

# SUBDIVISION OF LAND

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## **SUBDIVISION OF LAND**

### **ARTICLE I: GENERAL PROVISIONS**

#### **§ 82-1. Legislative authority.**

In accordance with the resolutions adopted by the Town Board on the day of ---, which resolutions were adopted pursuant to the authority granted under the provisions of Article 16 of the Town Law of the State of New York, the Town of Anywhere Planning Board has the power and authority to approve or disapprove plats for subdivision on any property located within the boundaries of the Town of Anywhere.

As used herein, Town Code refers to laws and regulations of the Town of Anywhere. Town Law refers to all laws and regulations promulgated under Chapter 62 of the Consolidated Laws of the State of New York. Any other laws referenced within these regulations are laws of the State of New York unless otherwise noted.

#### **§ 82-2. Title.**

In order that land in the Town of Anywhere may be subdivided in accordance with the policy set forth herein, these regulations are hereby adopted and shall be known and may be cited as the "Town of Anywhere Subdivision Regulations."

#### **§ 82-3. Purpose.**

These regulations are adopted for the purposes set forth in §§ 276 and 277 of Article 16 of the Town Law , which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed to specifically include the following, among others:

- A. Safeguarding of residential streets from the hazard of excessive traffic.
- B. Ensuring that only land which can be used for building purposes without danger to health or peril from fire, flood or other menace will be subdivided.
- C. Ensuring the provision of well-placed and safe recreation and other open areas and means of pedestrian circulation.
- D. Safeguarding the town from undue future expenditures for the maintenance of streets and other open spaces dedicated to public use.
- E. Ensuring the provision of proper roads, water supply, sewage disposal, drainage and other needed public improvements.

#### **§ 82-4. Policy.**

In order to accomplish the purposes set forth above, it is declared to be the policy of the Town of Anywhere Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, economic, environmentally sound development of the town and to that goal require that all land subdivision follow the guidelines under Article IV: General Requirements and Design Standards, Appendix A: Design Guidelines and Appendix B: House Siting Guidelines.

In cases where the Planning Board finds that a proposed subdivision may adversely affect the preservation of natural areas, and/or prime agricultural soils or agricultural soils of statewide importance, according to the soil survey prepared for Dutchess County by the U.S. Department of Agriculture, the Planning Board may require an applicant to submit a plan for a conservation subdivision as provided for in §278 of Town Law.

These subdivision regulations shall supplement and facilitate the provisions of the Town's Comprehensive Plan, Greenway Connections: Greenway Compact Program and Guide for Dutchess County Communities, Zoning Law, Town Code, and Zoning District Map. The following objectives shall guide the Planning Board's decisions:

- A. Land is to be subdivided in a way that enhances the natural and scenic resources of the area in which it is located and preserves important scenic viewsheds, environmental resources, tracts of contiguous wildlife habitat, and viable farmland.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- C. Proper provision shall be made for water supply, drainage, sewage, utilities and other needed improvements.
- D. Proposed development shall be planned such that it is compatible with sound development patterns of adjacent and neighboring properties within the Town of Anywhere.
- E. Proposed public roads shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic, and shall meet town highway specifications and other local laws of the Town of Anywhere. Rural road standards will be promoted for development within rural areas, with requirements matching the low intensity rural purpose.
- F. All development shall be designed to afford adequate light and air, to facilitate adequate fire and emergency protection, and to provide access for fire fighting and other emergency equipment.
- G. Provision shall be made for permanent reservations of open spaces and when appropriate, provisions for pedestrian trails, viewing areas, and passive parks as well as for the long term protection of water resources and wildlife habitat. These areas shall be shown on the plat.

- H. All reviews of applications specified in these regulations shall be coordinated with involved agencies and boards at the local, County and State levels to ensure consistent, well-designed subdivisions and decision-making that will benefit the Town of Anywhere.
- I. Proper provision shall be made for leaving undeveloped natural areas and corridors to mitigate adverse environmental impacts of the proposed subdivision and to sustain a diversity of native vegetation and wildlife, to protect water resources, agricultural land, viewsheds, and to implement the Town's policies of protecting its environmental and cultural resources pursuant to the Comprehensive Plan, Zoning Law, and other applicable local laws.
- J. In order to avoid a segmented review and to promote optimum use of the parcel in the future, applicants may be required to prepare a conceptual plan for their entire parcel whenever an application to subdivide a portion of a larger lot is submitted.

**§ 82-5. Inconsistencies with town law.**

Should any of these regulations conflict or be found inconsistent with any other rule, regulation or ordinance of the Town of Anywhere or with any provision of state law, the more restrictive provision shall apply.

**§ 82-6. Self-imposed restrictions.**

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however, shall be indicated on the plat.

## **ARTICLE II: DEFINITIONS**

### **§ 82-7. Word interpretation.**

Words in the singular include the plural, and words in the plural include the singular. The word "persons" includes a corporation and unincorporated association, and "building" includes "structure" and shall be construed as if followed by the words "or part thereof." The word "street" includes "road," "highway" and "lane"; and "watercourse" includes "drain," "ditch" and "stream." The word "shall" is mandatory unless otherwise indicated.

### **§ 82-8. Terms defined.**

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

**100-YEAR FLOODPLAIN** – The channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood can be carried without substantial increases in flood heights.

**BOND** - A performance bond duly issued by a bonding or surety company approved by the Town Board with security acceptable to the Town Board, or a performance bond duly issued by the developer-obligor accompanied by security in the form of cash, certified check or United States Government bearer bonds deposited with the Town Board in the full amount of the obligation.

**BUILDING ENVELOPES** – The preferred area(s) for development which are identified once the Resource Analysis and concept discussion on a property has been completed.

**BUFFER/PROPERTY** – An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms and designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

**BUFFER/WETLAND, WATER BODY AND WATERCOURSE** – Per Chapter -- of the Town Code, the lands lying within: (1) Twenty-five feet of wetlands and water bodies of 1/2 acre to one acre in size; (2) Fifty feet of wetlands and water bodies of one acre to two acres in size; (3) Seventy-five feet of wetlands and water bodies of two acres to three acres in size; and (4) One-hundred feet of wetlands and water bodies of three acres or more in size, shall be areas of regulation. Also, all lands lying within 100 feet of the normal stream bank of the -----, and any other perennial watercourse or tributary to these named streams. A twenty-five-foot-wide natural buffer shall be maintained from the normal stream bank for all activities except for those dependent upon the passive recreational use of the stream or as a source of water for emergency purposes or agriculture in accordance with Agricultural Best Management Practices.

**CONCEPTUAL DISCUSSION** – Initial concepts for a site or building based on the Resource Analysis and input from the reviewing board(s) and the applicant(s).

**CONSERVATION EASEMENT** – A perpetual restriction on the use of land as may be acquired or granted in accordance with the provisions of Section 49, Title 3 of the Environmental Conservation Law or Section 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, as well as natural, cultural and scenic resources.

**CONSERVATION SUBDIVISION** – A conservation subdivision is a subdivision where the applicable zoning ordinance or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of the remainder of the land.

**CROSSWALK** - A right-of-way, publicly or privately owned, which cuts across a block to furnish access for pedestrians to adjacent street or properties.

**DEED RESTRICTION** - A covenant or restriction placed in a deed that restricts the use of the land in some way. These are often used to insure that the owner complies with a condition imposed by the developer, prior owner or a land use body.

**EASEMENT** – A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

**FAMILY DWELLING UNIT** - Housekeeping accommodations for one (1) or more persons living as a family.

**FLAG LOT** –A large lot where access to the public road is by a narrow, private right-of-way or driveway, of minimum required road frontage, and the majority of the lot acreage is to the rear of a lot or lots between the flag lot and the public road.

**HOA** – Homeowners Association. A group that governs all property ownership within a subdivision, condominium or planned community. The association collects monthly fees from all owners to pay for common area maintenance, handle legal and safety issues and enforces the covenants, conditions, and restrictions set by the developer.

**IMPROVEMENT** - A physical change to the land necessary to produce usable and desirable lots from raw acreage, including grading, pavement, curb, gutter and utilities, including water supply, together with sanitary and storm sewers and drains and approved changes to existing watercourses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs and monuments.

**LETTER OF CREDIT** - A guaranty of payment, either revocable or irrevocable, in letter form generally supplied by a financial institution to another party. Payment pursuant to a letter of credit will only be made in accordance with the terms set forth in the letter of credit and the submission of proper documentation.

**LOT** - A parcel of land intended for transfer of ownership or building development identified by metes and bounds description and a separate tax designation.

**LOT DEPTH** - The mean horizontal distance between the front and rear lines of a lot.

**LOT, DOUBLE-FRONTAGE** - A lot, the generally opposite ends of which both abut on streets.

**LOT, FLAG OR REAR**– See Flag Lot

**LOT WIDTH** - The width of a lot at the building line.

**OFFICIAL MAP, COUNTY** - A map established by the County Board of Representatives under the General Municipal Law, Article 12-B, § 239-h, and of changes and additions thereto, made under the provisions of the General Municipal Law, Article 12-B, § 239-i.

**OFFICIAL MAP, TOWN** – A map established by the Town Board under § 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of § 213 of the Town Law, if such map exists.

**OFFICIAL NEWSPAPER** – A newspaper of general circulation within the town, so designated by the Town Board in compliance with appropriate state law. If none is so designated, a newspaper that would qualify for designation.

**OFFICIAL SUBMITTAL DATE** - The date when a sketch plan, a preliminary layout or a subdivision plat shall be considered submitted to the Planning Board, hereby defined to be the date of the meeting of the Planning Board at which all required surveys, plans and data described in Article V are submitted and accepted by the Planning Board as complete.

**OWNER** - The owner(s) of the land proposed to be subdivided, whether individuals, corporations, partnerships or other entities, or the agents thereof.

**PLANNING BOARD** - The agency empowered by the municipal legislative body under applicable New York State enabling legislation to act as the Planning Board of the Town of Anywhere with respect to subdivision administration and approval.

**PLAT** - The final map or drawing prepared, on a base map prepared by a licensed land surveyor for recording, by a licensed professional engineer, registered architect, licensed land surveyor or licensed landscape architect, which shall have his New York State seal affixed thereon and on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

**PRELIMINARY PLAT** - A plan prepared by a licensed professional engineer, licensed land surveyor, registered architect or a licensed landscape architect, on a base map prepared by a licensed land surveyor, showing existing features of the land and proposed street utility and lot layout within and adjacent to a subdivision.

**PRELIMINARY REVIEW** - Preliminary project plans submitted to the Planning Board for review and comment prior to the submission of a formal application.

**PRIME AGRICULTURAL SOILS** – Prime agricultural soils, as defined by the U.S. Department of Agriculture under Prime Farmland Soils, are soils that are best suited for producing food, feed, forage, fiber, and oilseed crops. These soils are listed with an “I” on the Dutchess County Soil Survey Information Chart within the Dutchess County Soil Survey.

**REAR LANE** - A strip of land over which there is a right-of-way, publicly or privately owned, on which no building fronts, serving as a secondary means of access to two (2) or more properties.

**RESOURCE ANALYSIS** – The review and evaluation of the natural, environmental, historical and cultural resources on a site, resulting in the identification of resources to be protected and establishing building envelopes.

**RESUBDIVISION** – A change in a subdivision plat or resubdivision plat filed in the office of the Dutchess County Clerk, which change affects any street and/or lot layout shown on such plat or affects any area reserved thereon for public use or diminishes the size of any lot shown thereon.

**RIDGE** - A ridge is a geological feature that includes a continuous elevational crest for some distance. Ridges can be termed hills or mountains as well, depending on size and shape.

**RIGHT-OF-WAY** - A strip of land between property lines open for use as a street, alley or crosswalk.

**SETBACK OR BUILDING LINE** - A line, generally parallel to the street line, beyond which the front portion of a building may not project into the front yard.

**SHARED DRIVEWAY** – This privately owned and maintained driveway branches out to serve up to three residences and does not need a turnaround area at the end of the driveway. Driveway access is typically controlled by sight-line, grades, and environmental factors, such as wetlands and stream crossings. Usually a maintenance agreement is drawn up by property owners for a shared driveway.

**SIGHT DISTANCE** - The distance an object eighteen (18) inches off the pavement (a tail-light) is visible from an eye level four and one-half (4 1/2) feet above the pavement (average-height driver's eyes).

**SIGNIFICANT WILDLIFE HABITATS** – Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals and plants.

**SKETCH PLAN** - A freehand sketch made on a topographic survey map showing the proposed subdivision in relation to existing conditions.

**STATEWIDE IMPORTANT SOILS** – Statewide important soils, as defined by the U.S. Department of Agriculture, is land that is of statewide importance for the production of crops. Farmland of Statewide Importance is important to agriculture in New York, yet exhibits some soil properties that do not meet prime farmland criteria. These soils are listed with an “S” on the Dutchess County Soil Survey Information Chart within the Dutchess County Soil Survey.



**STEEP SLOPES** - Surface formation with a vertical incline greater than 22.5 degrees or 25 percent, a sufficient steepness to cause problems such as erosion or increased flooding when disturbed for land development or other purposes.

**STREET** - A general term used to describe a right-of-way, publicly or privately owned, serving as a means of vehicular and pedestrian travel and furnishing space for utilities. The following functional classification is used in these regulations.

**A. RESIDENTIAL COLLECTOR ROAD** – A residential collector road collects traffic from residential areas and channels it to larger roads, such as county highways, state highways, arterials, and interstates. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans, and cars.

**B. RESIDENTIAL AND FARM ACCESS ROAD** – This road, used mostly by cars, small trucks and farm vehicles, provides access solely to residences or to residences and farm areas. Traffic on this road is light, but it may include occasional large trucks, school buses and farm equipment.

**C. PRIVATE ROAD** – This is a paved or unpaved road that serves a limited number of single-family residences or a recreational area. Private roads can be maintained by local highway departments or by a private homeowner association.

**D. CUL-DE-SAC or DEAD-END STREET** - A minor street with one (1) end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround.

**STREET PAVEMENT** - The wearing or exposed surface of the roadway used by vehicular traffic.

**STREET WIDTH** - The distance between property lines.

**SUBDIVIDER** - Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.

**SUBDIVISION** - The division of any parcel of land into two (2) or more lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale or building development and includes resubdivision. The term "subdivision" may include any alteration of lot line(s) or dimensions of any lot(s) or site(s) shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located.

**SUPERINTENDENT** - The duly elected Town Superintendent of Highways or other such authorized official.

**TOWN BOARD** - The Town Board of the Town of Anywhere.

**TOWN ENGINEER** - The duly licensed professional engineer or registered architect of the Town of Anywhere or, if there is no such official, a licensed professional engineer or registered architect employed by the Town Board for this purpose.

**TOWN PLAN** – Pursuant to § 272-a of Town Law, a "town comprehensive plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city. The comprehensive plan, or part thereof, is prepared by the town board, or by resolution of such town board, prepared by the planning board or a special board or committee.

**VERNAL POOL** – Seasonal bodies of water that attain maximum depths in spring or fall, and lack permanent surface water connections with other wetlands or water bodies. Vernal pools do not support fish populations, but allow for a community of a diverse group of invertebrates and amphibians that depend upon temporary pools as breeding ponds. A vernal pool in a woodland setting is referred to as an Intermittent Woodland Pool.

**VIEWSHED** – A viewshed is an area that is visible from a public roadway or public trail which encompasses natural landforms such as valleys, ridges, farm lands and open spaces which may have inherent rural qualities and/or aesthetic values as determined by those who view it.

**WATER BODY** - A water body is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the water body are considered part of the water body.

**WATERCOURSE** – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

**WETLAND** – Wetlands (swamps, marshes, bogs, and similar areas) are areas saturated by surface or ground water sufficient to support distinctive vegetation adapted for life in saturated soil conditions. Wetlands serve as natural habitat for many species of plants and animals and absorb the forces of flood and tidal erosion to prevent loss of upland soil. Protections of wetlands are defined by the rules, regulations, and policies of the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers, and/or the Town of Anywhere.

## **ARTICLE III: APPLICATION AND APPROVAL PROCEDURE**

### **§ 82-9. Compliance required.**

Whenever any subdivision or resubdivision of land in the Town of Anywhere is proposed, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this Article. No alteration of land shall commence prior to Final Plat approval by the Planning Board, except for required testing to obtain Dutchess County Board of Health approval.

### **§ 82-10. Preapplication procedure.**

Prior to filing a formal application for approval of a subdivision plat pursuant to §§ 82-11 and 12, the applicant shall participate in the preapplication procedure.

The preapplication procedure is a two-part process. The first step is to submit a Resource Analysis and participate in the Conceptual Discussion with the Town of Anywhere Planning Board. The second step is to submit a Sketch Plan.

#### **A. Resource Analysis and Conceptual Discussion Phase.**

(1) Prior to the submission of a sketch plan, an applicant must prepare a Resource Analysis and participate in a discussion with the Planning Board to determine a conceptual plan for the proposed subdivision, as specified in § 82-26 of these regulations.

(a) The applicant should become familiar with the Town's Subdivision Regulations, Comprehensive Plan, Zoning Law, Wetland, Water Body and Watercourse Protection and all other applicable Town Code regulations, Greenway Connections, and SEQR requirements in order to have a general understanding of the process.

(b) Applications for Resource Analysis review shall be submitted to the Planning Board. The number of copies needed shall be specified by the Planning Board and stated in the application forms. A filing fee as specified by town subdivision fee schedule shall accompany the submission. There shall be no statutory time limit for the review of the Resource Analysis, nor the need to make a determination of whether the subdivision application is complete.

#### **B. Study of Resource Analysis and conceptual discussion.**

The Planning Board shall review the applicant's Resource Analysis submittal. The applicant should be prepared to discuss possible subdivision concepts, based on the site's Resource Analysis and the conceptual design discussion. The reviewing board, in conjunction with the applicant, will fill out Form A of the Resource Analysis question and answer survey. The Resource Analysis, conceptual design discussion, and survey will form the basis for the design of the subdivision and should be reflected in the sketch plan and preliminary plan.

### **C. Sketch Plan.**

(1) Prior to filing a formal application for approval of a subdivision plat pursuant to § 82-11 or 82-12, the applicant shall:

(a) Determine the requirements of the Town of Anywhere Planning Board, the Zoning Regulations, the Town Code, the Dutchess County Planning Department, the Dutchess County Health Department and the New York State Department of Public Works, whose approval is required by these regulations, the Sanitary Code of Dutchess County and the General Municipal Law of the State of New York.

(b) Submit to the Town Planning Board copies, of the number specified by the Planning Board, of a sketch plan submission form, sketch plan and general information, as specified in §82-27 of these regulations and a subdivision plat pursuant to §82-11 or §82-12. A filing fee as specified by the town subdivision fee schedule shall accompany the submission.

### **D. Review of sketch plan.**

The Planning Board shall review the applicant's sketch plan and within thirty (30) days of the submission date shall inform the applicant, in writing, that the proposed subdivision as submitted, or as modified, will meet the objectives of these regulations. However, in the event the sketch plan is found totally unacceptable, the applicant will be asked to submit a new plan before proceeding with a preliminary plat. Reasons for recommended modifications of the sketch plan or total rejection shall be stated on the records of the Planning Board.

### **E. Expiration of application.**

Failure of an applicant to pursue an application either through an appearance before the Planning Board or submission of written materials in response to requests or questions from the Planning Board for a period of one year from the last date of any such action on an application shall be deemed a withdrawal of application. Any future action thereon shall be deemed a new application, subject to all rules and regulations in effect at such later date. The Planning Board, may in its discretion, waive a subsequent filing fee upon such application, but may not waive the application of any new rules and regulations promulgated during the period subsequent to the initial filing.

## **§ 82-11. Preliminary plat approval.**

### **A. Application procedure.**

Prior to filing an application for the approval of a plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

- (1) Be made on forms available at the office of the Town Clerk.
- (2) Include all land which the applicant proposes to subdivide.

- (3) Be accompanied by copies, the number as specified by the Planning Board, of the preliminary plat and supplementary material described in Article V, §82-28, of these regulations.
- (4) Comply in all respects with the requirements specified in Article IV of these regulations and with the provisions of §§276 and 277 of the Town Law.
- (5) Be submitted to the Chair of the Planning Board.
- (6) Be accompanied by fees as specified by the town subdivision fee schedule.

B. Study of preliminary plat.

The Planning Board will carefully study the practicability of the preliminary plat, taking into consideration the results of the Resource Analysis and sketch plan discussions, the requirements of the community, the best use of the land being subdivided and the policy set forth in §82-4. Particular attention will be given to the proposed arrangement, location and width of streets; the relation of proposed streets to the topography of the land; sewage disposal; drainage; proposed lot sizes, shape and layout; future development of adjoining lands as yet unsubdivided; the requirements of the Town Plan and the Official Map; and matters enumerated in §277 of the Town Law.

C. Applicant to attend Planning Board meeting.

The applicant should be prepared to attend a regular meeting of the Planning Board to discuss the preliminary plat and the Board's tentative conclusions.

D. Approval of the preliminary plat.

(1) Within sixty-two (62) days after the receipt of such preliminary plat by the Secretary of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in the official newspaper and not less than five (5) days before the date of the hearing and notice sent to adjoining property owners. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat, including requiring a sign on the site notifying the public of the application and the date of the public hearing.

(2) Within sixty-two (62) days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat; and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board, which consent is verified in writing by both parties. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plant in final form.

(3) Within five (5) days of the approval of such preliminary plat it shall be certified, by the Chair of the Planning Board, as granted preliminary approval, a copy filed in its office, and a certified copy mailed to the owner. Failure of the Planning board to act within the time periods prescribed herein shall constitute approval of the preliminary plat.

(4) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, and the conditions upon such approval may be based. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

(5) Approval of the preliminary plat may not be revoked by the Planning Board unless a substantial change in the character of the area or the availability of new information about the site and its surroundings indicate the unsuitability of the development, as shown on the preliminary plat. Before revocation the applicant shall be informed, in writing, of the reasons therefore and shall be given an opportunity to be heard before the Planning Board.

(6) Approval of a preliminary plat shall expire six (6) months from the date of approval unless the subdivider submits the plat in final form. Extensions for periods of six (6) months may be granted by the Planning Board upon application. Such applications for extensions may be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the preliminary plat.

#### **§ 82-12. Final plat approval.**

No alteration of land shall commence prior to Final Plat approval by the Planning Board, except for required testing to obtain Dutchess County Board of Health approval.

##### **A. Application procedure.**

Within six (6) months after tentative approval of the preliminary plat is granted, the applicant shall file with the Planning Board an application for approval of a plat. The application shall:

- (1) Be made on forms provided by the Planning Board at the time tentative approval of the preliminary plat was granted.
- (2) Include the entire subdivision or a section thereof which derives access from a street improved to town standards or for which street a payment or provision therefore, in a form acceptable to the Town, covering such improvement is held by the Town.
- (3) Be accompanied by copies, the number as specified by the Planning Board, of the plat, as described in Article V, §82-29, of these regulations.

- (4) Comply in all respects with the preliminary layout as tentatively approved.
- (5) Comply with the improvement requirements of Article VI of these regulations.
- (6) Be presented to the Secretary of the Planning Board at least two (2) weeks prior to a regular meeting of the Board.

B. Public hearing.

Within sixty-two (62) days of the submission of a plat in final form for approval, a hearing shall be advertised by the subdivider at least once in the official newspaper at least five (5) days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under §82-11 of this Article, and modified in accordance with the requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

C. Action on proposed subdivision plat.

(1) The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and shall authorize the signing of such plat within sixty-two (62) days of its receipt by the Office of the Planning Board, if no hearing is held, or in the event a hearing is held, within sixty-two (62) days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure by the Planning Board to take action on a final plat, which has been deemed complete by the Planning Board and all conditions have been met, within the time prescribed therefore shall be deemed approval of the plat.

(2) Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Chairman of the Planning Board as conditionally approved, a copy filed in the office of the Planning Board and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally-approved final plat. Upon completion of such requirements, the plat shall be signed by said duly-authorized officer of the Planning board. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting such conditional approval unless the requirements specified by the Board have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat in final form must be submitted for signature, if in its opinion, such extension is warranted by the circumstances, not to exceed two (2) additional periods of ninety (90) days each.

D. Plat void if revised after approval.

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

E. Filing of approved plat.

Approval of the plat shall expire within sixty (60) days from the date of such approval unless within such sixty-day period such plat shall have been duly recorded by the owner in the office of the Dutchess County Clerk. If the plat is not filed within this period, the approval shall expire as provided in §276 of the Town Law.

F. Division of plat into two (2) or more sections.

The Planning Board may permit the plat to be divided into two (2) or more sections, subject to such conditions as it deems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the approval of the plat. The approved plat, or any approved section thereof, shall be recorded within sixty (60) days of approval, subject to any conditions imposed, and shall encompass at least ten percent (10%) of the total number of lots shown on the plat. Approval of any other sections not recorded shall expire unless recorded before the expiration of the period to which such plat is entitled under the provisions of §265-a of the Town Law. In the event the applicant does not record all approved sections, the entire plat shall be filed with the Town Clerk within thirty (30) days from the recording of the plat or any approved section thereof, and the applicant shall file with the Planning Board a photostatic copy of the plat certified by the County Clerk to be a true copy of the recorded plat.

G. Public acceptance of proposed streets and park areas.

The approval by the Planning Board of a plat shall not be deemed to constitute or imply the acceptance by the Town of any street, park, playground or other open space shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any park or playground area.

H. As-built drawings of required improvements.

Drawings showing the location of all required improvements as built shall be certified by a licensed land surveyor and filed with the Planning Board at least thirty (30) days prior to the acceptance of the improvements by the town.



### **§ 82-13. Variances.**

Where compliance with these regulations would cause unusual hardship, extraordinary difficulties or be inappropriate because of exceptional and unique conditions, a variance from the minimum requirements may be granted by the Zoning Board of Appeals to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these regulations, the Official Map, the Zoning Ordinance and the Town Plan, (if such exist). A showing of hardship does not create a presumption that a variance of requirements will be granted.

### **§ 82-14. Issuance of building permits.**

A building permit for erection of a structure in a development laid out subsequent to the adoption of these regulations shall not be issued unless the street giving access to the proposed building appears on a recorded plat approved by the Planning Board and unless such street has been suitably improved or a payment or provision therefore in form acceptable to the Town to cover the full cost of improvement has been received.

### **§ 82-15. Fees.**

A. Every application for approval of a subdivision shall be accompanied by a fee set by Town Board resolution.

B. Where the Planning Board uses the services of a consultant to review adequately the details of the plan, the applicant shall pay the cost of such services. The amount of the payment shall be the actual cost to the town. The Planning Board shall require the applicant to make periodic monetary deposits on account to the Town of Anywhere from which the Town of Anywhere will make payments to the consultant for services in review of the subdivision plans, after approval of the consultant's vouchers by the Town Board. The Planning Board Secretary shall maintain records concerning such deposits on account by the applicant. This fee shall be charged in addition to the basic charge and paid to the Town Clerk by the applicant before the plat is endorsed by the Planning Board Chairman. In the event the applicant fails to deposit the requested review fees into an escrow account, any application review, approval, permit, or certificate of occupancy may be withheld or suspended by the reviewing board, officer or employee of the Town until such monies are deposited. Upon completion of the review of an application or upon withdrawal of an application, and after all fees already incurred by the Town have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within sixty days after the applicant's request.

### **§ 82-16. Improvements in streets.**

No public municipal street utility or improvement shall be constructed by the town in any street or highway until it has become a public street or highway pursuant to acceptance as such by the Town Board. However, subject to the discretion of the Town Board, a subsurface utility or improvement operated from revenue by the town or by a special district may be constructed by the town in a private street, provided that a public easement satisfactory to the Town Board is obtained for such utility or improvement.

## **ARTICLE IV: GENERAL REQUIREMENTS AND DESIGN STANDARDS**

### **§ 82-17. Compliance required.**

The Planning Board, in considering an application for the subdivision of land, shall be guided by the policy considerations specified in §82-4 of these regulations and the following standards.

### **§ 82-18. Preservation of existing features.**

Existing features which would add value to residential development, such as large trees, watercourses, historic spots, scenic views from roadways, scenic views from a public trail, ridgelines, water resources, steep slopes, active farmland, rock outcrops, forested areas, stonewalls, hedgerows, wildlife habitats or corridors and similar irreplaceable assets, shall be preserved through harmonious design of the subdivision.

### **§ 82-19. Streets.**

#### **A. General planning standards.**

The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to the proposed uses of the land to be served by such streets.

#### **B. Relation to topography.**

Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.

#### **C. Intersections.**

Intersections of major streets by other streets shall be at least one thousand (1,000) feet apart, if possible. Cross (four-cornered) street intersections shall be avoided, except at important traffic intersections.

#### **D. Visibility at intersections.**

Within the triangular area formed at corners by the intersecting street lines, for a distance of seventy-five (75) feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping shall be permitted to obstruct such visibility at all intersections.

#### **E. Layout of minor streets.**

Minor streets shall be so laid out that their use by through traffic will be discouraged.

#### **F. Treatment of arterial streets.**

Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets, reverse frontage and screen

planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

#### G. Treatment of railroad or limited access highway rights-of-way.

Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, such as for park purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

#### H. Minimum curvature.

When continuing street lines (projected right-of-way tangents) deflect from each other at any one (1) point by more than ten (10°) degrees, they shall be connected by a curve with a radius at the inner street right-of-way line determined from the alignment standards specified in Subsection I below.

#### I. Alignment standards in relation to design speeds.

Alignment standards in relation to design speeds are provided in the following table:

Design Speed (miles per hour)	Minimum Radius Of Horizontal Curves (feet)	Maximum Percent of Grade	Minimum Forward Sight Distance (feet)	Minimum Length of Vertical Curve for Each 1% of Change in Grade (feet)
20	100	10	150	10
25	200	10	175	15
30	250	10	200	20
35	350	10	250	30
40	450	8	275	35
45	600	8	325	55
50	750	8	350	70

#### J. Rear Lanes.

(1) Rear lanes may be provided in residential, commercial and industrial districts as private accessways.

(2) Intersections of rear lanes and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.

(3) Dead-end rear lanes shall be avoided when possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Planning Board.

#### K. Design Standards.

Subdivision streets shall be designed to reflect the rural character of the Town of Anywhere. The following design guides and standards should be referenced in the design of subdivision roads.

#### L. Continuation of streets into adjacent property.

Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and particularly, where such continuation is in accordance with the Town Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turn-around, a minimum of fifty (50) feet in radius, shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.

#### M. Permanent dead-end streets (culs-de-sac).

(1) The creation of dead-end loop residential street blocks is discouraged. (2) Where a street does not extend to the boundary of the subdivision and is not needed for access to adjoining property, it shall be separated from such boundary by a distance of not less than one hundred (100) feet.

(2) For greater convenience to traffic and more effective police and fire protection, dead-end streets shall be limited in length so as to serve no more than ten (10) lots and be of a maximum length of 800 feet. Dead-end streets of greater length shall require special consideration by the Board.

#### N. Street names.

All streets shall be named, and such names shall be subject to the approval of the Town Planning Board and subject to review by the County's E911 Department. . Names shall be sufficiently different in sound and in spelling from the other street names in the town so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name. Street name signs shall be installed at each street intersection by the subdivider according to the standards and location required by the town and approved by the Superintendent.

#### O. Sidewalks.

Sidewalks shall be provided when considered necessary by the Board for pedestrian safety.

#### P. Improvements.

Improvements shall be as indicated in Article VI.

#### Q. Private roads.

The Planning Board may approve paved or unpaved private roads to provide access to lots in subdivisions, provided that the Planning Board finds that the proposed subdivision will protect the rural, scenic and natural character of the town. The private road requirements are as follows:

- i. The maximum number of lots gaining access through any portion of a private road shall be 10.
- ii. Written approval from the Town Superintendent of Highways and the Town's engineer shall be secured before approval of any private roads.
- iii. A Homeowners Association (HOA) must be created to own and provide for the perpetual care and maintenance of the private road. The Planning Board shall have discretion to determine whether a performance bond must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance bond shall be and what form it shall take.
- iv. Such HOA must have the power to assess the subdivision lot owners for their share of the maintenance costs of the private road. The HOA shall ensure that the road will always be maintained and kept open to permit emergency vehicle access.
- v. In the event that HOA does not ensure that the road is properly maintained, the Town of Anywhere may assume maintenance responsibilities and charge the HOA for all reasonable costs thereof. Such costs, if unpaid for more than 60 days, shall, along with attorneys' fees for their collection, become a lien on the property and enforceable in the same manner as a property tax lien.
- vi. The private road can only be offered for dedication to the Town of Anywhere if it conforms to Town Highway specifications for private roads in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication, even if the road conforms to Town Highway specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town Highway specifications shall be borne by the HOA.
- vii. The subdivision plat shall show the road clearly labeled "private road."
- viii. Road design shall comply with the standards for private roads in this Code.
- ix. The Planning Board may waive the requirement of a private road maintained by a HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a common drive, as set forth in §82.23D (6), maintained pursuant to a recorded maintenance agreement, executed by the applicant as a condition of subdivision approval, will provide the same protections to lot owners and the Town as would a private road owned by a HOA.

<b>Rural Road Standards</b>				
	Collector	Residential Access	Residential Road	Private Cul-de-sac
Right- of-way width (feet)	50*	50*	50*	50* (Turn around Radius: 30 ft.)
Pavement width (feet) (minimum-maximum)	18-22	16-18	12-16	12-16
Shoulder width (feet) (minimum-maximum)	3 – 6 on 2 sides	1 – 2 on 2 sides	1 – 2 on 2 sides	1 - 2 on 2 sides
Grade (percent) (minimum-maximum)	1-10	1-10	1-10	1-10
Curb Radii (feet) (minimum-maximum)	5-10	5-10	5-10	5-10
Minimum tangent length between reverse curves (feet)	100	100	50	50
Maximum grades within 150 feet of center-line intersections (percent)	1.5	1.5	1.5	1.5
Minimum distance between center-line offsets at street jogs (feet)	300	125	125	125
Maximum length of Cul-de-sac (feet)				800**
Minimum outside radius of cul-de-sac pavement (feet)				40
Angle at intersections of street center lines (degrees)	90	90	90	90

\* 50' right-of-way is required by State Highway Law, but grading and clearing should be reduced to the minimum necessary.

\*\*Except where, in the judgment of the Planning Board, the cul-de-sac does not impose any problem and constitutes a positive design feature.

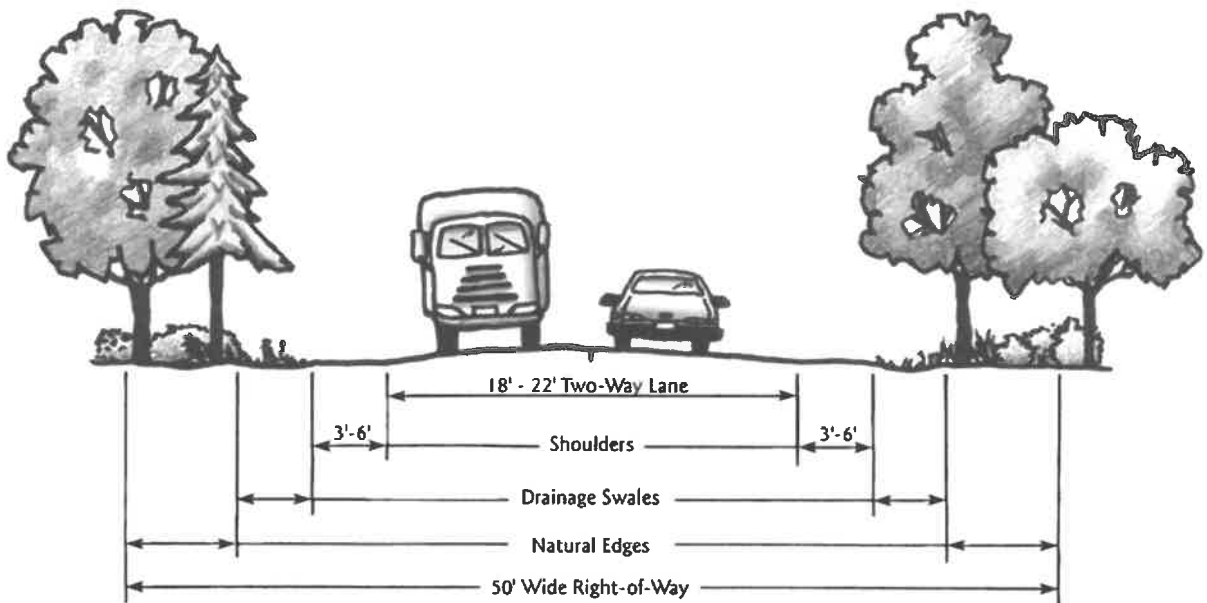
Note: Rear lanes, 12-16 pavement width, are allowed in hamlet areas and where the size and configuration of the subdivision is conducive to rear lanes.

Note: Standards are not given for arterial streets, as they would in all probability be built by the state or county.

## Residential Collector Road

A residential collector road collects traffic from residential areas and channels it to larger roads, such as county highways, state highways, arterials, and interstates. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans, and cars.

- Right-of-way: 50'
- Pavement width: 18 – 22', 2 lanes
- Shoulder width: 3 – 6', on 2 sides; gravel/grass
- ADT: 50 – 400 vehicle trips per day
- Speed limit: 40-50 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: 6' wide, separated from road by 6' grassy aisle



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

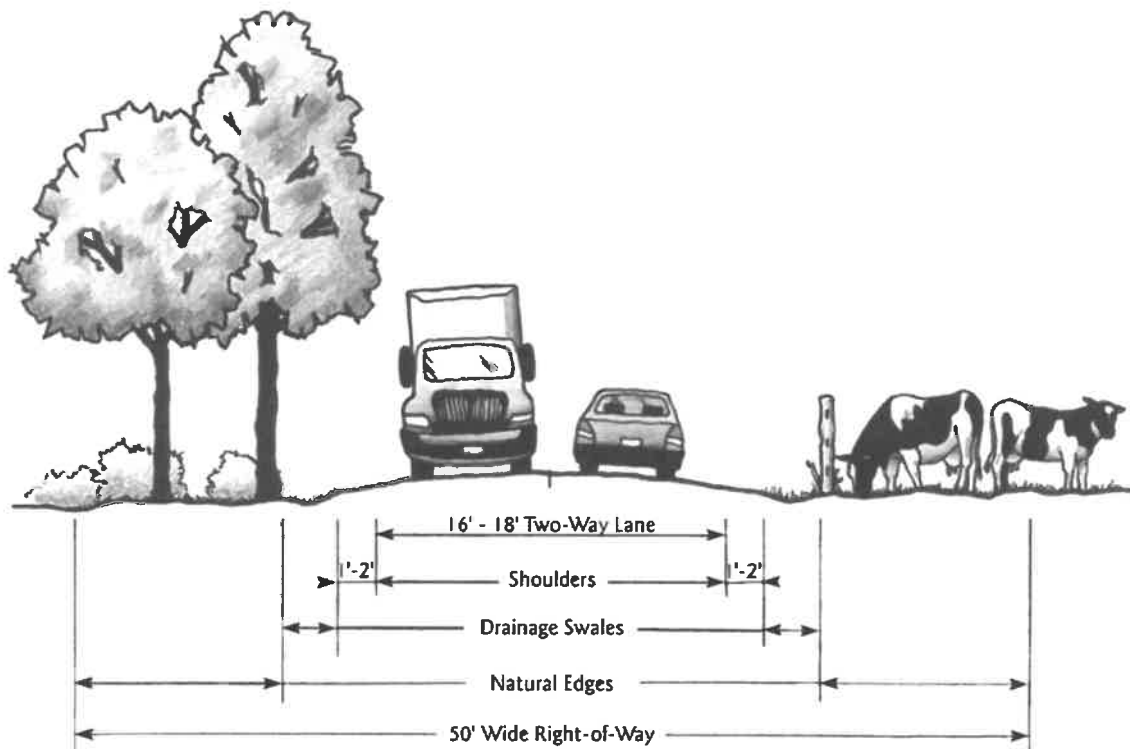
Drainage swales:

- The use of open drainage systems within the right-of-way should be sensitive encouraged for rural road systems

## Residential Access Road

A residential access road provides access to farms and residential areas and is primarily traveled by cars, small trucks, and farm vehicles. Traffic on this road is fairly light, but it may include occasional large trucks, such as milk trucks and farm equipment.

- Right-of-way: 50'
- Pavement width: 16 – 18', 2 lanes
- Shoulder width: 1 – 2', on 2 sides; gravel/grass
- ADT: 50 – 400 vehicle trips per day
- Speed limit: 35-45 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: Generally not needed
- Pull outs: Provided on one side at appropriate intervals



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

Drainage swales:

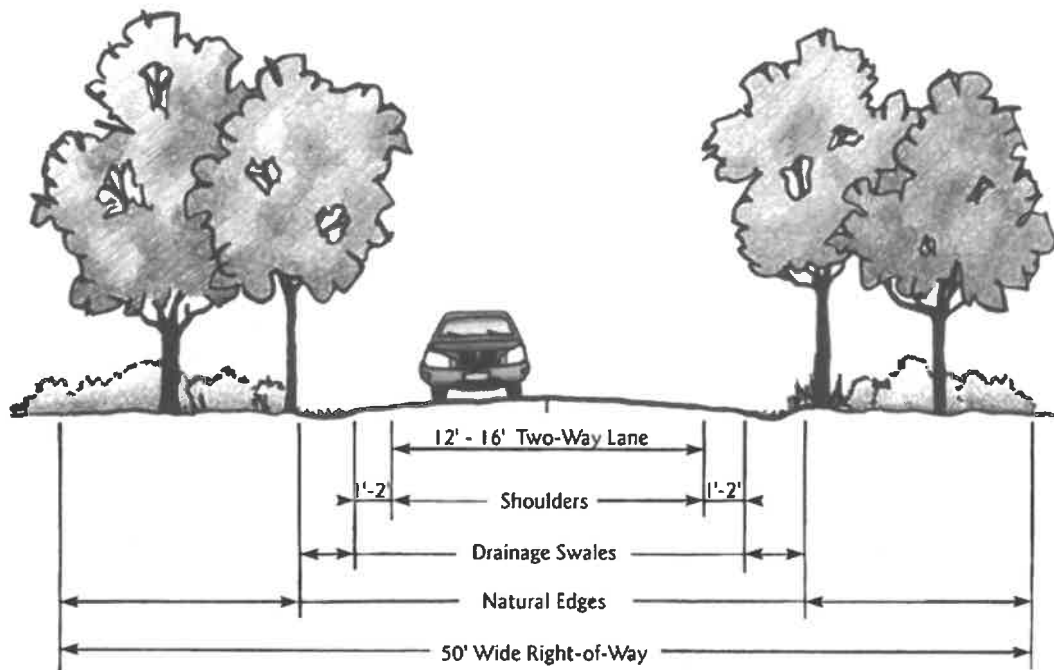
- The use of open drainage systems within the right-of-way should be sensitive encouraged for rural road systems



## Private Road

A private road, which may be unpaved, serves a limited number of single-family residences or a recreational area. Gravel roads can be maintained by local highway departments or by private homeowner's associations.

- Right-of-way: 50'
- Pavement width: 12 – 16', 2 lanes
- Shoulder width: 1 – 2', on 2 sides; gravel/grass
- ADT: Less than 100 vehicle trips per day
- Speed limit: 25-35 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: Generally not needed
- Pull outs: May be provided on one side at appropriate intervals



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

Drainage swales:

- The use of open drainage systems within the right-of-way should be sensitive encouraged for rural road systems

## **§ 82-20. Blocks.**

### **A. General planning standards.**

- (1) The length, width and shape of blocks shall be determined with due regard to:
  - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - (b) Residential lots shall conform to the provisions of the Zoning Ordinance for the district in which they are located.
  - (c) Need for convenient access, circulation and control safety of street traffic.
  - (d) Limitations as well as opportunities offered by topography.
- (2) Irregular-shaped blocks or oversize blocks indented by culs-de-sac, parking courts or loop streets and containing interior block parks or playgrounds will be acceptable when properly designed, as determined by the Planning Board. Such blocks shall include adequate off-street parking, facilities for pedestrian access from streets to all lots, proper easements for utility lines and satisfactory provision for maintenance of park and open space, where included.
- (3) Non-residential blocks intended for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and servicing.

### **B. Design standards.**

- (1) Block lengths shall not exceed one thousand two hundred (1,200) feet or be less than four hundred (400) feet; except, however, that blocks abutting on designated arterial streets shall be not less than one thousand (1,000) feet and may exceed one thousand two hundred (1,200) feet.
- (2) Blocks over eight hundred (800) feet in length may be required to have a crosswalk, if necessary, to facilitate pedestrian circulation to a school, park, recreation area, shopping center or other similar neighborhood facility.

## **§ 82-21. Driveways.**

- A. The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be ten percent (10%), except where it can be demonstrated to the satisfaction of the approving authority that, because of unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required, and further provided that in no case shall such driveway grade be permitted to exceed fifteen percent (15%).

- B. Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the automobile in the driveway.

## **§ 82-22. Lots.**

### **A. Number of Lots.**

The maximum density allowed for residential units is calculated by a formula based upon the acreage of "unconstrained land" on the property.

- (1) To determine unconstrained acreage, subtract from the total (gross) acreage of the proposed development parcel the acreage of "constrained land." Constrained land includes all of the following; (i) streams, wetlands and water bodies one-half (1/2) acre and over, and the buffers for each, as defined in Chapter 53 Wetland, Water body and Watercourse Protection of the Code of Anywhere, (ii) 100-year floodplains, (iii) slopes over 25% which are 2,000 square feet or more of contiguous sloped area, and (iv) lands which are currently or will be placed under conservation easement.
- (2) To determine the "base" number of allowable residential units on the site, divide the unconstrained acreage by the allowable number of units per acre within the zoning district. Round down fractional units of 0.5 or less. The resulting number is the maximum allowable residential units allowed on the site.
- (3) The density permitted by this section is determined without reference to either the reservation of parkland which may be required during the subdivision process or the resource analysis required in § 82-26 below. The final lot count allowed may be affected by the results of the Resource Analysis or by a required reservation of parkland within the subdivision.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.
- (5) Double-frontage and reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use. As an alternate, where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street.

- (6) The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plan approval. Private streets may be permitted only by resolution of the Board.
- (7) Corner lots and lots adjacent to pedestrian crosswalks shall have extra width of at least ten (10) feet or as required by the Zoning Ordinance, to permit appropriate building setback from the orientation to side streets or crosswalks.
- (8) Radial corners shall be provided on the property line substantially concentric with the curb radius corners.

#### B. Flag (rear) lots.

It is the policy of the Town of Anywhere to discourage flag lots. Flag lots may be created where they will not endanger public health and safety and will help preserve natural, historic, and scenic resources.

#### C. Land in floodplain

- (1) Land subject to flooding or other menace shall not be platted for residential or any other use where there is potential danger to life or property or where its development will aggravate flood conditions or other hazards. Such land should be set aside for uses which will not be endangered by periodic or occasional inundation, subject to the provisions of the Zoning Ordinance.
- (2) For lots of one (1) acre or less in area, no more than twenty-five percent (25%) of the lot shall be subject to flooding. For lots greater than one (1) acre in area, at least thirty thousand (30,000) square feet of dry land shall be provided. All minimum yard requirements for a lot must be satisfied by measurement on dry land.

#### D. Design Standards

- (1) There shall be no minimum lot size in a major subdivision, provided that the Dutchess County Department of Health shall assure that where on-site wells and on-site sewage treatment and disposal systems are planned, adequate minimum lot sizes are provided to assure the health and safety of the residents of the subdivision and the subdivision meets the policies outlined in §82-4 above.
- (2) The minimum individual lot frontage shall be 50 feet and the minimum average road frontage per lot for the subdivision shall be 70 feet.
- (3) Lots gaining access from an existing state or county highway shall comply with minimum road frontage requirements for the district.
- (4) There shall be no required area, bulk, or dimensional standards for house siting on lots in a subdivision that meets the policies outlined above in §82-4

above, except where such subdivision abuts an existing residential lot, a public trail, and/or an agricultural use.

- (5) Arrangement of lots. Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Town. Compact development is encouraged if it advances the protection of significant resources.
- (6) Shared driveways are encouraged where appropriate to maintain rural character and provide an economical and attractive method of serving up to three homes.
- (7) If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner's association, private landowner(s), utility company, a non-profit organization, or the Town or other governmental entity, as long as it is protected from development by a conservation easement or, in some cases, a deed restriction and noted on the final plat. Open space set aside in a subdivision shall be permanently preserved as required by this Section.

a. Permanent Preservation by Conservation Easement.

A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Dutchess County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. In the alternative, a restrictive covenant in the deed, and a map not on the final plat, enforceable by the Town, may be substituted for a conservation easement held in common by a HOA. The Town shall maintain a current map which displays all lands under easement or deed restricted.

The conservation easement or restrictive covenant shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.

## b. Ownership of Open Space Land

Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a homeowner's association (HOA), offered for dedication to Town, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

- (i) The HOA must be established before the approved subdivision Final Plat is signed, and must comply with all applicable provisions of the General Business Law.
- (ii) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
- (iii) The open space restrictions must be in perpetuity.
- (iv) The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
- (v) Property owners must pay their pro rate share of the costs in subsection b (iv) above and the assessment levied by the HOA must be able to become a lien on the property.
- (vi) The HOA must be able to adjust the assessment to meet changed needs.
- (vii) The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder, or to pay its real property taxes.
- (viii) Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
- (ix) The attorney for the reviewing board shall find that the HOA documents presented satisfy the conditions in Subsections (i) through (viii) above, and such other conditions as the Planning Board shall deem necessary.

(8) If the arrangement of lots results in large expanses of preserved farm use, as defined by Agricultural and Markets Law §305-a, subd.1, the land shall be contained in a separate agricultural use lot. Such agricultural use will be encouraged by conservation easement or deed restriction and noted on the final plat.

## **§ 82-23. Reservations and easements.**

### **A. Public sites, parks, playgrounds and recreational areas.**

The Planning Board may require adequate, convenient and suitable areas for parks and playgrounds, or other recreational purposes, to be reserved on the plat, but in no case more than ten percent (10%) of the gross area of any subdivision. The area shall be shown and marked on the plat "reserved for park, playground or recreational purposes."

### **B. Dedications.**

- (1) Where a dedication is required, it shall be accomplished as follows. The subdivider shall provide not less than ten percent (10) of the gross area of the subdivision as shown on the preliminary layout. Where such dedication would amount to less than two (2) acres, the subdivider shall, in lieu thereof, pay a fee to the town for each lot in his subdivision, to be determined by the fee schedule set by the Town Board.
- (2) The Board shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds.
- (3) Moneys received by the municipality from such payments shall be placed in a parkland acquisition and development fund, such moneys to be expended for acquiring parklands.

### **C. Money in lieu of.**

If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, the Board may require, as a condition to approval of any such plat, a payment to the town of an amount to be determined by the fee schedule set by the Town Board, which sum shall constitute a trust fund to be used by the town exclusively for the acquisition and/or development of property for neighborhood park, playground or other recreational purposes, including the acquisition of property.

### **D. School site.**

The Board may also require a subdivider to set aside such area as it may deem to be required for a school. Upon the failure of the proper authorities to purchase such school site within one (1) year after the date of the approval of the plat, the subdivider, upon application to the Board and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.

### **E. Natural and historic sites.**

The Board may require the preservation of all natural or historical features which add value to residential developments and to the community.

F. Unusable areas or areas bordering watercourses.

Unusable areas or areas bordering streams, lakes or other watercourses may be given special consideration by the Planning Board in excess of the minimum established by Subsection B above. The town may accept these areas as a gift or may purchase them should they be desirable for public open spaces.

G. Reservation of areas in excess of minimum dedications.

Where such sites and open spaces are not shown on the Town Plan, and where deemed essential by the Planning Board upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Planning Board may require the dedication or reservation of areas in excess of the minimum dedication.

H. Realignment or widening of existing streets.

Where the subdivision borders an existing street and the Official Map or Town Plan indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "reserved for street alignment (or widening) purposes."

I. Utility and drainage easements.

- (1) Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.
- (2) All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development and shall comply with the requirements of the Town Engineer.
- (3) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width as to encompass the twenty-five-year flood area of such watercourse.
- (4) Right-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated runoff that will occur when property at a high elevation in the drainage basin is developed.



J. Easements for pedestrian access.

The Planning Board may require, in order facilitating pedestrian access from streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width.

K. Responsibility for ownership of reservations.

Ownership and responsibility for maintenance shall be clearly indicated on all reservations.

## **ARTICLE V: REQUIRED DATA AND DOCUMENTS**

### **§ 82-24. Compliance required.**

Any subdivider who proposes to develop a subdivision in the Town of Anywhere shall submit plats and documents as provided in this Article.

### **§ 82-25. General requirements.**

The following general requirements are applicable to both all maps submitted under Resource Analysis and Conceptual Discussion, sketch plan and the preliminary layout submittal.

- A. Layouts and plats shall be clearly and legibly drawn at a convenient scale of not more than one hundred (100) feet to the inch.
- B. Drawings shall be submitted on uniform size sheets not larger than thirty-six by forty-eight (36 x 48) inches. When more than one (1) sheet is required to show the plat, an index map of the same size shall be submitted.
- C. All submissions shall indicate the proposed subdivision name or identifying title; the words "Town of Anywhere, Dutchess County, New York"; the name and address and seal of the licensed engineer or land surveyor responsible for the plat; and the date, approximate true North point and graphic scale.
- D. For the purpose of maintaining accurate and current data for its records and for professional review by its consultants, and to evaluate such data in the context of a geographic information system, the Planning Board may in its discretion require that plans, maps and other data required for subdivisions under this Chapter, and all updates and revisions to such plans, maps and data, be submitted in an electronic format in addition to the otherwise required paper submissions.
  - (1) The Planning Board may waive the electronic format submission requirement.
  - (2) A request for waiver of this requirement, if electronic format is requested by the Planning Board, may be submitted to the Planning Board upon competent evidence that the requirement will cause the applicant substantial economic hardship.
  - (3) The Planning Board may from time to time specify the specific format and type of electronic submission it requires for each type of application.

## **§ 82-26. Resource Analysis and conceptual discussion phase.**

All parties concerned with a proposed subdivision of land will benefit from a pre-application discussion at which the applicant must present the following information:

### **A. Submission of Resource Analysis and Conceptual Discussion Phase.**

Prior to, or in conjunction with, a submission of a sketch plan, an applicant must submit a Resource Analysis and participate in a discussion with the Planning Board to determine a conceptual plan for the proposed subdivision. The submission shall include an identification of the site's assets and liabilities. This will provide an opportunity for the owner and public review bodies to discuss the appropriate range of and intensity of development; the general locations intended for development; areas planned to remain undeveloped; and general access alignment. Prior to submission the applicant should become familiar with the Town's Comprehensive Plan, Subdivision Regulations, Zoning Law, Greenway Connections, the Dutchess Land Conservancy's, Planning and Siting Your House: A Guidebook, and SEQR requirements in order to have a general understanding of the process. The applicant should have also performed an on-site assessment of the parcel(s).

Pre-applications for subdivision review shall be submitted to the Planning Board in the number of copies as specified by the Board. A filing fee as specified by town subdivision fee schedule shall accompany the application. There shall be no statutory time limit for the review of the Resource Analysis, nor the need to make a determination of whether the application is complete.

At this stage, the applicant should present an analysis of the site, its limitations and its opportunities. The applicant should therefore be prepared to discuss possible subdivision concepts, based on what is learned from the sites Resource Analysis. No statement, comment or other communication made during this informal review shall be binding upon any party.

The pre-application process is required solely to assure that town development goals are recognized as they may apply to the site in question. This should help expedite the process by getting the review off to a cooperative start, before the applicant has made a substantial investment in the application process.

The Resource Analysis should contain the following information:

1. The proposed subdivision name or identifying title, and the words "Town of Anywhere, Dutchess County, New York"
2. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
3. Aerial map at a scale of one inch equals four hundred feet (1" = 400'), showing the location of the proposed subdivision parcel with respect to all streets and property within one thousand-five hundred (1,500) feet of the applicant's parcel and superimposed with 10' contours, DEC wetlands, NWI wetlands, the Town of Anywhere wetlands and buffers, floodplains, streams, water bodies, and public trails.\*

4. List of natural features known to exist on the parcel including but not limited to, historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats and viewsheds. This list is a preliminary step in identifying natural features and is subject to modification and interpretation of the reviewing bodies. The applicant should be prepared to locate these features on the map.
5. Provide an 8½ x 11 soils map indicating if Prime and/or Statewide important soils, as defined by the Soil Survey of Dutchess County New York, exist on the property.
6. General subdivision information necessary to explain and/or supplement the Aerial Map.

\*This information is available at the Town Hall; however the applicant may also acquire this information through various sources, including the Dutchess County Department of Planning and Development, at a nominal cost.

- B. Study of Resource Analysis and Conceptual Plan. The Planning Board shall discuss the proposed subdivision with the applicant. Together they will determine how the subdivision can meet the objectives of town regulations. A Resource Analysis will be done for the entire parcel, even if only a portion of the parcel is being developed. The Planning Board shall consider the proposed building envelopes on the site and their relation to: one another, the natural constraints of the land and to the provision of buffer areas and other open spaces on the site, and the effects on the viewshed. To verify that all necessary information is discussed and reviewed in this process, the applicant and the Planning Board shall fill out Form A: Resource Analysis Assessment and provide a copy to the applicant upon completion. In its review, the Planning Board members shall schedule a field visit to the site, and this site walk will be necessary before the assessment can be completed.

The Planning Board will make recommendations for modification or redesign to be incorporated by the applicant in the next submission to the Planning Board and indicate to the applicant the priority resources to be preserved. Any requirements of these Regulations which the applicant requests to be waived should be discussed at this time.

The Resource Analysis and Conceptual Plan discussion does not allow filing of a plat with the County Clerk or authorize the sale or lease of, or any offer to sell or lease any lots in such subdivision or any part thereof. Resource Analysis and Conceptual Discussion allows the applicant to proceed with Sketch Plan application.

- C. SEQR Classification. New York State Environmental Quality Review (SEQR) classification should be determined by the Planning Board and discussed with the applicant at completion of the Resource Analysis and Conceptual Plan Review and Sketch Plan pre-application discussion.
- D. SEQR. The Planning Board shall initiate the New York State Environmental Quality Review Act (SEQR) process, as defined in Article 8 of the Environmental Conservation Law and Part 617 of the New York Code of Rules and Regulations, upon completion of the Resource Analysis and Conceptual Discussion stage and

Sketch Plan phase of the application process, and when a Preliminary Plat application is determined to be complete. The Planning Board shall review the short or full Environmental Assessment Form, and if applicable, the Draft Environmental Impact Statement submitted by the applicant with the Preliminary Plat application materials. The applicant shall be informed by the Board as to whether the application will be subject to additional environmental review as specified in the SEQR regulations. All requirements of SEQR shall be completed prior to any approval of the Preliminary Plat by the Planning Board.

- E. SEQR determination. No determination of significance will be determined prior to the Public Hearing.

## Form A: Resource Analysis Assessment

Name of subdivision: \_\_\_\_\_

Address: \_\_\_\_\_

	Yes	No
Are there streams, wetlands, water bodies or watercourses that require protective buffer areas?	_____	_____
Does the parcel(s) contain 100-year floodplain?	_____	_____
Is there active farmland on the parcel(s)?	_____	_____
Will the active farmland be preserved?	_____	_____
Is there active farmland contiguous to the subject parcel(s)?	_____	_____
Is this an Agricultural Exempt parcel(s)?	_____	_____
Are there ridgelines that the Town desires to be kept clear of development?	_____	_____
Could development alter the visual character from off site dramatically?	_____	_____
Could development alter viewshed vantage points within the property?	_____	_____
Are there high-quality trees and/or significant groups of trees that should be preserved?	_____	_____
Is there the potential for significant wildlife habitats or wildlife migration areas?	_____	_____
Are there endangered or threatened species and/or species of special concern on or adjacent to the property?	_____	_____
Do any of these significant natural areas extend into abutting properties?	_____	_____
Are there stone walls and rock outcrops on the site?	_____	_____
Is the parcel adjacent to a public recreational area?	_____	_____
Are there possibilities for walkway, bikeway and/or trail connections?	_____	_____
Are there special cultural and/or historic features that should be preserved?	_____	_____
Is the parcel adjacent or within an officially designated historic site or district?	_____	_____
Can the development be connected to a public water supply?	_____	_____

Priority resources that must be preserved on the site:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

Recommendations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Planning Board site visit: \_\_\_\_\_

## **§ 82-27. Sketch Plan**

All parties concerned with a proposed subdivision of land will benefit from a pre-application discussion at which the applicant should present, in simple sketch, the proposed layout of streets, lots and other features. The sketch plan can be presented following the Resource Analysis and conceptual discussion. The sketch plan should reflect what was learned from the sites Resource Analysis and a review of the Resource Analysis will be done at this time. The applicant should present the following for the sketch plan discussion:

- A. A vicinity map sketched at a scale of two thousand (2,000) feet to the inch, indicating the relationship of the proposed subdivision to existing community facilities which serve it, such as roads, shopping, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.
- B. A density calculation as outlined in §82-22. Lots.
- C. Sketch plan on a topographic survey of the proposed area to be subdivided showing, in simple sketch form, the proposed layout of streets, lots and other features.
- D. General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.
- E. Sketch plan approval shall not be granted until the Resource Analysis and Conceptual Discussion has been approved by the Planning Board.

## **§ 82-28. Preliminary plat.**

The preliminary plat submitted to the Planning Board shall show or be accompanied by the following information, except where requirements have been waived:

- A. Data required by §§82-26 and 82-27.
- B. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
- C. Tax number of all parcels to be subdivided. A copy of the deed shall be provided for all property being subdivided.
- D. Location, bearings and distances of trace boundary.
- E. A vicinity map sketched at a scale of one inch equals two thousand feet (1"=2,000'), indicating the relationship of the proposed subdivision to existing community facilities which serve it, such as roads, schools, shopping, and public trails. Such a map may be superimposed upon a United States Geological Survey Map of the area.
- F. Topography at a contour interval of not more than five (5) feet, unless waived by the Planning Board and referred to a datum satisfactory to the Board.

- G. The names and addresses of all adjoining property owners and others within two hundred (200) feet, including property owners across the road from the proposed development. If the proposed development would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district, the applicant shall complete an agricultural Data statement, in accordance with NYS Agriculture District Law, which shall contain the name and address of the applicant, a description of the proposed project and its location and the name and address of all property owners within five hundred (500) feet of the boundary of the property upon which the project is proposed.
- H. Location, name and dimensions of existing streets, easements, deed restrictions, zoning district boundaries, property lines, buildings, parks and public properties.
- I. Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow.
- J. Location of pertinent natural features such as watercourses, wetlands, wetland buffers, floodplains, rock outcrops, stone walls, agricultural district lands, contiguous forest, significant wildlife habitats and migration areas, and single trees eight (8) or more inches in diameter (dbh).
- K. Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.
- L. Proposed provision of water supply, fire protection, sanitary waste disposal, stormwater drainage, street trees, streetlight fixtures, street signs and sidewalks. Specific details shall be provided for each provision, on separate detail sheets if needed, and a photometric plan will be included if it is deemed necessary by the Planning Board.
- M. Approximate shape, dimensions and area of all proposed or existing lots, and suggested locations of buildings.
- N. Conceptual future plans for the parcel, if any.
- O. Approximate location and dimensions of all property proposed to be reserved for park or public uses.
- P. Easements of one hundred (100) feet along both sides of perennial streams, measured from the center line of the watercourse, within which building activity, major grading and/or placement of sewerage facilities shall be prohibited.
- Q. Information on all County and State permits required for subdivision plat approval.
- R. Other approvals or permits required (Town, County, NYS, and Federal).



- S. A written statement of any requests for specific waivers of requirements by the Planning Board.
- T. Other data which must be available for consideration of the subdivision at this stage.

**§ 82-29. Final plat.**

The plat submitted to the Board shall show or be accompanied by the following information:

- A. Data required by § 82-28 A through T.
- B. A final plat clearly and legibly drawn on mylar (or other approved material of the Dutchess County Clerk's Office), on uniform size sheets not larger than thirty-six by forty-eight (36 x 48) inches or smaller than twenty-four by thirty-six (24 X 36) inches, and at a scale of one hundred (100) feet to the one (1) inch. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed showing at a convenient scale the entire subdivision with lot and block numbers clearly legible and sheets shall be numbered 1 of \_\_\_\_, 2 of \_\_\_\_, etc.,.
- C. Location, width and name of each proposed street and typical cross sections showing street pavement and, where required, curbs, gutters and sidewalks.
- D. Lengths and deflection angles of all straight lines and radii: length, central angles, chords and tangent distances of all curves for each street proposed.
- E. Profiles showing existing and proposed elevations along the center line of all proposed streets and the elevations of existing streets for a distance of one hundred (100) feet either side of their intersection with a proposed street.
- F. Present elevations of all proposed streets shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, said elevation points being indicated at the center line of the street, each property line and points thirty (30) feet inside each property line (only when required by the Board because of the existence of steep slopes).
- G. Building or setback lines.
- H. Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants.
- I. Location of street trees, street lighting standards and street signs.
- J. Areas of all lots in hundredths of an acre; lots numbers as directed by the Town Assessor. The location, material and size of all permanent monuments.

- K. Accurate location of all property to be offered for dedication for public use, with the purpose indicated thereon, and of all property to be reserved by deed covenant for the common use of the property owners of the subdivision.
- L. Sufficient data, acceptable to the Superintendent, to readily determine the location, bearing and length of all street, lot and boundary lines and to reproduce such lines upon the ground.
- M. Necessary agreements in connection with required easements or releases.
- N. Formal offers of cession to the town of all streets and public parks.
- O. Key map showing the location of the subdivision.
- P. Endorsement.

(1) Every subdivision plat submitted to the Board shall carry the following endorsement:

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF ANYWHERE, NEW YORK, ON THE \_\_\_\_ DAY OF YEAR \_\_\_\_ SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT AS APPROVED SHALL VOID THIS APPROVAL. SIGNED THIS \_\_\_\_ DAY OF YEAR \_\_\_\_, BY \_\_\_\_\_, CHAIRPERSON.

(2) This endorsement shall be located directly adjacent to the approval space allowed for the Dutchess County Department of Health, in the lower right-hand corner of the subdivision plat.

(3) The endorsements will include certification by a licensed engineer or surveyor as to the accuracy of the survey and plat, as previously specified in § 82-25.C.

## **ARTICLE VI: REQUIRED IMPROVEMENTS AND AGREEMENTS**

### **§ 82-30. Completion of improvements or payment required.**

Prior to an action by the Planning Board approving a final plat, the applicant shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate town departments, all the street and other improvements specified in the action approving said plat or, as an alternative, to file with the Town Board a method of payment pursuant to, § 82-31, in an amount estimated by the Planning Board to secure to the town the satisfactory construction and installation of the incomplete portion of required improvements. All required improvements shall be made by the applicant at his expense without reimbursement by the town or any district therein.

### **§ 82-31. Payment guarantee.**

Alternatively, a provision of payment therefore in a form that shall be satisfactory to the Town Board as to form, sufficiency and manner of execution shall be provided to cover the full cost of the required improvements in § 82-30 above. A period of one (1) year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed shall be specified by the Planning Board and expressed in the form of payment as required by the Town Board. The form of payment shall also provide that an amount determined adequate by the Planning Board shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition.

### **§ 82-32. Required improvements.**

#### **A. Monuments.**

Monuments shall be placed at all block corners, angle points, points of curvature in streets and points of tangency or horizontal curves, and at intermediate points as required by the Town Engineer. However, in no case shall there be less than four (4) permanent monuments per block. At least one (1) monument in each subdivision shall be related to the United States Geological Survey system and shall bear the true elevation above sea level. In addition, markers shall be placed at all points when street lines intersect the plat boundary and at all lot corners. The monuments and markers shall be of such material, size and length as may be approved by the Town Engineer.

#### **B. Water and sewerage facilities.**

Facilities for water and sewerage shall be provided in each new subdivision in accordance with the requirements of the appropriate agency having jurisdiction over the planning and installation of these in the area of the subdivision; however, the following minimum requirements of the town shall be met:

(1) Central water supply systems shall be designed with adequate pressures, mains and fire hydrants to meet Association of Fire Underwriters' specifications for a Class B protected area.

(2) All water mains shall be at least six (6) inches in diameter.

(3) Sanitary sewers shall not be used for stormwater drainage.

(4) Central sewerage system shall provide a four-inch (4") minimum size connection to each lot.

**B. Storm drainage facilities.**

The Town of Anywhere must comply, and all subdivision, site plan and Building Permit applications must address or comply, with Phase II regulations according to the Department of Environmental Conservation (DEC). For questions about the Phase II regulations contact the Dutchess County Soil and Water Conservation District office.

(1) Regulation. The New York State Department of Environmental Conservation (NYSDEC) regulates stormwater management practice installation under SPDES General Permit GP-02-01. The technical standards for stormwater practice design are in the New York Stormwater Management Design Manual.

(2) Drainage. The NYSDEC's, Reducing the Impacts of Stormwater Runoff from New Development, should be consulted. A primary goal is to ensure that the peak rate of surface water flowing off site shall not increase above predevelopment conditions, and shall not adversely affect drainage on adjacent properties or public roads.

(3) General design.

(a) Preferred runoff pattern. Preferred design of streets and grading in relation to storm drainage shall be such that runoff from roofs, driveways and other impervious surfaces will be collected in the ditches and/or gutters along the street in short runs [three hundred (300) or four hundred (400) feet] and will then be diverted from the surface into storm sewers or natural watercourses unless storm sewers are to be installed.

(b) Downstream disposal. Subdivision and development of an area increases and concentrates the runoff of stormwater from the area. Applicants are warned that such increase may cause flood or erosion damage to undeveloped properties lying downstream. Storm drainage channels opening on unimproved land shall empty directly into natural watercourses unless suitable agreement is reached with the owner of the downstream property for another method of handling. In any instance, the disposal of storm drainage downstream shall be satisfactory to the Planning Board as advised by the Town Engineer.

(4) Open Watercourses. The use of open watercourses for drainage may involve problems relating to safety, erosion control, stagnant water, protection of capacity and appearance, all of which shall be given adequate attention by the developer as follows:

(a) Safety. Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks, except in those areas where

natural conditions are such that erosion of banks will not occur. Ditches shall, wherever feasible, be in the shape of a wide-top "V" with rounded or squared invert.

(b) Erosion control. Adequate measure shall be taken to prevent erosion. The Planning Board shall require seeding, sodding, planting, riprap or such other measures as may be necessary to prevent scouring.

(c) Drainage. The developer shall avoid the creation or continuation of swampy areas or stagnant pools. The Planning Board shall require fill and/or channel improvements in order to forestall such problems.

(d) Protection of capacity. The developer shall provide adequate measures for the protection of open drainage channels by establishing drainage easements sufficiently wide [generally twenty (20) feet] to enable the working of the channel by motorized equipment, or, alternately, where authorized by the Planning Board, a center block park of a minimum width of fifty (50) feet. All easements shall prohibit the erection of structures, the dumping of fill or the alteration or obstruction of the watercourses without the written permission of the Town Board. Property lines shall be so drawn as to allow drainage easements along side and rear lot lines, except that drainage easements may be allowed to cross lots larger than one (1) acre.

(e) Appearance. Any drainage created by the developer shall be improved and landscaped as directed by the Planning Board.

(5) Design of storm sewers.

(a) Size and grade. Storm sewers shall have a minimum diameter of twelve (12) inches and a minimum grade of five-tenths percent (0.5%).

(b) Manholes. Manholes shall not be more than three hundred (300) feet apart where pipe sizes of twenty-four (24) inches or less are used, and not more than five hundred forty (540) feet apart where larger sizes are installed.

(c) Change in direction. Special sections with radii of ten (10) to fifteen (15) feet shall be installed where abrupt changes are made in alignment.

(6) Design of ditches and gutters.

(a) Length of flow. Subdivisions shall be so designed that the length of flow of water in a gutter or roadside ditch does not exceed three hundred (300) feet, except as permitted by the Planning Board. Runs exceeding the maximum shall be put in storm sewers or diverted to natural drainageways.

(b) Minimum grade. All enclosed drainage courses shall be designed with sufficient grade to create a water flow velocity of three (3) feet per second. A lesser grade may be permitted by the Planning Board where such a grade cannot be achieved.

(c) Street crossing. Water in gutters and ditches shall not be allowed to flow over intersecting streets but shall be placed in adequate culverts.

(d) Depth and shape of ditches. Where roadside ditches are permitted for runs of more than three hundred (300) feet, or where subgrade drainage is necessary, the bottom of such ditch should be below the subgrade and/at a minimum, should be approximately eighteen (18) inches below the crown of the road. Ditches shall be V-shaped or parabolic with sides sloping at approximately one (1) inch to three (3) inches horizontal, except where another cross-section plan is authorized. (7) Erosion control. Suitable headwalls, endwalls, ditch seeding or sodding and other procedures or devices to prevent erosion shall be used. Town soil and erosion control regulations should be referenced.

D. Street and other improvements.

(1) Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and general welfare.

(2) Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines, and the subdivider shall install underground service connections to the property line of each lot before the street is paved.

(3). Pad-mounted transformers for underground electric service should be located outside the public right-of-way on private property on an easement provided by the subdivider. Sewer lines and water lines which will cross under buried electric cables should be installed before the trench is dug for wiring. Street lighting facilities compatible with proposed underground electric facilities shall be provided for at the time of initial construction.

(4) Grading and improvements shall conform to the town minimum road specifications and shall be approved as to design and specifications by the Town Superintendent.

(5) All surfaces from the roadway to the property line shall be finish graded with an established ground cover of hardy grass or planted with ivy, myrtle, or other suitable ground cover in sufficient quantity to stabilize any slope present.

(6) In open lots, trees shall be planted along a line parallel to and five (5) feet distant from the street right-of-way. At least one (1) tree shall be planted per open lot. Trees shall be native to the area, tolerant to local conditions, not less than six (6) feet in height, and appropriate to the setting. Taken into consideration will be the potential full-grown height to prevent interference with utility lines

**§ 82-33. Inspection.**

The town may employ an inspector to act as agent of the Planning Board for the purposes of assuring the satisfactory completion of improvements required by the Planning Board, and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the town costs of inspection before the subdivision plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved drawings, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

**§ 82-34. Public utilities.**

The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved plat.

## APPENDIX A: DESIGN GUIDELINES

The following guidelines, the Town of Anywhere Comprehensive Plan, Greenway Connections Greenway Guides, the Dutchess Land Conservancy's Planning and Siting Your House, and the Rural Development Guidelines shall be consulted for the design and siting of all uses in all districts.

### Guidelines:

Identify important natural features and locate the building envelope that will minimize the clearing of vegetation and preserve important natural features.

The building envelope should not include the tops of ridge lines, wetlands, floodplains, or areas with slopes in excess of 25%.

Look at the property from off site. Try not to alter the area's visual character from off site dramatically.

Site the house to cause the least amount of change to the landscape and to protect the property's most valuable assets.

Limit the areas of disturbance to prevent fragmentation of wildlife habitats.

Retain stone walls, hedgerows and other rural landscape elements.

Place homes and access roads in treelines, on mildly sloping ground, or along the edges of fields: avoid construction in open fields to preserve the field's future agricultural potential, views, and to shelter the housesite.

Locate structures and septic systems more than 100 feet from streams or ponds to protect water quality.

Re-use farm roads or country lanes whenever possible, rather than constructing new wide roads.

Limit access drives to at most one per parcel unless a traffic analysis or unique conditions fully justify another curb cut. Share access with neighbors whenever possible.

Driveways should follow the natural contour of the land.

Do not over-clear a site. Start small and clear only what you must.



## **APPENDIX B: HOUSE SITING GUIDELINES**

**Source: Planning and Siting Your House, A Guidebook  
Dutchess Land Conservancy**

## **APPENDIX C: SELECT GREENWAY GUIDES**