and have velocities less than four (4) feet per second during two (2) year storm events. The following design criteria should be considered when vegetative swales or filter strips are used to control stormwater runoff.

1. Vegetative swales

a. Vegetative swales typically are applied in single family residential developments and highway medians as an alternative to curb and gutter drainage systems. When individual lots are greater than one half (1/2) acre, open section roadways with vegetated swales and check dams are preferred over curb and gutter management systems for stormwater conveyance. In designing and constructing swales:

b. Small slopes in the flow of swales should be graded as close to zero as drainage will permit. Side-slopes of swales should be no greater than 3:1.

c. A dense cover of water tolerant, erosion resistant grass must be established. Reed canary grass is recommended for this purpose. Swale grasses should not be mowed close to the ground, as this impedes the filtering and hydraulic functions of the swale. Also, if a swale is adjacent to a roadway, sensitive species with a low salt tolerance (e.g., bluegrass) should be avoided.

d. Underlying soils should have a percolation rate of at least one half (1/2) inch per hour.

e. The swale should be tilled before the grass cover is established to restore infiltration capacity lost as a result of prior construction activities.

f. Check dams can be installed in swales to promote additional infiltration. A preferred method is to sink a railroad tie halfway into the swale, and place stones on the downstream side to prevent a scour hole from forming. If a check dam is used, the designer should make sure that the maximum ponding time of runoff backed up behind the check dam does not exceed twenty-four (24) hours.

2. Filter Strips

a. Filter strips do not provide enough storage or infiltration to effectively reduce peak discharges to pre-development levels for design storms. Filter strips are however, viewed as one component of an integrated stormwater management system.

b. The top edge of the filter strip should follow across the same elevational contour. If a section on the top edge of the strips dips below the contour, it is likely that runoff will eventually form a channel toward the low spot.

c. A shallow stone trench which follows the contour can be used as level spreader at the top of the strip to distribute flow evenly.

d. The top edge of the filter strip should directly abut the contributing impervious area otherwise, runoff may travel along the top of the filter strip rather than through it. Berms can be placed at fifty (50) to one-hundred (100) foot intervals perpendicular to the top edge of the filter

strip to prevent runoff from by-passing the strip.

e. As an absolute minimum, a grass strip should be at least twenty (20) feet wide. Improved performance can be achieved if the strip is fifty (50) to seventy-five (75) feet wide, plus an additional four (4) feet wide per each one percent of slope at the site (particularly if it is a forested strip).

f. Wooded filter strips are preferred to grassed strips. If an existing wooded belt cannot be preserved at the project site, the grassed strip should be managed to gradually become wooded by intentional plantings.

g. If a filter strip has been used as a sediment control measure during the construction phase, it is advisable to regrade and reseed the top edge of the strip. Otherwise, the sediment trapped in the filter strip may affect the flow patterns across the strip, thereby reducing its effectiveness.

E. References

The basic design criteria, methodologies and construction specifications for stormwater management should be those of the Soil Conservation Service, the Soil and Water Conservation Society, the Department of Environmental Conservation, and the Metropolitan Council of Governments which may be found in the most current editions of the following publications and their subsequent revisions:

1.Empire State Chapter, Soil and Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control. Syracuse, 1988.

2. Soil Conservation Service. "Urban Hydrology for Small Watersheds", Technical Release No., 55. June 1986.

3. Soil Conservation Service. "Engineering Field Manual", latest edition, as applicable.

4. "Soil Conservation Service Standards and Specifications for Ponds." Specifications No, 378. July 1981. (This document allows for use of metal pipe risers. Steel structures may corrode in 20 years or less. Therefore, use materials other than steel, especially in aggressive environments.)

5. U.S. Department of Agriculture, Soil Conservation Service, Ponds - Planning Design, Construction. Agriculture Handbook No. 590. 1982.

6. New York State Department of Environmental Conservation, "Guidelines for Design of Dams", Revised January 1988.

7. New York State Department of Environmental Conservation, "An Owners Guidance Manual for the Inspection and Maintenance of Dams in New York State". June 1987.

8. New York State Department of Environmental Conservation. "Stream Corridor Management: A basic Reference Manual." Albany, 1986

9. Metropolitan Washington Council of Governments, Controlling Urban Runoff: A practical Manual for Planning and Designing Urban BMPs. July 1987.