

LAND SUBDIVISION REGULATIONS (2/5/2015)

Prepared For

TOWN OF ANCRAM, NEW YORK

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Town of Ancram Local Law No. ____ of 2015

A Local Law Regulating the Subdivision of Land in the Town of Ancram

Be it enacted by the Town Board of the Town of Ancram, Columbia County, New York, as follows:

Preface

A. Title

This Local Law shall be entitled "A Local Law Regulating the Subdivision of Land in the Town of Ancram" and shall be called and known as the "Town of Ancram Land Subdivision Regulations".

B. Enactment

This Local Law is adopted and enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, Article 2 of the New York Statute of Local Governments and Article 16 of the New York State Town Law.

ARTICLE I DECLARATION OF POLICY AND AUTHORITY OF PLANNING BOARD

- A. By the authority of the resolution of the Town Board of the Town of Ancram, adopted in July 1970, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Ancram is authorized and empowered to approve Subdivision Plats showing lots, blocks or sites with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the clerk of the county and to conditionally approve preliminary plats, within that part of the Town of Ancram outside the limits of any incorporated city or village.
- B. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Town of Ancram Land Subdivision Regulations" have been adopted and approved by the Town Board.
- C. It is declared to be the policy of the Planning Board to consider land subdivision as part of a plan for the orderly, efficient, and environmentally sound development of the Town. These regulations shall be administered to ensure orderly growth and development and

shall supplement, facilitate, and effectuate the policies and goals set forth in the Town Comprehensive Plan, Town Zoning Law, and New York State Town Law, as may exist and be amended from time to time. Objectives of this law are:

1. that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to human health, or peril from fire, flood or other menace;
 2. to adequately protect the quality of soil, water, air, natural vegetation and other natural resources;
 3. that proper provision shall be made for drainage, storm water management, water supply, waste water disposal and other needed improvements and utilities;
 4. that all proposed lots shall be so laid out and of such size as to be in compliance with the Town of Ancram Zoning Law and in harmony with the development pattern of the neighboring properties, the traditional and rural character of Ancram;
 5. that all proposed subdivisions be consistent with the aesthetics and visual character of the Town;
 6. that provisions be made to retain undeveloped natural areas and farmland, to minimize disruption to the natural environment, and to mitigate adverse environmental impacts on these features;
 7. that any proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the Comprehensive Plan and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment and other emergency vehicles to buildings; and
 8. that proper provision shall be made for open spaces used for parks and playgrounds.
- D. No building permit or certificate of occupancy shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the office of the County Clerk. No excavation of land or construction of any parcel improvements shall take place or be commenced except in conformance with these regulations.
- E. Resubdivision. The Planning Board has the authority to approve all resubdivisions.
- F. Conditions. The Planning Board may place reasonable conditions on a subdivision to meet the purposes of this law. The subdivider or developer has the duty of compliance with these conditions for design, dedication, improvement, and restrictive use of the land.

ARTICLE II DEFINITIONS

Access: Refers to the following terms:

Access, Public: Any street, road, intersection, curb cut or other location that offers the general public a way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Driveway: An entrance and exit used by vehicular traffic to and from lands abutting a State, County, or Town road, whether public or private as defined herein, built according to Town, County or State driveway specifications; where it is possible to park completely off the street; and which is open only for private use except by permission of the owner of such private property. A driveway remains private property.

Common Driveway: a driveway serving two to four lots; designed, built and regulated by the Town of Ancram, County, or State of New York driveway specifications; and that is maintained by a private entity through an agreement of all interested parties.

Road: A strip of land that provides a channel for vehicular circulation serving more than four lots and can include space for utilities, sidewalks, walkways, and drainage.

Road, Public: Any street or road built to meet the Town of Ancram specifications for a public road and dedicated for use by the public; accepted as a public road by official action by the Town Board, County or State; shown on a plat approved pursuant to this subdivision law or on an Official Map of the Town of Ancram, if one exists; and that is maintained by the Town, County or State.

Road, Private: Any street or road serving more than four lots; designed, built and regulated by the Town of Ancram, County, or State of New York road specifications; not dedicated and not accepted by the Town Board, County or State for use by the public; and that is maintained by a private entity through an agreement of all interested parties. A private road remains private property.

Dead End or Cul-de-Sac – A road with a single common ingress and egress.

Street – Synonymous with road.

Major Street - Means a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Collector Street - Means a street which serves or is designed to serve as a traffic way for a neighborhood or four (4) or more parcels or as a feeder to a major street.

Minor Street - Means a street intended to serve primarily as an access to abutting properties.

Street Pavement - Means the wearing or exposed surface of the roadway used by vehicular traffic.

Agricultural data statement: A written statement required when certain land use determinations within five hundred (500) feet of a farm operation located in a NYS Agricultural District takes place. The statement must include information about the proposed project, and is included in the application for project approval. A notice of the project application is mailed to owners of land associated with the neighboring farm operation identified in the statement. The Planning Board is required to evaluate and consider the statement in its review of possible impacts of a project on nearby farm operations.

Agricultural District 1: That portion of the Town of Ancram that is included in the New York State Certified Agricultural District established as per State Agriculture and Markets Law 25-aa.

Applicant - The person(s), corporation, agency, or other legal entity seeking site plan approval, special use or building permits; certificates of occupancy; variances; subdivision approval; or zoning amendment.

Block – A tract of land bounded by streets, or by a combination of streets and public parks, rights-of-way, waterways, or boundary lines.

Bond – Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit to an amount and form satisfactory to the Town Board. All bonds shall be approved by the Town Board and the Town Attorney wherever a bond is required by these regulations.

Buffer Area: An undeveloped part of a property or an entire property specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties. Natural vegetative covers existing within the buffer area shall be encouraged to be preserved as part of that buffer to the maximum extent practical.

Building: Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing, or enclosure of persons, animals or chattel. The term “building” shall include the term “structure” as well as receiving and transmitting

commercial, radio, television, cellular and other utility communication towers, mobile homes, and modular homes.

Boundary Line Adjustment - Means the realignment of property lines for adjoining lands or lots where land is taken from one parcel, is added to an adjacent parcel and which creates no new parcels or lots. Such adjustment must be performed by a licensed land surveyor and resulting parcels or lots must be in conformance with all local, county and state ordinances/regulations.

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

Building Footprint: The area encompassed by a building's outer wall at ground level.

Building Inspector- The individual designated by the Town to enforce the provisions of the New York State and local building codes.

Common Driveway – See 'Access'.

Complete Application – An application for development that includes all required documents and submittals pursuant to this law, and where a negative declaration has been made or a draft environmental impact statement has been accepted by the reviewing agency.

Comprehensive Plan: A document that details an underlying purpose to control land uses for the benefit of the whole community based upon consideration of the community's problems and applying a general policy to obtain a uniform result and adopted pursuant to NYS Town Law 272-a.

Conditional Approval – The approval of a final plan subject to conditions set forth by the Planning Board in a resolution conditionally approving such plan.

Conservation Easement: A grant of a property right stipulating that the described land will remain in its natural or agricultural state and precluding future or additional development.

Conservation Subdivision: A residential subdivision where the dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be placed on the parcel in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed and where a majority of the remaining land is left in its natural open space condition in perpetuity. Conservation development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic

qualities of open lands.

Construction - Refers to the erection of any structure, pavement, utility, signs, fences and other development on private property, public property or in a right-of-way regardless of whether a building permit is required or not.

Contiguous – When at least one boundary line of one lot touches a boundary line or lines of another lot.

Dead End Street or Cul-de-Sac – see ‘Access’. Design Criteria – Standards that set forth specific improvement requirements.

Driveway – See ‘Access’.

Easement - The right to use the land of another, obtained through the purchase or other acquisition of use rights from a landowner, for a special purpose consistent with the property’s current use..

Escrow – A deposit of cash for the purposes set forth in the Town of Ancram Local Law No. 1 of 2004 to secure the promise to perform some act.

Engineer or Licensed Professional Engineer - Means a person licensed as a professional engineer by the State of New York.

Flag Lot: A building lot not meeting the required road frontage and characterized by a narrow strip of property by which access is gained. The lot is shaped like a pole with a fully extended flag at the upper portion thereof, the bottom of the pole being at the street line, the pole portion of the lot being for use as access to the flag portion of the lot where the principal structure is or will be constructed.

Frontage – That part of a property bounded by either a public or private road, but not a driveway. On corner lots, the frontage may be designated by the owner, but it should be consistent with the orientation of buildings on the other lots and improvements on the same side of the road.

Grade – The slope of a road, street, or other public way specified in percentage terms.

Grading: The leveling of land for site development purposes including construction of roads, building construction, drainage areas and parking.

Letter of Credit - Is a letter from a bank which guarantees that a specific amount of money will be kept available to ensure the completion of specific segments of subdivision construction, to be drawn on only by the Town.

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

Lot Line Adjustment – See Boundary Line Adjustment

Major Subdivision: A subdivision, created after February 21, 2013, not classified as a minor subdivision, including but not limited to, subdivisions of more than four (4) lots, a planned development, or any size subdivision requiring any new street or extension of water or sewer utilities, or the creation of any public improvements, or any other subdivision classified as major by the Planning Board because of its probable major impact on the surrounding areas. When there have been one to four minor subdivisions of a parcel of land after February 21, 2013, the splitting of a fifth lot shall also result in classification of that subdivision as a major subdivision.

Minor Subdivision: The subdivision of land into two (2), three (3) or four (4) lots fronting on an existing road, not including any new street or road, or the extension of utilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan or Official Map of the Town.

Monument – a term used in surveying denoting a material object placed on or near a boundary line to preserve and identify the location of a boundary line on the ground.

Official Map- Means the map established by the Town Board pursuant to Section 270 of the New York State Town Law, showing streets, highways, and parks and drainage, both existing and proposed. This contrasts to the official Zoning Map of the Town, which shows specific zoning districts in Ancram.

Open Space Development Design: A design process that allows for the creation of multiple homes on a parcel while setting aside 60% of the parcel as undeveloped. The undeveloped area becomes protected and preserved open space. Reduced lot sizes and flexible road standards allow development to take place on the least sensitive parts of the project site. In contrast, a conventional subdivision divides and develops all the land into roads and house lots with no regard for preservation of open space and natural areas.

Open Space: Land left in a natural state for conservation and agricultural purposes or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites. It shall also mean land left in a natural state and that is devoted to active or passive recreation. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, used for playgrounds or

manicured recreational lands such as golf courses, ball fields, lawns, or occupied by any structure except agricultural buildings. Open space may be included as a portion of one or more large lots provided the lot(s) are greater than 5 acres in size, and are contiguous to form a larger un-fragmented open space area, or may be contained in a separate open space lot but shall not include private yards within 50 feet of a principal structure.

Owner- Means the owner of the land proposed to be subdivided, or his agent as certified by the Owner in writing.

Performance Bond - An obligation in writing, under seal, issued by a Surety Company satisfactory to the town, binding the obligor to pay a sum of money to the town if the obligor fails to satisfactorily install and/or maintain improvements as required under Section 277 (1) of the New York State Town Law.

Phased Subdivision – An application for subdivision approval where the applicant proposed to immediately subdivide the property but will develop in one or more individual phases over a period of time.

Planning Board: An appointed body whose principal duties include review and deciding about site plans, special use permits, subdivision applications, and reviewing and recommending about matters relevant to the Town Comprehensive Plan, Zoning Law, and other town regulations.

Plat, includes the following terms:

Final plat – means the map of a subdivision to be recorded after approval by the Planning Board and any accompanying material as described in these regulations.

Final plat approval- means the signing of a plat in final form by a duly authorized officer of a planning board pursuant to a planning board resolution granting final approval to the plat or after conditions specified in a resolution granting final approval to the plat are completed. Such final approval qualifies the plat for recording in the office of the county clerk or register in the county in which such plat is located.

Preliminary Plat - Means a drawing prepared in a manner prescribed by local regulation showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

Preliminary plat approval - means the approval of the layout of a proposed subdivision

as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this section.

Conditional approval of a final plat - means approval by a planning board of a final plat subject to conditions set forth by the planning board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor does it authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the planning board and recording of the plat in the office of the county clerk or register as herein provided.

Pre-Construction - Any activity disturbing ground except excavation for sewer, water and utility lines; emergencies, site investigations; and customary agricultural activity.

Primary Conservation Area: The area delineated in a conservation subdivision to have priority resource areas to be conserved including, but not limited to streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops, agricultural lands, and groundwater recharge areas.

Right-of-way – The property of a circulatory facility. It is a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, sidewalk, road shoulder, crosswalk, railroad, utility line, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

Resubdivision – A change in a subdivision plan filed previously in the office of the Columbia County Clerk which changes any street layout, area reserved for public space or use, or changes the size of any lot shown thereon.

Road, Primary: See 'Access'. Road, Private: See 'Access'.

Rural Character: Describes the features and qualities of Ancram's physical and natural landscape that were shaped by current and past economic activities such as agriculture, mining, forestry and low density residential uses, interspersed with open, working agricultural landscapes and scenic views. Concentrations of population and structures exist in a limited way in the hamlets, but Ancram's land is predominantly used for agriculture: as pastures, cropland and woodlands. Ancram does not have an extensive street grid or transportation network, and has limited pedestrian walkways other than narrow often unpaved rural roads. Our hamlets typically have a fairly well defined border and buffer of undeveloped open spaces and agricultural lands, and are located at key road crossings, near important civic structures such as places of worship, or adjacent to historically important natural features like streams. Our hamlets have a diverse mix of lot size and architectural styles. Historic structures from various periods in the community's life are present. Outside

these hamlets, residents typically occupy a range of residential types such as estates, farms and a variety of residences including old farmhouses, newly built modern homes, modular homes, manufactured homes and mobile homes (trailers). Evidence of current and past agricultural activity is present, including but not limited to crop fields, hay fields, livestock pastures, corrals, orchards, farm buildings, stone walls, windbreaks, hedgerows, and woodlots. Farm equipment noise and farm smells are a daily fact of rural life. Most local roadways tend to be narrow with limited driveways or crossroads, and rural roads tend to be lined with trees, fences, or stone walls.

Ancram's rural character also embodies a quality of life based upon traditional rural landscapes, activities, lifestyles, and values. Ancram is characterized by a balance between the natural environment and human uses with low-density residential dwellings, farms, forests, mining areas, outdoor recreation and other open space activities. Ancram's rural character can also be defined as the patterns of land use and development:

- a. In which open space and natural landscapes are preferred over built-up environments;
- b. In which clean air and dark skies are prized and protected;
- c. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- d. Which values the nature of farming and the role it plays in the community, and accepts the sounds and smells of a working farm;
- e. That provide visual landscapes that are traditionally found in rural areas and communities;
- f. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- g. That generally do not require extensive municipal services; and
- h. That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Secondary Conservation Area: The area delineated in a conservation subdivision to have secondary resource areas to be conserved including, but not limited to agricultural lands, healthy woodlands holding important ecological functions such as soil stabilization and protection of streams, hedgerows and other vegetation features representing the site's rural past, historic structures or sites, and visually prominent features such as knolls, or hilltops.

Secretary of the Planning Board - Means that person who shall be designated to perform the duties of the secretary of the Planning Board for all purposes of these regulations.

Sensitive Environmental Features and Areas: Refers to natural resource locations that have a high potential for significant damage or degradation from direct or cumulative impacts arising from new development or shifts in existing land uses. Some sensitive environmental

features and areas have been inventoried, mapped or identified as being locally, regionally, nationally or globally significant for its rarity and/or degree of vulnerability. Typical examples include but are not limited to: wetlands, streams/river corridors, steep slopes, floodplains, highly erodible soils, and aquifer recharge and discharge areas, and habitats of rare or endangered species.

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

SEQRA (State Environmental Quality Review): Review of an application according to the provisions of the State Environmental Quality Review Act, 6 NYCRR, Part 617 (Statutory Authority: New York State Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

Street: See 'Road'.

SPDES General Permit for Construction Activities GP-O2-01: A permit pursuant to the the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate certain disturbances of land .

Steep Slope: Land areas where the slope exceeds 15%.

Stormwater Pollution Prevention Plan (SWPPP): a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Street – See 'Access'.

Street Width - The width of the right-of-way or the distance between property lines on opposite sides of a street.

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

Subdivision - Means the division of any parcel of land into a number of lots, blocks or sites as specified in a local ordinance, law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term "subdivision" shall include any alteration of lot lines or dimensions of any lots or sites 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. Subdivisions may be defined and delineated by local regulation, as either "major" or "minor", with the review procedures and criteria for each set forth in such local regulations.

Subdivision Plat or Final Plat - Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Register.

Surveyor - Means a person licensed as a land surveyor by the State of New York.

Town- Means the Town Board of Ancram, or its authorized representative.

Town Engineer- Means the duly designated engineer of the Town.

Traditional Character of the Community: Describes the qualities and attributes of Ancram's physical and visual landscapes that embody the varied events, traditions and personalities of its past. Traditional character describes the architectural variety, style and scale of the Community, including color, proportion, form, and architectural detail. The physical layout of the Community, the landscape patterns, the pre-automobile network of roads, and other scenic and economic elements also contribute to Ancram's traditional character. Among these elements are active agricultural operations with low density residential development interspersed with denser population centers such as the hamlets, roads and windbreaks lined with old mature trees, stone walls, deep rural setbacks, and small/irregular field or pasture dimensions. Ancram's traditional character is strengthened by the presence of historic farmhouses, barns and out-buildings from the periods of its settlement by farmers in the 1700's and early 1800s. Our traditional character is also boosted by the presence of sites related to NY State and Federal Historic Register listed properties. Also see Rural Character, Historic Character.

Traditional Neighborhood Design: A development pattern that reflects the characteristics of small, older communities of the late 19th and early 20th centuries. Traditional neighborhood designs result in communities that are characterized by mixed of housing types, small scale non-retail commercial businesses, grid street patterns, pedestrian circulation, intensively-used open spaces, and buildings with consistent architectural character.

Zoning Enforcement Officer - The administrative officer designated to administer the zoning law and issue zoning related permits.

ARTICLE III PROCEDURES FOR FILING SUBDIVISION APPLICATIONS

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

The Planning Board shall integrate, to the extent reasonably practicable, all site plan review requirements with the procedural and submission requirements for compliance with this Regulation so as not to delay review and decision-making.

Applicants are encouraged to see the Planning Board Secretary or the Building Department/ZEO for information about requirements and procedures for subdividing land in the Town of Ancram.

Section 1. Sketch Plan Conference for all Subdivision Applications

A. Sketch Plan Conference with Planning Board

Prior to submitting an application for a subdivision, the subdivider, or his duly authorized representative, shall attend a sketch plan meeting with the Planning Board to discuss the requirements of these regulations and consistency of the sketch plan with the Town of Ancram Zoning Law. The intent of the sketch plan conference is to enable the applicant to discuss the proposal with the Planning Board prior to the preparation of a detailed subdivision plan. It is also a meeting for the Planning Board to review the basic site design concept, advise the applicant as to potential problems or concerns, and to generally determine the information to be required on the subdivision plat.

B. Submission of Sketch Plan

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least fourteen (14) days prior to the regular meeting of the Board, seven (7) copies of a Sketch Plan of the proposed subdivision. The sketch plan shall comply with the requirements of Article V, Section 1 of these Regulations, for the purposes of classification and preliminary discussion. If the project is classified as a major subdivision, an open space conservation subdivision design plan is required and the procedures set forth in Article V (C) of the Town of Ancram Zoning Law shall be followed in addition to the requirements of these Regulations.

Once the Sketch Plan is deemed complete by the Planning Board, within 62 days thereafter the Planning Board shall classify the proposed Sketch plan as a boundary line adjustment, Minor Subdivision, or Major Subdivision as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.

If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article III, Section 3 of these Regulations and Article VII (F)(2) of the Town of Ancram Zoning Law. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article III, Section 4, Section 5, and Section 6 of these Regulations and articles V(C) and VII(F)(1) of the Town of Ancram Zoning Law. If it is classified as a Boundary Line Adjustment, the applicant shall comply with the procedures outlined in Article III, Section 2 of these Regulations.

C. Study of Sketch Plan

1. The Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board. The Planning Board's review of the sketch plan shall consider, but not be limited to:

- a. The location of all areas proposed for land disturbance with respect to natural, cultural, and historic features;
- b. Street connections and road network;
- c. Proposed building density and lot coverage as prescribed by the Town of Ancram Zoning Law;
- d. Consistency with all other requirements of the Town of Ancram Zoning Law;
- e. The impact of the proposal on existing agricultural operations in that district; and
- f. Whether any escrow account shall be established to fund review of the project as per Local Law #1 of 2004.

2. Site Visits. The Planning Board may schedule a site visit with the subdivider to develop a mutual understanding of the general nature of the site and the approach for subdividing the land. At any phase of the subdivision review, the Planning Board may require additional site visits. The Planning Board will attempt to coordinate the schedule of such visit(s) with the applicant, but is authorized to conduct the site visit if notification has been given to the

applicant and a reasonable attempt to coordinate is made. Any site visit by an individual Planning Board member shall first be approved by the Planning Board. If the Planning Board has determined a site visit is necessary, no application will be considered complete until such visit is made. Time frames whereby the Planning Board must make a decision shall not start until the application has been deemed complete. The lack of a site visit due to an applicant's delay or failure to cooperate and/or coordinate with the Planning Board in arranging such site visit may be a basis for the Planning Board deeming the application incomplete.

3. The Planning Board shall have the authority to forward the sketch plan to other Town agencies or consultants for advisory comment.

4. The Planning Board shall advise the subdivider of any general recommendations on layout, arrangement of lots, or required improvements, taking into consideration the requirements of these Regulations, the Town of Ancram Zoning Law and the Town of Ancram Comprehensive Plan. It shall informally advise the subdivider of the extent to which the proposed subdivision conforms to the relevant standards and may suggest possible plan modifications that would increase its degree of conformance. The subdivider shall not be bound by any sketch plan, nor shall the Planning Board be bound by any such review, however.

D. The Planning Board need take no further action until the application has been classified as a minor or major subdivision or boundary line adjustment. The Planning Board shall make a notation regarding classification directly on the sketch plan. Upon designation of the sketch plan, the subdivider may proceed with procedures for subdivision review or boundary line adjustment outlined in these Regulations.

Section 2. Boundary Line Adjustment Procedures

A. Submission Requirements

Seven (7) copies of a Sketch Plan map, as defined in these Regulations, and an Application for Boundary Line Adjustment as available from the Secretary of the Planning Board or Town Clerk shall be submitted.

The line or lines to be changed in the boundary line adjustment shall be surveyed. The Planning Board may require the entire portion of the parcel or parcels on which the Boundary Line Adjustment is to take place to be surveyed in order to meet Columbia County requirements.

B. Review.

When a boundary line adjustment is proposed, the Board must determine if the adjustment will adversely affect or change the character of any parcel involved. A boundary line adjustment is permitted for lots with pre-existing nonconformities related to lot size, setbacks or other dimensions and an area variance from the Zoning Board of Appeals shall not be required, provided the degree of nonconformity is not increased, or a new nonconformity is not created. A boundary line adjustment shall not create any new lot and shall not impede the maintenance of existing or future access or utility service to any lot that is the subject of a boundary line adjustment. If the Planning Board cannot make such a finding, it shall process the application as a minor subdivision under the procedures set forth in these Regulations. If no adverse changes are foreseen, the Planning Board may waive the procedural requirements of minor subdivision review and allow the boundary line adjustment without further evaluation. No public hearing is required for a boundary line adjustment.

C. Action on a Boundary Line Adjustment.

Within sixty-two (62) calendar days of classification, the Planning Board shall act to approve, conditionally approve with or without modifications, or disapprove the proposed Boundary Line Adjustment and so indicate on the surveyed plat. Failure by the Planning Board to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the plat. The Planning Board's decision granting conditional approval, with or without modification of the plat, shall also empower a duly authorized officer to sign the plat, upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. This approval authorizes filing of the approved map with the Columbia County Clerk.

D. Filing.

The survey map must be filed with the Columbia County Clerk within sixty-two (62) calendar days of the Planning Board's endorsement or the approval shall become null and void and the applicant will have to reapply. The applicant shall draft and file new deeds with the County Clerk within ten days of the filing of the approved boundary line survey with the County Clerk. The deed shall contain the survey descriptions of the affected parcels as per the approved boundary line adjustment approved by the Planning Board. Further, copies of the recorded new deed shall be filed by the applicant with the Planning Board within ten days of recording the deeds.

E. Fees. A fee, as may be established by the Town Board, shall be paid prior to Planning Board approval of a boundary line adjustment.

Section 3. Requirements and Procedures for Minor Subdivision

A. Application and Fee

Within six (6) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Minor Subdivision Plan. Failure to do so in that time frame may, at the reasonable discretion of the Planning Board, require resubmission of the Sketch Plan. The Planning Board shall review the minor subdivision plan and shall determine whether it is a complete application for purposes of scheduling a public hearing.

The Plat shall conform to the layout shown on the Sketch Plan and also incorporate any recommendations made by the Planning Board during the Sketch Plan review process. Said application shall also conform to the requirements listed in Article V, Section 2-A of these Regulations and of the Town of Ancram Zoning Law, including those of Article VII (F) (2). The Board will review the proposal with regard to compliance with State and Town laws, ordinances and regulations, whether the lot (or lots) is (are) buildable, and compatible with neighboring lands.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a fee and/or escrow deposit in accordance with the most recent Town of Ancram Fee Schedule.

B. Number of Copies

Seven (7) copies of the Subdivision Plat shall be presented to the Secretary of the Planning Board at least fourteen (14) days prior to a regular monthly meeting of the Planning Board at which the application will be discussed. An application that does not include all the required submissions shall be incomplete and may not be considered by the Planning Board until such time as it is deemed complete.

C. Subdivider to Attend Planning Board Meeting

The subdivider, or his duly authorized representative, shall attend all meetings of the Planning Board at which the project is being discussed. No action will be taken unless a duly authorized representative is present.

D. When Officially Submitted

The date of submission of the Subdivision plat shall be considered to be the date of the scheduled Planning Board meeting at which the Plat is presented, determined complete and the required fee and/or escrow deposit have been paid, along with completed SEORA forms,

and all data required by Article V, Section 2 of these regulations and of the Town of Ancram Zoning Law. A determination by the Planning Board that it has received a complete application shall initiate all time frames as set forth in these Regulations.

E. Referrals and Coordination with SEQRA

1. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA).
2. Prior to taking the final action on the minor subdivision, and at least ten (10) days prior to the Public Hearing, the Planning Board shall refer the plan to the Columbia County Planning Board for their review and recommendation pursuant to Section 239-m of the New York State General Municipal Law.
3. The Planning Board may request an advisory opinion from any Town of Ancram department, agency, consultant, attorney or employee related to the application being considered for subdivision approval. Any advisory opinion must be submitted to the Planning Board so that all procedural time frames shall be met. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant.

F. Public Hearing

A public hearing shall be held by the Planning Board within sixty-two (62) days from the time the minor subdivision application is deemed complete. The period within which the Planning Board shall hold a public hearing on the minor subdivision plan shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA and New York State Town Law Section 276. Said hearing shall be advertised in the official Town newspaper at least five (5) days before such hearing, or if the hearing is held jointly on an environmental impact statement, the notice shall be for fourteen (14) days. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

1. The Planning Board shall cause a written notice of such application and date of public hearing to be mailed to the owners of land as identified by the applicant in the agricultural data statement.
2. Consistent with the requirements of Section 239-nn of the New York State General Municipal Law, the Planning Board shall give notice to an adjacent municipality when a hearing is held relating to a minor subdivision review on property that is within 500 feet of the adjacent municipality. Such notice shall be sent by mail or via electronic submission to the Town Clerk in the adjacent municipality at least ten days prior to the hearing. The

adjacent municipality may appear and be heard.

G. Action on Subdivision Plat

Within sixty-two (62) days from the close of the public hearing, or, within thirty (30) days after the adoption of findings on an environmental impact statement by the lead agency for SEQRA, whichever is longer, the Planning Board shall by resolution, act to conditionally approve, conditionally approve with modification, disapprove, or grant final approval of the minor subdivision, and authorize the signing of the Subdivision Plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

Within five (5) business days of the resolution granting approval or conditional approval, the Plat shall be certified by the Planning Board as approved or conditionally approved. A copy of such certification shall be filed in the office of the Planning Board Secretary and a copy of the resolution shall be mailed to the owner.

Prior to obtaining the Planning Board officer's signature of approval, the Planning Board may require that the applicant provide proof of compliance with Department of Health standards and approval of the plan for water supply and sewage disposal and with all other required local, state, and federal permits and approvals including, but not limited to: stream disturbance, wetland and wetland buffer disturbance, highway work, curb cuts, storm water connections, SPDES permit discharges, or dams and impoundments.

For conditional approvals, the Board shall state in writing the requirements to be met before the subdivision plat can be signed.

Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval. Within such 180 day period, or any extension thereof granted by the Planning Board, the conditionally approved Minor Subdivision Plat must be submitted for the Planning Board signature for final approval. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in the sole discretion of the Board, such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval.

In the event of disapproval of a Minor Subdivision Plat, the Planning Board shall fully set forth the reasons for such disapproval in its resolution and formally notify the applicant, in writing, of

the reason(s) for disapproval.

If approved, the Minor Subdivision Plat, at least four copies of the Minor Subdivision Plat must be officially endorsed by the Planning Board Chair, or designee.

If the Final Submission is approved by the Board, an appropriate notation to that effect shall be made on the face of the original Final Plat submitted to the Board. No less than one (1) copy shall be returned to the Owner and one (1) copy shall be retained by the Board for its records.

H. Filing

Upon the Planning Board's final approval and endorsement, the Minor Subdivision Plat must be filed by the subdivider with the Columbia County Clerk within sixty-two (62) calendar days of the Planning Board's endorsement or the approval shall become null and void and the applicant will have to reapply. The applicant shall provide proof of filing to the Planning Board secretary. If the Final Plat is not filed within this time, the approval shall expire, as provided in Section 276 of the New York State Town Law.

The Owner may obtain building permits and begin building construction only after filing of the Final Plat and receipt by the Town of proof of filing.

If the Final Submission is disapproved, resubmissions may be made within 180 days of the date of disapproval. A resubmission made after 180 days from the date of disapproval may be treated like a new submission and require Final Review and all fees.

H. Whenever a minor subdivision occurs on parcels that are not subdivided in a single subdivision application into the maximum number of lots allowed pursuant to the Town of Ancram Zoning Law, the Planning Board shall require a notation to be placed on all plat maps to clearly inform the landowner(s) how many additional lots remain eligible to be created in a future subdivision. An additional plat note shall be required stating that the 60% open space requirement may be triggered if, in the future, a major subdivision is created from cumulative multiple minor subdivisions. In such case, all major subdivision requirements, including maintaining 60% of the parcel as open space shall be met.

Section 4. Preliminary Plat Requirements and Procedures for Major Subdivision

A. Application and Fee

The major subdivision process includes two steps: a preliminary plat and final plat approval. Within six (6) months of the Planning Board's classification of a proposed subdivision as a major subdivision, the subdivider shall submit a preliminary plat application. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form described in Article V, Section 3, hereof.

The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the New York State Town law, Article V, Section 3 of these Regulations and the Town of Ancram Zoning Law except where a waiver may be specifically authorized by the Planning Board.

The application for approval of the preliminary plat shall be accompanied by a fee in accordance with the most recent Town of Ancram fee schedule.

B. Number of Copies

Seven (7) copies of the Preliminary Plat shall be presented to the Secretary of the Planning Board fourteen (14) days prior to the meeting at which it is to be considered. An application that does not include all the required submissions shall be incomplete and may not be considered by the Planning Board until such time as it is deemed complete.

C. Subdivider to Attend Planning Board Meeting

The subdivider, or his duly authorized representative shall attend all meetings of the Planning Board at which the Preliminary Plat is being discussed. No action will be taken unless a duly authorized representative is present.

D. Study of the Preliminary Plat

The Planning Board shall study the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map, and Zoning Regulations. Major subdivisions shall be designed according to Article V (C) of the Town of Ancram Zoning Law. Every preliminary plat

shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary is submitted for approval of the Planning Board.

E. When Officially Submitted

The time of submission of the Preliminary Plat shall be considered to be the date of the regularly scheduled Planning Board meeting at which the Preliminary Plat is presented, complete and the required fee and/or escrow deposit have been paid, and all data required by Article V, Section 3 of these regulations and the Town of Ancram Zoning Law, has been filed with the Secretary of the Planning Board. A determination by the Planning Board that it has received a complete application, which includes a negative declaration, or a draft environmental impact statement, shall initiate all time frames as set forth in these Regulations.

F. Referrals and Coordination with SEQRA

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA).

Prior to taking the final action on the preliminary plat, and at least ten (10) days prior to the Public Hearing, the Planning Board shall refer the plan to the Columbia County Planning Board for their review and recommendation pursuant to Section 239-m of the New York State General Municipal Law.

The Planning Board may request an advisory opinion from any Town of Ancram department, agency, consultant, attorney, employee or the Town of Ancram Conservation Advisory Council (CAC) related to any application being considered for subdivision approval. Any CAC advisory opinion must be submitted to the Planning Board so that all procedural timeframes shall be met. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant.

G. Public Hearing

A public hearing shall be held by the Planning Board within sixty-two (62) days from the date a preliminary plat application is deemed complete, or if an environmental impact statement is prepared and a public hearing held on it, within sixty-two (62) days after the filing of the notice of completion of such impact statement. The period within which the Planning Board shall hold a public hearing on the major subdivision plan shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA and New York State Town Law Section 276.

Said hearing shall be advertised in the official Town newspaper at least five (5) days before such hearing, or if the hearing is held jointly on an environmental impact statement, the notice shall be for fourteen (14) days. 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. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

1. The Planning Board shall cause a written notice of such application and date of public hearing to be mailed to the owners of land as identified by the applicant in the agricultural data statement.
2. Consistent with the requirements of Section 239-nn of the New York State General Municipal Law, the Planning Board shall give notice to an adjacent municipality when a hearing is held relating to a major subdivision review on property that is within 500 feet of the adjacent municipality. Such notice shall be sent by mail or via electronic submission to the Town Clerk in the adjacent municipality at least ten days prior to the hearing. The adjacent municipality may appear and be heard.
3. The applicant shall prove by affidavit or receipt that all adjoining land owners were notified no later than ten (10) days prior to the public hearing by certified mail.

H. Approval of the Preliminary Plat

If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision by resolution within sixty-two (62) days after the close of such hearing with or without modification, or the ground for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such sixty-two (62) day period shall constitute approval of the preliminary plat.

Pursuant to New York State Town Law 276 (5)(iii), if an environmental impact statement is required, the Planning Board shall make its decision on the preliminary plat within thirty days of the filing of the final environmental impact statement and issuance of findings.

The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications if any, as it deems necessary for submission of the plat in final form.

Within five (5) business days of the approval of such preliminary plat it shall be certified by the Secretary of the Planning Board as granted Preliminary approval and a copy filed in the Secretary's office and a certified copy mailed to the owner.

Within five (5) business days from the date of the adoption of the resolution stating the decision of the Planning Board on the preliminary plat, the duly authorized member of such

Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

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

Approval of a Preliminary Plat shall not constitute approval of the Final Plat. The approval of a preliminary plat shall be effective for a period of 180 days from the date that the preliminary plat is approved. Prior to approval of the Final Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

I. Monitoring Lot Splits

Whenever a subdivision occurs on parcels that are not subdivided into the maximum number of lots allowed pursuant to the Town of Ancram Zoning Law at one time, the Planning Board shall require a notation to be placed on all plat maps to clearly inform the landowner(s) how many additional lots remain eligible to be created in a future subdivision. An additional plat note shall be required stating that the 60% open space requirement may be triggered if, in the future, a major subdivision is created from cumulative multiple minor subdivisions. In such case, all major subdivision requirements, including maintaining 60% of the parcel as open space shall be met.

Section 5 . Final Plat Requirements and Procedures for Major Subdivision

A. Request for Approval and Fee

The subdivider shall, within 180 days after the approval of the Preliminary Plat, request Final Approval of the plat. All applications for Final Plat approval for Major Subdivision shall be accompanied by a fee in accordance with the most recent Town of Ancram fee schedule. If the final plat is not submitted within 180 days after the approval of the Preliminary Plat, the Planning Board may refuse to approve the final plat and require re-submission of the preliminary plat.

B. Number of Copies

A subdivider intending to submit a proposed Final Plat for the approval of the Planning Board shall provide the Secretary of the Board with a request for final approval and seven (7) copies of the Plat, together with all support drawings and documentation, the original and one true copy of all offers of cession, covenants and agreements including any security bonds and agreements fourteen (14) days prior to the meeting at which it is to be considered.

C. When Officially Submitted

The time of submission of the Final Plat shall be considered to be the date of the regularly scheduled Planning Board meeting at which the Final Plat is presented, complete and the required fee and/or escrow deposit have been paid and all data required by Article V, Section 3 of these regulations and the Town of Ancram Zoning Law, and filed with the Secretary of the Planning Board. A determination by the Planning Board that it has received a complete application, which includes a negative declaration or a draft environmental impact statement, shall initiate all time frames as set forth in these Regulations.

D. Endorsement of State and County Agencies

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Columbia County Department of Health and shall comply with applicable State laws and regulations. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County and State agencies. Endorsement and approval by the Columbia County Department of Health shall be secured by the subdivider before official submission of Final Plat.

E. Public Hearing

Within sixty-two (62) days of the submission of a plat in final form for approval, a hearing shall be held by the Planning Board. Said hearing shall be advertised at least once in the official Town 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 Section 3 of this Article, the Planning Board may waive the requirement for such public hearing.

F. Action on Proposed Subdivision Plat

The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval, and authorize the signing of such plat, within sixty-two (62) days after the date of such hearing, or if the final hearing is waived by the board, within sixty-two (62) days of the regularly scheduled Planning Board meeting at which the Final Plat is officially submitted. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed shall be deemed approval of the plat. If a draft environmental impact statement (EIS) was required, the Planning Board's action on the Final Plat shall include either a negative declaration or the Final EIS and a statement of findings on the subdivision as required by Article 8 of the New York State Environmental Conservation Law.

A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat for recording with the County Clerk. However, the Final Plat shall not be signed until the applicant has complied with the conditions set forth by the Planning Board in the preliminary and final plat resolutions and has complied with these Regulations. Conditional approval of a Final Plat shall expire one hundred and eighty calendar (180) days after the date of the resolution granting such approval, except that this time may be extended by the Planning Board for no more than two additional periods of ninety (90) calendar days each.

Prior to obtaining the signature, the subdivider shall provide proof of compliance with Department of Health standards and approval for water and sewage disposal. Additionally they shall provide proof of compliance with other local, state and federal agency permits and approvals as may be required, provide at least four (4) copies of the Plat and paper copies of the final subdivision plan in such quantity as specified by the Planning Board for the endorsement of the Chairperson, and pay all outstanding escrow, recreation, and inspection fees, if any.

Within five (5) business days of such resolution, the plat shall be certified by the Secretary of the Planning Board as conditionally approved and a copy filed in the Secretary's office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved 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 180 days after the date of the resolution granting final approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of ninety (90) days each.

Section 6. Filing of Approved Final Subdivision Plat for Minor and Major Subdivisions

A. Final Approval and Filing

Upon completion of the requirements in Sections 4 and 5 above and notation to that effect upon the Subdivision Plat, plat approval shall be deemed to be final approval and shall be properly signed by the duly designated officer of the Planning Board. The signed, final plat must be filed by the applicant within sixty (60) days in the Office of the County Clerk . A proof of filing must be returned to the Town of Ancram Building Inspector with copies to the Planning Board and Tax Assessor.

B. Plat Void if Revised After Approval

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Final Plat, unless the said Final Plat is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

Section 7. Performance Bonds and Inspections

A. Improvements and Performance Bond

1. Performance bond or other security.

(a) Furnishing of performance bond or other security. As an alternative to the installation of infrastructure and improvements, as above provided, prior to planning board approval, a performance bond or other security sufficient to cover the full cost of the same, as estimated by the Planning Board or the Town Engineer, where such estimate is deemed to be acceptable by the Planning Board, shall be furnished to the town by the owner.

(b) Security where plat approved in sections. In the event that the owner shall be authorized to file the approved plat in sections, approval of the plat may be granted upon the installation of the required improvements in the section of the plat filed in the office of the county clerk or register or the furnishing of security covering the costs of such improvements. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the county clerk or register and the required improvements have been installed in such section or a security covering the cost of such improvements is provided.

(c) Form of security. Any such security must be provided pursuant to a written security agreement with the town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency and manner of execution, and shall be limited to:

(i) a performance bond issued by a bonding or surety company;

(ii) the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state;

(iii) an irrevocable letter of credit from a bank located and authorized to do business in this state;

(iv) obligations of the United States of America; or

(v) any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Town, such security shall be held in a Town account at a bank or trust company.

(d) Term of security agreement. Any such performance bond or security agreement shall

run for a term to be fixed by the Planning Board, but in no case for a longer term than three (3) years, provided, however, that the term of such performance bond or security agreement may be extended by the Planning Board with consent of the parties thereto. If the planning board shall decide at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, or that the required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Town Board, the Planning Board may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning Board.

(e) Default of security agreement. In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the Town Board may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the Town shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

(f) Costs of Improvements. The costs of all required improvements shall be borne by the subdivider without reimbursement by the Town of Ancram.

(g) Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements and parks may be made at the sole discretion of the Town Board. The Town Board shall have no obligation whatsoever to accept such offers. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or imply the acceptance by the Town of any roads, public areas, easements or parks shown on said plan. The Planning Board shall require any dedication offer to be endorsed with notes on the Plan to this effect.

B. Inspection of Improvements

At least five (5) days prior to commencing construction of required improvements the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Engineer in writing of the time when he proposes to commence construction of such improvements so that the Town Engineer may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and

utilities required by the Planning Board. The subdivider shall pay the Town's costs of inspection before the subdivision plan is signed for filing. If the inspection finds that any of the required improvements have not been constructed in accordance with the approved drawings, the subdivider and the bonding company or other provider of the subdivider's security will be severally and jointly liable for the costs of completing said improvements.

C. Proper Installation of Improvements

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

D. Maintenance of Improvements

The subdivider shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks if required, until acceptance of the improvements by the Town Board. If a certificate of occupancy has been issued for a lot on a road not dedicated to the Town, the Town may on twelve (12) hours' notice plow the street or effect emergency repairs and charge same to subdivider. Any sum remaining unpaid after thirty (30) days shall be added to the tax levy for the affected properties still owned by the subdivider.

The subdivider may be required to file with the Town, a maintenance bond in an amount determined by the Town Engineer to be adequate to assure the satisfactory condition of the initial public improvements for a period of one year following their completion and acceptance by the Town. Such bond shall be satisfactory to the Town Attorney as to form, manner of execution and surety.

E. Public Acceptance of Streets

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such Subdivision Plat. The Planning Board shall require the 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, a third party, or an HOA, if one exists, and the Town Board covering future deed and title, dedication, and provision for the cost of grading, development,

equipment and maintenance of any such street, easement, or other open space.

F. Ownership and Maintenance of Recreation Areas

When a park, playground or other recreation area is required and has been shown on a Plat, the approval of the Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the 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 deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

ARTICLE IV GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth in this Article. These standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI of these Regulations. All other design and construction requirements as per the Town of Ancram Subdivision and Highway Construction Specifications Law, if any, shall be required.

Section 1. General

A. Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to human health or peril from fire, flood or other menace. Land which the Planning Board finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, shallow depth to bedrock, utility easements, or other features which will reasonably be harmful to the safety, health or general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider, and approved by the Planning Board, to remediate the harmful conditions imposed by the unsuitable land conditions.

B. Conformity to Official Map and Comprehensive Plan

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Comprehensive Plan.

C. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to the Town specifications, as included in these Regulations, the Town of Ancram Zoning Law or as otherwise required by the Town.

Section 2. Lots

A. Lots to be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Law, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear. The depth to width ratio shall not be more than 2:1 for all lots. Lot dimensions and lot area shall conform to the standards and regulations set forth in the Town Zoning Law, unless a variance has been granted by the Zoning Board of Appeals. Where variances have been granted, the subdivision plan shall include notes stating the date any variance was approved and a description of said variance.

B. Side Lines

All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan, unless part of an open space conservation subdivision layout.

C. Corner Lots

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

D. Monuments and Lot Corner Markers

Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation, shall be set at discretion of the Planning Board at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their location shall be shown on the Subdivision Plat.

E. Flag Lots

Flag lots shall be allowed in minor and major subdivisions only pursuant to Article V (A)(11) of the Town of Ancram Zoning Law.

F. Monitoring Lot Splits

A subdivider submitting a minor or major subdivision plan shall be required to specify on the plan and on any approved final plat, which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units the parcel may have pursuant to Article IV (C) (5) of the Town of Ancram Zoning Law.

G. Road Frontage

(1) All lots shall front on a public or private road and shall have a minimum lot width fronting such road as indicated in Table 2 of the Town of Ancram Zoning Law.

(2) On irregularly shaped lots, flag lots, or lots within a conservation subdivision, there shall be a minimum road frontage of twenty-five (25') feet. Other uses may have specific road frontage requirements pursuant to the Town of Ancram Zoning Law. Irregularly shaped lots include any lot located on a cul-de-sac or abutting a curved section of a road with a centerline radius of less than 200 feet.

(3) Driveways and common driveways shall not count as road frontage.

Section 3. Drainage Improvements

- A. Stormwater management facilities. The Planning Board shall not approve any plan which does not include adequate provision to manage post-construction stormwater runoff. Stormwater management facilities, where required, shall be approved by the Planning Board. All stormwater management facilities shall be regulated and designed in accordance with Article V (A) (21) of the Town of Ancram Zoning Law. Nothing herein shall limit the Planning Board from requiring drainage improvements to be installed in a subdivision which may disturb less than one acre, and where the Board determines that said improvement is necessary to mitigate potential drainage impacts. The Planning Board shall have the option to also require that the proposed stormwater system shall collect and manage not only the increase in peak rate of runoff but also any increase in the total volume of runoff.
- B. Snow storage. Snow storage areas shall be constructed to minimize threats to groundwater quality. Where the recharge areas for wells are downhill of snow storage areas, the snow storage areas shall be impervious and drain to controlled stormwater outlets.
- C. Dedication of drainage easements.
 - (1) General requirements. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, the Planning Board may require that an easement or right-of-way be established conforming substantially to the lines of the watercourse, and of such width and construction or both as will be adequate for the purpose of obtaining access and maintaining same. Watercourses should be maintained in a natural state wherever possible, unless improvements are necessitated to protect the health, safety and welfare of residents from flooding.
 - (2) Standards.
 - (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plan. Such easements shall be centered on rear or side lot lines to the maximum extent practicable. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
 - (b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage easements must be secured and indicated on the plan.
 - (c) The subdivider shall dedicate in fee or restrict by drainage easement, land on both

sides of existing watercourses, to a distance to be determined by the Planning Board.

(d) Stormwater management facilities not within a dedicated right of way shall be within an easement area, the boundary of which shall be a minimum of 10 feet outside of the facility grading limits, and which shall include within the easement a maintenance access with a minimum 20 foot width from a public or private road. The stormwater management facility discharge shall also be within the easement, and the easement shall extend to the edge of the receiving water course, water body or wetland.

D. The Planning Board may recommend to the Town Board that a drainage district be created to own and/or maintain stormwater management facilities. The Planning Board may condition approval of a subdivision plan on the formation of a drainage district, where the Town Board has agreed to establish such a district. Establishment of a drainage easement in no manner creates an obligation on the part of the Town to accept or maintain the easement. In the alternative, the Planning Board may require, as a condition of approval, that a homeowners association be established to maintain said facilities

E. Land Subject to Flooding

Land identified on the official Town of Ancram FIRM map or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions. All requirements of the Town of Ancram Zoning Law Article V (A) (12) shall be met for flood prevention.

Section 4. Parks. Open Spaces, School Sites and Natural Features

A. Public Land

1. Reservation of parkland on subdivision plats containing residential units.

(a) Before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such Board, a park or parks suitably located for playground or other recreational purposes.

(b) Land for park, playground or other recreational purposes may not be required until the planning board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision plat will contribute.

(c) In the event the Planning Board makes a finding pursuant to paragraph (b) of this subsection that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

2. Unique and scenic areas and those areas bordering streams, lakes or other water courses may be given special consideration by the Planning Board, should they be desirable for public open spaces. Where such sites and open spaces are not shown on the Comprehensive Plan and where deemed essential by the Planning Board, and especially in large scale neighborhood unit developments, the Planning Board may recommend that the Town Board require the offering of reservation of areas in excess of the five percent (5%) minimum. Under such conditions a money payment at a fair market value determined at the time the application for approval of the Final Subdivision Plat is made to the Planning Board shall be made to the Owner to

compensate his loss in excess of the five percent (5%) contribution. When required by the Planning Board, this may be in addition to the required 60% of the parcel to be preserved as part of an open space conservation subdivision for major subdivisions.

B. Utilities

1. It shall be the responsibility of the subdivider, where required, to provide waterlines, storm drains sanitary sewers, bridges and street pavement to the limits of the Subdivision. It shall also be the responsibility of the subdivider to provide appropriate street lighting at the intersection of proposed street with an existing arterial street. These facilities shall be constructed as required for inclusion in future Town systems. Each subdivider shall be responsible for the complete construction even though larger than normal sizes may be required.

2. If individual lot water supply and sanitary waste disposal are proposed, it shall be the responsibility of the subdivider to provide dry waterlines and sanitary sewers to the limits of the subdivision where required by the Board for the purpose of serving the subdivision when these services become available. The facilities shall be constructed as required for inclusion in existing or future Town systems.

3. If it will be necessary to construct utilities within the right- of-way of an existing Town road, it will be the responsibility of the subdivider to apply for a Permit for Construction of Utilities from the Town Highway Department. It shall be the responsibility of the subdivider, following approval of the application, to comply with all conditions and restrictions set forth in the permit.

C. School Sites

Upon receipt from the School Board of a letter declaring their interest in a school site of a specific size and location within a proposed subdivision, the Planning Board may require a subdivider to set aside such area. Upon the failure of the proper authorities to purchase such school site within 36 months after the date of the approval of the Plat, the subdivider, upon application to the Planning Board and approval of such application, shall be relieved of the responsibility of reserving such for public purposes.

D. Reserve Strips Prohibited

Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited.

E. Preservation of Natural Features

1. General. The Planning Board shall, wherever possible, establish the preservation of all natural, cultural and historic features which add value to residential developments and to the community, such as, but not limited to, large trees or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets. All subdivisions shall meet the Town of Ancram Zoning Law requirements including, but not limited to Article V (A)(9) (Environmental Performance Standards), (12) (Flood Prevention), (18) (Protection of Springs and Seeps), (21) (Stormwater), and the requirements of Article VII (F). Major subdivisions shall also meet the standards designed to preserve natural features of Article V (B) (Ridgeline and Steep Slope Protection Overlay District), (C) (Open Space Conservation Subdivisions), and Local Law #1 of 2003 (Scenic Corridor Overlay Zone).

a. To maintain the rural character and environmental health of the landscape, applicants are strongly encouraged to retain as many trees as possible within the parcel and to plant new trees to compensate for any that may have been removed.

b. The subdivision shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities.

c. Disturbance to streams, wetlands, and areas with seasonally high water tables shall be avoided and all requirements of the Town of Ancram Zoning Law Article V (A) (18) and Article VII (F) shall be met.

d. Subdividers of major subdivisions shall evaluate existing biodiversity of flora and fauna to determine the extent to which ecological habitat should be conserved. Subdividers of minor subdivisions are encouraged to conduct this evaluation. Evaluation criteria for this shall include size, present conditions, site potential, ecological functions, relationship of woodlands on adjoining properties. Subdivisions should avoid fragmenting forestlands, and should protect vernal pools and their associated upland habitats. The Planning Board may impose additional conditions on a subdivision where warranted to provide for a wetland buffer pursuant to the Town of Ancram Zoning Law.

e. Wooded areas along roadways, property lines, streams and hedgerows that screen views of development from public travel ways, especially scenic roads, shall be preserved.

f. Preferred locations for development include soils that have not been designated as prime farmland soils or soils of statewide importance and locations where development may be screened from public view.

g. Disturbances to steep slopes shall be avoided. Grading on slopes greater than 15% shall be minimized wherever practicable.

h. The subdivision layout shall be designed to protect historic resources to the maximum extent practicable.

i. The Planning Board shall assess potential impacts of a major subdivision on groundwater supplies to neighboring properties. The Planning Board may require a groundwater study to consider the location, yield and quality of wells, if deemed necessary.

j. The Planning Board may require visual impact analysis pursuant to the New York State DEC Visual Assessment Policy. This may include, but not be limited to an inventory of aesthetic resources on site, determination of the extent of visibility of the project, and determination if the project will have a significant negative impact on the aesthetic character of the Town. The Planning Board shall mitigate impacts by requiring adequate visual buffers as detailed in the Comprehensive Plan Recommendation 2.14. The major subdivision shall include design requirements pursuant to Local Law #1 of 2003 (Scenic Corridor Overlay Zone).

Section 5. Specifications for Road and Street Construction within the Town Of Ancram

A. Width, Location and Construction

Roads shall be at least eighteen (18) feet in width, with a minimum five (5) foot shoulder and four (4) foot ditch on each side, suitably located and adequately constructed to conform with the Town's Comprehensive Plan, to accommodate the prospective traffic and to afford satisfactory access to vehicles for police, fire fighting, emergency medical care, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties, and shall be coordinated so as to compose a convenient system. Roads shall have a minimum right-of-way of fifty feet (50'). Whenever a subsequent subdivision proposes to add additional lots to an approved common driveway or road, the Planning Board may require upgrades to all or part of such common driveway or road so that it can safely accommodate traffic volumes.

B. Arrangement

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary police, fire, and emergency protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the reasonable discretion of the Planning Board, topographic or other conditions make such continuance undesirable or impractical, the above conditions may be modified.

C. Minor Streets

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

D. Special Treatment along Major Arterial Streets

When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

E. Provision for Future Resubdivision

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these regulations.

F. Dead-End Streets

Subdivisions shall have at least two (2) street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed. The Planning Board has the responsibility for the final decision in this situation. The creation of dead-end, loop or cul-de-sac residential streets are discouraged. Where use of a dead-end or loop street is required, a "Y" or "T" design is encouraged and the Board shall find that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a 24-foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street.

If a dead-end street is necessary, it should in general, not exceed 600 feet in length, nor serve more than four (4) lots. If a cul-de-sac is included, such cul-de-sac shall have a minimum right-of-way diameter of forty-five feet (45') with an eighteen foot (18') minimum paved travelled way with a bulb radius to the centerline as small as possible pursuant to requirements of the New York State Fire Code. Run off from the island portion of the cul-de-sac shall be directed to an adequately designed drainage system. The center of the cul-de-sac shall be at least twelve inches (12") above the center grade of the finished road surface.

G. Block Size

Blocks, in higher density areas, generally shall not be less than 300 feet nor more than 1,000 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four foot (4') wide paved footpath be included.

H. Intersections with Collector or Major Arterial Roads

Minor or Secondary Street openings into such roads shall, in general be at least 500 feet apart.

I. Street Jogs

Street jogs with center line offsets of less than 125 feet shall be avoided.

J. Angle of Intersection

In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

K. Relation to Topography

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. All road designs should conform to the American Association State Highway Transportation Officials (AASHTO) standards.

L. Other Required Streets

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 (as for park purpose in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

M. Intersection Sight Distance

Intersection Sight Distance for proposed roadways must be in accordance with guidelines as established by the American Association of State Highway Transportation Officials (AASHTO).

N. Reduction of Curb Cuts in Subdivision

Front-loaded roads, shared driveways, and shared accessways are allowed.

O. Other Specifications

Pavement width – at least 18 feet

Corner radius – 10 to 15 feet

Centerline radius – 90 feet

Grade - shall not exceed 12% maximum

Spacing between access roads into a subdivision – every half mile of frontage with a secondary access required when homes exceed 125 dwellings

Lots in business districts shall provide access connections at least 36 feet wide between parking lots.

The Highway Superintendent shall determine spacing between driveways and intersections depending on conditions at the site, sight distances, and topography.

P. Town of Ancram Highway Construction Standards Law. In addition to the road and street specifications required by this subdivision law, all requirements and procedures of the Town of Ancram Highway Specifications Law, if one exists, shall be followed.

ARTICLE V DOCUMENTS TO BE SUBMITTED

Section 1. Sketch Plan

A. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The Sketch Plan shall be submitted to illustrate the proposed layout of house sites, street alignments, open space and shall show the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
2. The name of the owner and of all adjoining property owners within 500 feet of any perimeter boundary of the subdivision.
4. The tax map sheet, block and lot numbers.
5. The date, north arrow, map scale, name and address of record owner and subdivider.
6. Location of property lines, all existing structures, and physical features such as wooded areas, streams and stream buffers, vernal pools, floodplains and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Contours shall also be indicated at intervals of not more than 10 feet. The contour data, for this submission only, need not be field derived.
7. Zoning and Overlay District identification, including boundary lines of district and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided. Identify if the subdivision is within the R/SSPOD or Scenic Overlay (SCOZ).
8. Identification of any active agricultural operations existing on or within five hundred (500) feet of the proposed project.
9. All the utilities available or proposed, and all streets which are either proposed, mapped or built.
10. The number and proposed pattern of lots (including size, lot width and depth), proposed street layout, recreation areas, systems of drainage, sewerage, and water supply (see Section 2-B) planned within the subdivided area.

11. All existing restrictions on the use of land including easements, covenants, or zoning district lines.
12. All Sheets shall be 30" x 42", 22" x 34", 17" x 22", or 8 1/2" x 14" in size. When more than one sheet is required, all shall be the same size and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.

Section 2. Minor Subdivision Submission

A. Submission Requirements

The following requirements are applicable to minor plan submissions. For minor subdivisions, the Preliminary Submission and Final Submission shall be considered the same.

1. All information required from Section 1 (Sketch Plan), above.
2. Proposed use of each lot (single-family, two-family, multi-family) and all other uses, other than residential, proposed by the subdivider.
3. All newly created lots require an actual field survey of the boundary lines of the tract(s) and all proposed parcels, giving complete description data by bearings and distances, made and certified by a licensed land surveyor at a scale of not more than one inch equals 100 feet. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced and shown on the Plat. The final plat shall contain the signature and raised seal of a land surveyor registered in New York State.
4. Contour lines at two (2) foot intervals tied to a USGS Datum. Contour intervals may be increased to five (5) or ten (10) feet at the discretion of the Board. The Board may also waive the requirement for field topography. In these cases, the applicant will be required to submit at a minimum contour information as interpolated from USGS mapping.
5. Completed Town of Ancram Subdivision Application forms available from the Secretary of the Planning Board or the Town Clerk.
6. An Environmental Assessment Form (EAF) – Part 1 completed by the applicant. The Planning Board shall determine during Sketch Plan Review if a Full or Short EAF is required.

7. An Affidavit of Ownership or any document proving legal ownership of the property.
8. All existing and proposed property lines, present and proposed zoning and building setback lines, easement and right-of-way lines with dimensions, azimuths or angle data, and curve data.
9. Proposed locations of all building envelopes for each lot.
10. All contiguous land owned or under option by the Owner shall be shown.
11. Soil tests (percolation tests and soil profile analyses) must be performed on each proposed lot. The applicant must submit a copy of the results for all soils analyses for the Board's review. All individual onsite sanitation shall be designed to meet the minimum specifications of any applicable State, County, or Town agencies having jurisdiction. The results of soil tests must accompany the Minor Subdivision application and the test pit sites must be located on the map.
12. Proposed provision of water supply, fire protection, and location of existing or proposed water wells (with proof of potable water supply) and any site modifications necessary for the installation of the system). As an alternative, the Applicant may provide, if an on-site water supply is to be utilized, a note stating that "On-site water supply as to flow capacity and potability are not guaranteed by the filing of this map. Each purchaser of a lot shall be responsible for assuring adequate water supply and potability." The Planning Board may request that well performance tests be done at the expense of the applicant, to determine if a proposed subdivision will provide adequate water yield to support the density proposed in such subdivision. The Planning Board may require copies of all applications for approval of proposed water supply and wastewater disposal facilities
13. Location of proposed driveways. If a driveway is proposed on one or more of the parcels, the applicant must obtain the appropriate access permit from the applicable agency who maintains the road. A copy of the applicable permit must be submitted to the Planning Board and the proposed position of the driveway(s) must be noted on the plat.
14. An Agricultural Data Statement, if necessary. If any portion of the project is located on property within a certified New York State agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, the application must include an agricultural data statement containing

the name and address of the applicant, a description of the proposed project and its location, the name and address of any owner of land within the agricultural district, whose land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed, and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

15. An Agricultural Disclosure Notice, if necessary. If any portion of the project is located on property within a certified New York State agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, a note shall be applied to the Plat to read "It is the policy of New York State and the Town of Ancram to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under Article 25-AA of the Agriculture and Markets Law."
16. If the parcel is located within a certified New York State Agricultural District, identification as to whether the parcel to be subdivided contains prime farmland or soils of statewide significance. Information on these soils obtained from the Town of Ancram Agriculture and Farmland Protection Plan shall be deemed suitable for this purpose.
17. Location of buffers adjacent to active farmland, if any as per Article V (A)(3) of the Town of Ancram Zoning Law.
18. If required by New York State Department of Environmental Conservation, a stormwater pollution prevention plan pursuant to the SPDES General Permit for Construction Activities (GP-0-10-001) and consistent with Article V (A) (21) of the Town of Ancram Zoning Law.
19. Location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use and the conditions of such dedication, or for the use of property owners in the proposed subdivision.

20. The Planning Board may require additional information to be submitted as it deems necessary to adequately review the application.
21. Any Ridgeline/Steep Slope Protection Overlay District (R/SSPOD) standards and mitigation tools voluntarily proposed to be included in the subdivision plan.

Section 3. Major Subdivision Preliminary Plat and Accompanying Data

All requirements and submissions for open space conservation subdivision will be required in addition to these regulations as per Article V (C) of the Town of Ancram Zoning Law.

Seven (7) copies of the following documents shall be submitted for Approval with the words "Preliminary Plat" clearly marked, prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:

1. All information required from Section 1 (Sketch Plan).
2. All information required from Section 2 (Minor Subdivision).
3. All R/SSPOD standards and mitigation tools and how the subdivision design meets those standards and mitigation tools.
4. The width and location of any streets or public ways or places shown on the Official Map within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
5. The location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
6. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal.
7. Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.

8. Preliminary designs of any bridges or culverts which may be required.
 9. Utility easements, with a minimum width equal to fifty (50) feet, will be allowed at the discretion of the Board if site conditions prohibit utilities from being located within public right-of-ways. Utility easements must provide satisfactory access to a public highway or public lands as shown on the Subdivision Plat or Official Map.
 10. Plan/Profile for each street with a horizontal scale of fifty (50) feet to the inch and vertical scale of five (5) feet to the inch showing all the information required for the Final Submission of a plan/profile except that approximate stationing may be shown. In addition, profiles of present surface shall be shown on centerline and both right-of-way lines of all streets and on centerline of all easements.
 11. Street names
 12. Draft of Protective Covenants
 13. Completed Part 1 of the Long Environmental Assessment Form
 14. Draft of Home Owners Association legislation, if proposed.
 15. All information and design requirements pursuant to Local Law #1 of 2003 (Scenic Corridor Overlay Zone).
 16. The Planning Board may also require additional studies including, but not limited to a traffic impact analysis, well water capacity analysis, hydrogeological sensitivity analysis, and visual impact analysis.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probably future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

Section 4. Major Subdivision Final Plat and Accompanying Data

- A. The Final Plat shall comply with the preliminary plan as approved and shall comply with the improvement requirements of these Regulations and of the Town of Ancram Zoning Law.

- B. Seven (7) copies of the following documents shall be submitted for Approval with the words "Final Plat" clearly marked, prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch (unless waived by the Planning Board), on sheets 30 x 42, showing:
1. All information required from Article V, Section 3 of these Regulations, in final form.
 2. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
 3. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The Plat shall show the boundaries of the property location, graphic scale and true north point.
 4. The Plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
 5. All offers of cession and covenants governing the maintenance of conserved open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency. All requirements for protection of open spaces pursuant to the Town of Ancram Open Space Conservation Subdivision Article V (C) shall be met.
 6. All lot corners shall be permanently located satisfactorily to the Town Engineer.
 7. A map shall be submitted to the satisfaction of the Planning Board, indicating the location of monuments marking all underground Utilities as actually installed. If the subdivider completes all required improvements according to Article III, Section 5 (2), then said map shall be submitted prior to final approval of the Subdivision Plat. However, if the subdivider elects to provide a bond or certified check for all required improvements [as specified in Article III, Section 5 (1)], such bond shall not be released until such a map is submitted in a form satisfactory to the Planning Board.

8. A plan and profile of each street and Utility easement, with a horizontal scale of fifty (50) feet to the inch and vertical scale of five (5) feet to the inch showing the following:
 - a. All pavement, storm drains, sanitary sewers, gas lines and water lines with appurtenances in final, designed form;
 - b. Pavement and utility stationing including all horizontal and vertical control points and grades;
 - c. Signature and raised seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208 paragraph (n) of the Education Law;
 - d. Street name signs shall be delivered to the Town. A letter of intent to install signs in locations approved by the Town may be accepted as a substitute.
9. Offer of cession in a form approved by the Board of all land included in streets, walks, easements, recreation areas and passive open spaces not specifically reserved by the Owner. There may be a payment in lieu of the offer of recreation or open areas as determined by the Board. Approval of the plat does not constitute acceptance of the offer or cession;
10. Statement by the appropriate Town representative certifying that certain improvements have been installed and approved;
11. Certificate of adequacy of the proposed water supply and sewerage service as required by the New York State Public Health Law and/or the New York State Environmental Conservation Law;
12. Deed description and proof of ownership of the land to be subdivided;
13. Protective covenants in form for recording, including covenants governing the maintenance of public spaces or reservations;
14. Final design of bridges and culverts and Stormwater Management Report unless included in Preliminary Submission; and,
15. Such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in the enforcement of these regulations.
16. Final Home Owners Association by-laws, offering plan or prospectus, if proposed, along with proof of approval of same by the Attorney General of The State of New York.

17. A fee shall be paid with the Final Submission in accordance within the most recent Town of Ancram fee schedule.
18. More detailed information may be required by the Planning Board as a part of the Final Submission.
- C. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.

ARTICLE VI Waivers, Separability, Court Review

Section 1. Waivers

1. Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions. The minimum requirements may be modified to mitigate the hardship, provided that the public interest is protected, the development is in keeping with the general spirit and intent of these Regulations and the Comprehensive Plan, and that the modification shall not have the effect of nullifying the intent and purpose of these regulations.
2. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified. The Planning Board must state, in writing, its grounds for electing to waive such requirements and file such statement along with the site plan application and supporting documents. Requirements of this law may not be waived except as properly voted by the Planning Board.
3. Waivers shall be explicitly requested by the applicant in writing, and expressly granted only by the Planning Board. A petition for any waiver shall be submitted in writing by the subdivider at the time the sketch plan is filed for the consideration of the Planning Board. The subdivider must set out in his/her petition all of the grounds for the application and all of the facts pertinent to the request.

Section 2. Separability.

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

Section 3. Court Review.

Any person aggrieved by any decision of the Planning Board relative to a subdivision may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board Secretary, and in the Town Clerk's office, all as set forth in Section 282 of New York State Town Law.

Section 4. Liability.

Nothing in these Regulations, including the approval and signature of any subdivision plat, shall be construed to ensure or in any way guarantee any subdivision or building, structure, improvement, installation or use therein against defect, failure or other shortcoming, and the Town shall not be held liable for the same.

Section 5. Professional Fees.

The Planning Board reserves the right to hire professional consultants, at the applicant's expense, to assist the Planning Board in its review of any information filed by the applicant including that filed under the SEQRA process. All costs related to the review of a subdivision, including any studies, reports, analysis, or other information that may be required by the Planning Board, shall be borne by the applicant. In addition to the application fees established by the Town Board, an escrow account pursuant to LL#1 of 2004, funded by the applicant, may be established to cover all costs related to the review of the subdivision. The applicant shall supply the Planning Board information as may be required to calculate the dollar amount required for the escrow account.

Section 6. Effective Date.

This law shall become effective upon filing with the New York State Department of State.

ARTICLE VII Repealer

These regulations are intended to supercede, repeal, and annul the existing land subdivision regulations for the Town of Ancram adopted by the Town Board April 1994.