

# Town of Ulster

## Subdivision of Land

### Chapter 161



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SUBDIVISION OF LAND

**Chapter 161**

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[HISTORY: Adopted by the Planning Board of the Town of Ulster 2-14-1985; approved by the Town Board 2-28-1985. Sections 161-7, 161-13A, 161-14A, 161-21A, 161-25B and 161-26A amended during codification; see Ch. 1, General Provisions, Art II. Other amendments noted where applicable. Ulster Town Board adopted Local Law #3 of 2006, to amend 161-22 (a) paragraphs (3) & (4), dated 12-18-2006 ]

#### GENERAL REFERENCES

**Building construction and fire prevention - See Ch. 61.**

**Flood damage prevention - See Ch. 87.**

**Sewers - See Ch. 141.**

**Site plan review - See Ch. 145.**

**Zoning - See Ch. 190,**

**Fees - See Ch. A 194.**

ARTICLE I  
**General Provisions**

**§ 161-1. Planning Board granted power to approve plats.**

By the authority of the resolution of the Town Board of the Town of Ulster, Ulster County, New York, adopted pursuant to the provisions of Article 16 of the Town law of the State of New York, the Planning Board of the town is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped subdivisions for which plats are already filed in the office of the County Clerk and to conditionally approve preliminary plats.

**§ 161-2. Policy.**

It is declared to be the policy of the town to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provisions shall be made for drainage, water supply, sewage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, when adopted, and shall be properly related to the proposals shown on the Town Development 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 to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. All land is not necessarily suitable for subdivision.

**§ 161-3. Conflicts with statutory provisions.**

Should any of these regulations conflict or be inconsistent with any provision of the New York State Town law, such provision of the New York State Town law shall apply.

**§ 161-4. Waiver of provisions.**

The Planning Board may waive, subject to appropriate conditions, the provision of any or all such improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision or would cause unusual hardship, provided that the public interest is protected and the development is in keeping with the general spirit and

intent of these regulations, the Town Official Map, when adopted, the Site Development Law,(1) and the Town Development Plan. However, no procedural steps set forth in Article III shall be waived or omitted, except as provided in § 161-10B. A waiver shall not be granted except by a vote of a majority plus one (1).

**§ 161-5. Plats straddling municipal boundaries.**

Whenever access to the subdivision is required across land in another municipality, the Planning Board may request assurance from the Town Attorney that access is legally established and from the Town Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross town boundary lines.

**§ 161-6. Resubdivision.**

For a resubdivision, the same procedure, rules and regulations shall apply as for a subdivision.

**§ 161-7. Penalties for offenses. [Amended 1-14-1991 by resolution]**

If any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which the Planning Board is required to act without submitting the subdivision for review, on or before favorable referral and final approval has been obtained, such person shall be subject to a fine not to exceed two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both. Each parcel, plot or lot so disposed of shall be deemed a separate violation. Furthermore, no building permit shall be issued for any such parcel, plot or lot that is in violation of these regulations.

**§ 161-8. Amendments.**

These regulations or any portion thereof may be amended, supplemented or repealed at any time by the Planning Board in accordance with New York State Town law.

**ARTICLE II  
Definitions**

**§ 161-9. Definitions.**

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

EASEMENT - Authorization by a property owner for the use by another, and for a

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**(1) Editor's Note: See Ch. 145, Site Plan Review.**

specified purpose, of any designated part of the property.

**FINAL PLAT, PLAT or SUBDIVISION PLAT** - A drawing prepared in a manner prescribed by these regulations, showing a proposed subdivision, containing in such additional detail as shall be provided by these regulations all information required to appear on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision, if such preliminary plat has been so approved.

**LOT LINE ADJUSTMENT** - The transfer of land between two adjoining parcels by relocating the boundary line between the two parcels so that no new lot is created, or the combination of one or more lots. A lot line adjustment is not a “subdivision” or “resubdivision” as defined herein. **[Added 7-6-2004]**

**LOT LINE REVISION** - The adjustment of the property line between two (2) adjoining parcels which does not result in the creation of a new buildable lot, but is intended to be used in conjunction with and as a part of an existing lot. (This is a minor subdivision.)

**OFFICIAL DATES OF SUBMISSION** - The dates when a sketch plan, preliminary plat or final plat shall be considered submitted to the Planning Board, hereby defined to be the date of the regular monthly meeting of the Planning Board at least ten (10) days prior to which all required surveys, plans, data and fees are filed with the Chairman or other authorized person of the Planning Board. An application subject to state environmental quality review is not officially submitted until the first regular meeting following completion of SEQR processing: either a negative declaration, or positive declaration and approval of mitigation measures.

**OFFICIAL MAP** - The map, when established by the Town Board pursuant to § 270 of the Town Law, showing streets, highways, parks and drainage, whether existing or proposed. In the absence of an Official Map, the Planning Board shall determine the classification of streets based on functional description and prospective land use.

**PLANNING BOARD** - The Planning Board of the Town of Ulster.

**PRELIMINARY PLAT** - A drawing prepared in a manner prescribed by these regulations, 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 details as these regulations may require.

**RESUBDIVISION** - Any change in the plat of a subdivision which has previously been filed in the office of the County Clerk.

**SKETCH PLAN** - A freehand diagram showing the general features of a proposed subdivision in accordance with these regulations.

**STREET** - A right-of-way for vehicular traffic, including road, avenue, lane, highway or other way which is an existing public way or a way shown upon a subdivision plat approved by the Planning Board as provided by Town Law, or on a plat duly filed and recorded in the office of the County Clerk.

**STREET, COLLECTOR OR SECONDARY** - A street which serves or is designed to connect minor streets to the major street system.

**STREET, LOCAL OR MINOR** - A street intended to primarily provide access to abutting property.

**STREET, MAJOR** - A street which serves or is designed to carry fast-moving or through traffic.

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

**SUBDIVISION** – [NOTE: For state definitions, see Public Health Law § 1115 (1); Environmental Conservation Law § 171501.] The division of any land into two (2) or more lots, blocks, parcels or sites, regardless of size. "Subdivision" includes the division of any land for the purpose of offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. "Subdivision" includes the division or development of residential and nonresidential zoned land or land intended for either purpose. [Any parcel of land divided into two (2) is automatically a "subdivision."]

**SUBDIVISION, MAJOR** - Any subdivision containing more than three (3) lots or any subdivision requiring any new municipal street, street extension or extension of municipal facilities. (See also "lot line revision")

**SUBDIVISION, MINOR** - Any subdivision containing not more than three (3) lots which does not require any new municipal street, street extension or extension of municipal facilities.

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

TOWN DEVELOPMENT PLAN - A comprehensive plan for the development of the town prepared by the Planning Board, pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various public works and reservations, and for the general physical development of the town, and including any part of such plan separately adopted an any amendment top such plan or parts thereof.

TOWN ENGINEER - The Municipal Engineer, Town Superintendent of Highways, or anyone so designated by the Town Board.

SITE DEVELOPMENT LAW - The officially adopted Site Plan Review Law of the town, together with any and all amendments thereto, in accordance with Article 16 of the Town law. [**Amended 7-9-1987**]

OPEN SPACE - land which could remain forever wild and be free of man-made developments.

### ARTICLE III

#### **Application, Review and Approval Procedures**

#### **§ 161-10. General procedure.**

Whenever any subdivision of land is proposed to be made and before any contracts for the sale or any offer to sell such subdivision or any part thereof is made, and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdivider, or authorized agent, shall apply for approval of such proposed subdivision in accordance with the following procedure:

A. Major subdivision. For a major subdivision:

- (1) Preapplication meeting with Planning Board.
- (2) Sketch plan showing general concept.
- (3) State environmental quality review processing. [NOTE: State environmental quality review processing can be undertaken concurrently with subdivision review; however, official submission does not occur until state environmental quality review procedures are completed in accordance with Article 8 of the Environmental Conservation Law.]
- (4) Preliminary plat showing proposal in detail.
- (5) Preliminary public hearing.

- (6) Review by town and non-town agencies.
  - (7) Plat or finalized proposal.
  - (8) Public hearing.
  - (9) Planning Board approval by resolution.
  - (10) Completion of improvements or posting of bond, certified checks or suitable alternative surety.
  - (11) Signing of plat by Planning Board.
  - (12) Filing of plat in County Clerk's Office.
- B. Minor subdivision. For a minor subdivision, the same steps shall be followed as for a major subdivision, with the exception that the steps in Subsection A(4) and (5) may be omitted.
- C. Lot line revision. In the case of a lot line revision between two (2) adjoining parcels, the Planning Board may waive any of the above requirements but in no case shall approval be granted for a lot line revision which will result in the creation of a nonconforming lot under the provisions of the Town of Ulster Local Law and State Building Code.

**§ 161-11. Preapplication conference.**

Before preparing a detailed proposal, the subdivider should make an appointment at a regular meeting of the Planning Board to familiarize himself or herself with the requirements of these and other regulations, the policies and plans of the Planning Board, and other information that may be pertinent to the subdivision. He or she should also discuss his or her proposal with the County Health Department, which is responsible for the adequacy of lot sizes and facilities for individual water supply and sewage disposal. Under certain conditions, the subdivider may also need the approval of the state or county highway agencies, the Ulster County Planning Board and others; therefore, the proposed subdivision should be discussed in advance with those agencies. At this time, the proper form of environmental assessment worksheet and general state environmental quality review procedures will be outlined and a tentative schedule developed for compliance with Part 617 of the New York Codes, Rules and Regulations.

**§ 161-11.1. Lot Line Adjustment. [Added 7-6-2004, LL#2 of 2004]**

At the initial conference and review, the Planning Board may determine that the proposed action qualifies as a lot line adjustment. In such case, it shall use the following procedures instead of those set forth in Section 161-12 through 14.

- A. The Planning Board shall review the proposed lot line adjustment in order to make a finding that such action will not create any new non-conforming conditions under the Zoning Law with regard to lot size, setbacks or other required dimensions and will not impede the maintenance of existing or development of future access or utility services to the affected lots. If the Planning Board cannot make such a finding, it shall consider the application as a subdivision under the procedures set forth in Sections 161-12 through 14.
- B. Upon approval of a finding as described in A., above, and receipt of a map prepared by a licensed surveyor which depicts the original lot line as “lot line to be deleted” and any proposed lot line as “new lot line”, the Planning Board may approve the lot line adjustment and authorize filing of the approved map. A public hearing shall not be necessary.

**§ 161-12. Sketch plan.**

- A. Prior to filing a preliminary plat, the subdivider, or duly authorized representative, shall submit a sketch plan showing the basic proposed layout and other information required in Article V of these regulations. At least four (4) copies of the sketch plan shall be delivered to the Chairman or other authorized official of the Planning Board. After submission of the sketch plan, the Planning Board may schedule a field trip to the site to be accompanied by the subdivider. To facilitate the inspection of the site, the subdivider shall have the center line of any proposed streets marked by temporary stakes. After review of the sketch plan and field inspection, and within forty-five (45) days of the official date of submission of the sketch plan, the Planning Board shall tentatively approve the sketch plan or recommend modifications in writing.
- B. The Planning Board may request a technical review and analysis of the proposed sketch plan of its planning consultant and/or Town Engineer or other authorized persons.

**§ 161-13. Preliminary plat.**

- A. Procedure. A preliminary plat shall then be prepared and submitted showing in detail how the subdivision is to be designed, the details of construction, any proposed covenants, and other items required in Article V. The Planning Board shall conduct a

public hearing in accordance with § 161-14C within forty-five (45) days of the official date of submission. Such hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing. Within forty-five (45) days of the hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat. Notwithstanding the foregoing provisions, such time periods may be extended by written mutual consent of the Planning Board and owner. The Planning Board shall state in its approval the specific modifications necessary and the character and extent of improvement or waivers of improvements. The approval of the preliminary plat shall not constitute approval of the final plat, but general agreement on which the final plat may be submitted. **[Amended 1-14-1991 by resolution]**

- B. Study of preliminary plat. The Planning Board shall study the practicability of 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; the relation to the topography of the land; water supply, sewage disposal and drainage; lot sizes, shape and arrangement; the future development of adjoining lands as yet unsubdivided; and the requirements of the Town Plan, the Official Map, when adopted, Site Development Local Law,(4) and other matters enumerated in § 277 of the Town Law. The Planning Board shall state in its approval specific changes necessary and the character and extent of improvements or waivers of improvements. Approval of the preliminary plat shall not constitute approval of the final plat nor of the acceptability of the required improvements.
- C. Applicant to attend Planning Board meeting. The subdivider shall be prepared to attend a regular meeting of the Planning Board to discuss the preliminary plat and the Board's tentative conclusions.
- D. Approval of preliminary plat. Approval shall be noted on two (2) copies of the preliminary plat referenced and attached to any statement of modifications. One (1) copy shall be returned to the applicant and one (1) copy shall be retained by the Planning Board.

#### **§ 161-14. Subdivision plat.**

- A. Filing of final plat; time limit. Within six (6) months after the approval of the preliminary plat, the subdivider shall file the plat in final form with the Planning Board, accompanied by required fees and information required in Article V. If the plat and required accompanying materials are not submitted within six (6) months after approval of the preliminary plat, the submission shall lapse and be void unless by resolution of the Planning Board such approval is extended. **[Amended 1-14-1991 by resolution]**

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**(4) Editor's Note: See Ch. 145, Site Plan Review.**

- B. Agency review. Where review of subdivisions is required by other agencies such as the County Health Department, the State Department of Environmental Conservation, County and State Highway Departments, and the County Planning Board, tentative written recommendations of these agencies, subject to modifications due to local conditions which may be brought forth at the public hearing, shall be filed by the subdivider with the Planning Board prior to the public hearing.
- C. Public hearing. A public hearing shall be held within forty-five (45) days of the submission of the plat in final form for approval. Such hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing. When the Planning Board deems the final plat to be in substantial agreement with the preliminary plat approved as in § 161-13A of these regulations, and modified in accordance with the requirements of such approval, the Planning Board may waive the requirement for such public hearing.
- D. Planning Board action.
- (1) After study, the Planning Board shall by resolution within forty-five (45) days of the public hearing, conditionally approve, conditionally approve with modifications, disapprove or grant final approval and authorize signing of the plat. Where the public hearing is waived pursuant to Subsection C of this section, the Planning Board shall take action within forty-five (45) days of the official date of submission. Notwithstanding the foregoing provisions, such time periods may be extended by written mutual consent of the Planning Board and the owner.
  - (2) Plats conditionally approved shall not be signed by the authorized officers of the Planning Board until the subdivider has complied with all conditions or modifications of approval. Conditional approval of a final plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval.
- E. Conditional approval. In the event that requirements of § 16115 of these regulations or other conditions set forth by the Planning Board are not complete at the time of submission of the final plat, the Planning Board may conditionally approve the final plat. The owner shall have one hundred eighty (180) days to meet the conditions, and the Planning Board may extend this time for up to one hundred eighty (180) additional days. Upon satisfaction of these conditions, the plat shall be signed by an authorized officer of the Planning Board.
- F. Filing of the approved final plat. An approved plat shall be filed by the subdivider in the Office of the Clerk of Ulster County within sixty (60) days from the approval date. Failure to file the signed approved plat within the required time shall render the approval void without further action by the Board.

- G. Division of subdivision plat into two (2) or more sections. The Planning Board may permit the plat to be divided into two (2) or more sections, subject to such conditions as it deems necessary to assure the orderly development of the subdivision. Any section shall encompass at least ten percent (10%) of the total number of lots shown on the plat. If a subdivision is subdivided into several sections, the performance bond or other surety as specified in § 161-15A may be limited to those improvements required to service the proposed section for which final approval is requested.

**§ 161-15. Required improvements.**

- A. Improvements or performance bond. Before the Planning Board Chairman or other authorized person may sign the plat, the subdivider shall either post a bond or certified check, bank passbook or other surety satisfactory to the Town Board, in an amount sufficient to construct required improvements, or shall complete the required improvements to the satisfaction of the Town Engineer or other authorized person.
- (1) When bond or certified check is posted. The subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements as determined by the Planning Board, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the town Board and as to form, sufficiency, manner of execution and surety. A period of one (1) year, or such other period as the Planning Board may determine appropriate, but not to exceed three (3) years, shall be set forth in the bond within which the required improvements shall be completed.
  - (2) When no bond is posted. When no bond, certified check, bank passbook or other surety satisfactory to the Town Board is posted, the subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board.
  - (3) As-built drawings necessary. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection A(2) above, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check, bank passbook or other surety satisfactory to the Town

Board for all required improvements as specified in Subsection A(2) above, such surety shall not be released until such map is submitted.

- B. Modification of design of improvements. If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval of the Planning Board, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.
- C. Inspection of improvements and fee. At least ten (10) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk an inspection fee of one percent (1%) of the cost of required improvements and shall notify the Planning Board in writing of the time proposed to commence construction of such improvements so that the Planning Board may cause inspection to be made to assure that all town specifications and requirements shall be met during the construction of required improvements and utilities required by the Planning Board.
- D. Proper installation of improvements.
  - (1) 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 Planning Board. The Planning Board then shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the town's rights under the bond.
  - (2) Culvert dimensions on all water courses must be approved by the Planning Board and watercourses may not be dammed or diverted without written permission from the Planning Board.

**§ 161-16. Filing of approved subdivision plat.**

- A. Signing and filing. Upon completion of the requirements of §161-14 and §161-15, the plat shall be signed by the Chairman of the Planning Board and Secretary as directed by resolution of the Planning Board at a public meeting. In the absence of the Chairman, the Vice Chairman may sign. The plat may be filed by the subdivider in the Office of the County Clerk. Any subdivision plat not so filed or recorded within sixty (60) days of the

date upon which such plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

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

**§ 161-17. Status of streets, parks and easements.**

- A. In accordance with § 278 of the Town Law, the subdivider may add a notation on the plat that no offer of streets, parks or easements shown on the plat is made to the public. Failure to make such notation will constitute a continuing offer of cession to the town which may be accepted by the Town Board at any time prior to revocation of said offer by the owner of the land or his or her agent. Formal offers of cession to the public of all streets, parks and easements, not marked with such notation on the plat, shall be filed with the Planning Board prior to approval of the plat.
- B. Acceptance by town.
  - (1) Acceptance of any such offer of cession shall rest with the Town Board. In the event that the applicant shall elect not to file the subdivision plat in the office of the County Clerk, such offer of cession shall be deemed to be void.
  - (2) The approval by the Planning Board of a plat shall not be deemed to constitute or imply the acceptance by the Town Board of any street, park, easement or open space shown on said plat. The Planning Board may require said plat to be endorsed with an appropriate note to this effect.
- C. Maintenance of roads. In those cases where no offer of cession to the public is made for the roads, parks and required easements shown on the plat, there shall be submitted with the plat copies of agreements or other documents providing for, and fixing responsibility for liability, their suitable maintenance, and statements of all rights which exist with respect to the use of such property or properties. Such documents shall be reviewed by the Town Attorney for legal adequacy and competency.

ARTICLE IV

**General Requirements and Design Standards**

**§ 161-18. General requirements.**

- 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 health or peril from fire, flood or other menace.
- B. Conformity to Official Map and Master Plan. Subdivisions shall conform to the Official Map of the town when adopted and Ulster County and shall be in harmony with the Town Development Plan.
- C. Preservation of natural cover. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, to retain, insofar as possible, the natural contours, to limit stormwater runoff and to conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from any lots shown on any subdivision plat, except for the purpose of improving such lots and for laying out of streets shown thereon. Topsoil so removed shall be restored to a depth of six (6) inches and properly seeded and fertilized on areas of such lots not occupied by buildings or structures. No excess topsoil so removed shall be disposed of outside of the boundaries of the town, except upon the approval of the Town Board. Any change of the natural slope of the land shall be permitted only by special consideration of the Planning Board.
- D. Preservation of existing features. Existing features which would enhance the attractiveness of the site or the community as a whole, such as trees, watercourses, ponds, historic places and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the subdivision.
- E. Specifications for required improvements. All required streets and other improvements shall be constructed or installed to conform to town specifications, which may be obtained from the Town Clerk.

**§ 161-19. Streets.**

- A. General.
  - (1) Streets shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic and to afford satisfactory access to police, firefighting, snow removal or other road maintenance equipment and shall be coordinated so as to compose a convenient system. All streets shall be properly related to the Town Development Plan and in conformance in location and alignment to the Official Map, when adopted.

- (2) The town shall not accept an offer of dedication for any street that does not have direct access to an existing public street or highway.
- B. Relation to topography. Streets shall be logically related and shall conform insofar as possible to the original topography. They shall be arranged so as to obtain as many building sites as possible at or above the grade of the street. A combination of steep grades and sharp curves shall be avoided.
- C. Continuation of streets into adjacent property. Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and particularly where such continuation is in accordance with the Town Development Plan. Reserve strips, controlling access to streets, shall be prohibited except where their control is placed with the town under conditions approved by the Planning Board. If adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround with a traveled way radius of at least fifty (50) feet shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the normal street right-of-way shall revert to abutting properties.
- D. Treatment of major streets.
- (1) In residential areas. Where a subdivision abuts or contains an existing or proposed major street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  - (2) In business areas. In areas designed for or generally devoted to commercial use, or where contemplated for commercial use, the Planning Board may require that the street width be increased or that a service road be constructed, to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial area.
- E. Dead-end streets. Permanent dead-end streets shall normally not exceed one thousand two hundred (1,200) feet in length in order to provide for convenience of traffic movement and facilitate more effective police and fire protection. A depth suitable for an adequate building lot may be required to be retained between the terminus of the street and adjoining property. The Planning Board may require the reservation of a twenty-foot-wide easement through this property to facilitate pedestrian traffic or utilities. No permanent dead-end streets may be constructed having more than twenty (20) building lots. A T-shaped turnaround or circular cul-de-sac shall be installed at the end of a dead-

end street. This T should be fifty (50) feet each side of the right-of-way and the same width as the road [i.e., fifty (50) feet by one hundred fifty (150) feet]. Cul-de-sac minimum-travel way radius is fifty (50) feet. Any deviation may be made only by written release from the Town Board, Planning Board and Superintendent of Highways. Such release should accompany the owner's petition.

- F. Street names. All streets shall be named, and such names shall be subject to the approval of the Planning Board. Names shall be sufficiently different in sound and spelling from other street names in the town to avoid confusion. A street which is a continuation of an existing street shall bear the same name. As general policy, the use of personal names for new roads is discouraged. Historical names are preferred or names appropriate to the particular development or general neighborhood.
- G. Intersections.
- (1) Design. Intersections of major streets by other streets shall be at least eight hundred (800) feet apart. Cross (four-cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least one hundred fifty (150) feet shall be maintained between offset intersections. Within one hundred (100) feet of an intersection, streets shall be approximately at right angles, and grades shall be limited to two and zero-tenths percent (2.0%). All street intersection corners shall be rounded by curves of at least twenty-five (25) feet in radius at the property line.
  - (2) Visibility at intersections. Within the triangular area formed at corners by the intersecting street lines, for a distance of seventy-five (75) feet from their intersection, and diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping shall be permitted to obstruct such visibility. An easement for the enforcement of this provision shall be granted to the owner of the street and notation to this effect made on the plat.
- H. Provision for future resubdivision. Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow the provision of future streets and logical further subdivision.
- I. Design standards for streets. Streets shall meet the design standards set forth in the following table, based on the street classification indicated on the Town Development Plan or the Official Map, as they may be adopted. In the absence of an Official Map, the classification shall be determined by the Planning Board.

<b>Design Element</b>	<b>Major Street</b>	<b>Collector Street</b>	<b>Local Street</b>
Minimum right-of-way width	60 feet	60 feet	50 feet
Minimum travelway width (excluding shoulders)	30 feet	30 feet	20 feet
Maximum grade	7%	8%	12%
Minimum grade	0.5%	0.5%	0.5%
Minimum radius of horizontal curve at centerline	400 feet	250 feet	125feet
Minimum length of vertical curve	300 feet	200 feet	100 feet**
Minimum length of tangent between reverse curves	300 feet	200 feet	150 feet
Minimum sight distance	400 feet	300 feet	200 ft***
Road pavement, shoulders, sidewalks, drainage structures, curbs, etc.	See Town of Ulster Construction Standards and Specifications		

**NOTES:**

\*But not less than forty (40) feet for each one-percent algebraic difference in grade.

\*\*But not less than twenty (20) feet for each one-percent algebraic difference in grade.

\*\*\*Measured along the axis of the higher road classification.

**§ 161-20. Blocks.**

Block dimensions shall be at least twice the minimum lot depth in width and at least four hundred (400) feet in length, but generally not more than one thousand two hundred (1,200) feet in length. In long blocks, the Planning Board may require the establishment of easements or public ways through the block to accommodate utilities or pedestrian access.

**§ 161-21. Lots**

- A. Lots to be buildable. The lot size, width, depth, shape and arrangement shall be appropriate for the type of development and use contemplated and shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Site Development Law and Zoning Law as it may be adopted, or in providing access to buildings on such lots from an approved street. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Lots platted for residential occupancy shall contain a minimum of forty thousand (40,000) square feet of area unless central sewage disposal or central water supply is available (see §161-23C), or will be available prior to final filing of the subdivision plat. Such facilities may be considered constructed after posting of a bond or other surety in accordance with Article 111. A minimum of thirty thousand (30,000) square feet of area is required of lots served by central water or sewer; and fifteen thousand (15,000) square feet is required for lots with both central water and sewer service available. **[Amended 7-9-1987; 1-14-1991 by resolution]**
- B. Side lot lines. Side lot lines shall generally be at right angles to street lines unless a variation from this rule will give, in the opinion of the Planning Board, a better street or lot plan. Lot lines shall coincide with municipal boundaries rather than cross them. Where extra width has been dedicated for widening an existing street to meet the minimum right-of-way requirements of § 161-191 lot lines shall begin at such extra width line. **[Amended 7-9-1987]**
- C. Access from major streets. Lots shall generally not have their vehicular access from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. (See § 161-19D, Treatment of major streets.)
- D. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Engineer.
- E. Water bodies. If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the ownership of an responsibility for safe maintenance of the water body is so placed that it will not become a town responsibility. No more than twenty percent (20%) of the minimum lot area required under the provisions of the Site Development Law, as it may be adopted, may be satisfied by land under water.

**§ 161-22. Reservations and easements.**

## A. Parks and open space.

- (1) General. In accordance with § 277 of the Town law, the Planning Board may require either the reservation of land for a park or recreational purposes or payment of money in lieu of land to a trust fund to be used exclusively for a neighborhood park, playground or recreational purposes, including the acquisition of property.
- (2) Reservation of land. The Planning Board may require the reservation of land for open space or a park or recreational purposes to be reserved on the plat, but in no case to be more than ten percent (10%) of the gross area of the subdivision. The location of such reservation shall be in accordance with the Town Development Plan or Official Map, if such exist, or otherwise where the Planning Board shall deem such reservation to be appropriate. In general, such reservations should have an area of at least two (2) acres and have adequate street access.
- (3) Payment of money in lieu of land. Where the Planning Board determines that a suitable park or recreation site of adequate size cannot be properly located in any such plat or is otherwise not practical, the Planning Board may stipulate the payment of moneys-in-lieu of recreation land. Such moneys shall be placed in trust to be used exclusively for the purpose of acquisition and development of neighborhood sites for parks, playgrounds or other recreational purposes as may be deemed appropriate by the Town Board. The amount of such moneys in lieu shall be computed as provided by § A194-1(D) (7) (e) of this Code. **[Amended 12-18-2006]**
- (4) The reservation of land or payment of moneys-in-lieu of land provided above shall be made prior to the grant of approval by the Planning Board. **[Added 12-18-2006]**

## B. Widening or realignment of existing streets. Where the subdivision borders an existing street and additional land is required for realignment or widening of such street as indicated on the Official Map when adopted and Town Development Plan, or where the Planning Board deems such reservation necessary, the Planning Board may require that such areas be indicated on the plat and marked "Reserved for Street Realignment (or Widening) Purposes."

- C. Easements for utilities and drainage. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.
- D. Easements for pedestrian access. The Planning Board may require perpetual unobstructed easements at least twenty (20) feet in width, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets.
- E. Easements for maintenance of slopes. Where steep slopes beyond the street right-of-way may require maintenance, an easement may be required for such purpose.
- F. Responsibility for ownership of reservations. Title to all reservations, if vested in interests other than the subdivider, shall be clearly indicated on the plat.

**§ 161-23. Monuments; improvements.**

- A. Monuments and markers. Permanent monuments shall be placed at all block corners, angle points, points of curvature and point of tangency in streets and at intermediate points as required by the Town Engineer. In no case shall there be less than four (4) permanent monuments per block. Monuments shall be set so as to prevent movement by frost upheaval and other pressures. Markers of a material, size and length suitable to the Town Engineer shall be placed at all points where road lines intersect plat boundaries and at all lot corners.
- B. Street improvements.
  - (1) General. Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, sanitary sewers, storm drains and fire hydrants, except where waivers may be requested; the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and general welfare or may result in unnecessary hardship. If underground utilities are required by the Planning Board, they shall be placed between the paved road-way and street right-of-way line, where possible, to simplify location and repair of the lines. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Such grading and improvements shall be approved as to design and specifications by the Town Engineer, who shall require that all pertinent town standards and specifications shall be met.

- (2) Utility poles. Where possible, utility poles shall be within the right-of-way of any street and shall be placed not further than two (2) feet from the boundary line of such right-of-way.
- C. Water and sewerage facilities. Facilities for water and sewerage shall be provided in each new subdivision in accordance with the requirements of the appropriate agency having jurisdiction over the planning and installation of these in the area of the subdivision; however, the following minimum requirements of the town shall be met:
- (1) Central water supply systems shall be designed with adequate pressures, mains and fire hydrants to meet Association of Fire Underwriters specifications for a Class C protected area.
  - (2) All water mains shall be at least six (6) inches in diameter.
  - (3) Sanitary sewers shall not be used for storm water drainage.
  - (4) Central sewage systems, if any, shall provide a six-inch minimum size connection to each lot. The service lateral may be reduced to a minimum of four-inch diameter within the lot. **[Amended 7-9-1987]**
  - (5) Where possible, an access to ponds or water holes may be made available for fire purposes.
- D. Storm drainage facilities. Storm drainage facilities shall provide a clear and protected channel fully adequate to handle runoff from a twenty-five-year storm and designed so that heavy runoff which exceed the capacity of the channels can be handled with the least possible damage to improvements and structures. United States Department of Agriculture Tech Release 55 shall be used for design of stormwater management systems. **[Amended 7-9-1987]**
- E. Public utilities. The Planning Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Planning Board, stating that such public utility company will make the installations necessary for furnishing of its services within a specified time, in accordance with the approved plat.
- F. Water supply. The Planning Board in these subdivision regulations will implement the Ulster County Department of Health recommendations of central water and sewerage for subdivision of fifty (50) or more building lots. However, the Planning Board reserves the right to require central water and sewerage for any subdivision where, in its judgment, conditions warrant it.

## ARTICLE V

**Documents to Be Submitted****§ 161-24. Sketch plan.**

- A. Number of copies. At least four (4) copies of the sketch plan shall be delivered to the Planning Board.
- B. Details required.
  - (1) The sketch shall be at a convenient scale of no more than one hundred (100) feet to the inch and shall be submitted on uniform size sheets not larger than thirty-six by forty-eight (36 x 48) inches and shall contain the date of preparation, approximate true north point, title "sketch plan," and the graphic scale. Where more than one (1) sheet is required, a scaled map showing the entire subdivision on one (1) sheet shall be prepared.
  - (2) The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner, the name of the land surveyor or licensed professional engineer or individual who prepared the sketch plan, the proposed name of the subdivision, the Town of Ulster and Ulster County.
  - (3) A map of the location of the tract with respect to surrounding properties and community facilities, such as roads, parks and schools. Such map to be at a scale of either two thousand (2,000) or eight hundred (800) feet to the inch and shall identify all property in the vicinity of the subdivision held by the subdivider.
  - (4) All existing restrictions on the use of land including easements, covenants, utility district boundary or street lines.
  - (5) A sketch plan on a topographic survey of the proposed area to be subdivided showing in simple form the proposed layout of roads, lots and other features.

**§ 161-25. Preliminary plat.**

- A. Number of copies. At least four (4) copies shall be delivered to the Planning Board.
- B. Application fee. The preliminary plat for a major subdivision shall be accompanied by a minimum fee as provided in Chapter A194, Fees, which shall cover the charge for the lots or parcels on the map up to a maximum of four (4); additional lots or parcels shall be paid for at a rate as provided in Chapter A194, Fees. All checks shall be made payable to the Town of Ulster. The fee for a minor subdivision is as provided in Chapter A194, Fees,

for each newly created lot or lot line revision payable upon application. [**Amended 7-9-1987; 1-14-1991 by resolution**]

- C. Details required. The preliminary plat shall show or be accompanied by the following information, except where requirements have been waived through sketch plan review:
- (1) All data required in § 161-24B, except it shall be clearly labeled "Preliminary Plat."
  - (2) The location, bearings and distances of the tract's boundaries prepared by a licensed surveyor, including seal and number.
  - (3) If topographic conditions are significant as determined by the Planning Board, contours shall be indicated at intervals of five (5) feet or as required by the Planning Board.
  - (4) The names of all adjoining property owners of record and the names of adjacent developments.
  - (5) The location and dimensions of all public properties, street lines, easements, utility district boundaries or restrictions on the property.
  - (6) Location of existing and proposed sewers, water mains, leaching fields, culverts and storm drains including pipe size and type, grades, direction of flow and ownership.
  - (7) The location, width and approximate grade of all proposed streets with the approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in slope or direction.
  - (8) The area of the land included in the subdivision and the approximate location, dimensions and area of all proposed or existing lots and land to be set aside for recreation and public purposes. The suggested location of buildings on lots will also be shown. All lots shall be numbered.
  - (9) Proposed provision of water supply, fire protection, sanitary waste disposal, stormwater drainage, street trees, street lighting, fixtures, signs, sidewalks and easements.
  - (10) The location of all existing structures, such as buildings and stone walls and all pertinent natural features that may influence the design of the subdivision such as watercourses, swamps, rock outcroppings, wooded areas and single large trees eight (8) inches or more in diameter measured three (3) feet above the base of the trunk

within the subdivision and within fifty (50) feet thereof. Where large trees occur in groupings or cluster, only the general outlines of said groups or clusters need be shown.

- (11) The location, dimensions and status of all covenants, deed restrictions or easements proposed by the applicant.
- (12) Soil characteristics as determined by the United States Department of Agriculture, where available.
- (13) Other data which may influence the design of the proposed subdivision and the health, safety and welfare of future residents.

**§ 161-26. Plat.**

- A. General specifications. All subdivision plats shall be clearly drawn on a transparent stable material, such as Mylar or Chronoflex, suitable for reproduction, using black waterproof ink. Such plat shall be at a convenient scale of no more than one hundred (100) feet to the inch and shall be submitted on uniform sheets not larger than thirty-four by forty-four (34 x 44) inches. Where more than one (1) sheet is required, a scaled map showing the entire subdivision on one (1) sheet shall be submitted. These specifications shall always be consistent with those of the County Clerk. **[Amended 1-14-1991 by resolution]**
- B. Copies required. The subdivider shall submit to the Planning Board one (1) transparency as required in Subsection A above, which will be filed with the County Clerk, one (1) transparent sepia-type copy for the records of the Planning Board, and three (3) prints.
- C. Details required. The subdivision plat shall show or be accompanied by the following information except where requirements have been waived by the Planning Board:
  - (1) Name of the subdivision, name, address and signature of the owner, subdivider, seal and number of the licensed professional engineer or land surveyor who prepared the plat; the Town of Ulster and Ulster County.
  - (2) A map of the location of the track with respect to surrounding properties and community facilities such as roads, parks and schools, at a scale of either eight hundred (800) or two thousand (2,000) feet to the inch.
  - (3) Date of preparation, graphic scale, approximate true north point, bearings and distances of tract's boundaries.

- (4) To the extent feasible, the current names of all adjoining property owners of record shall be indicated on the plat. Stamped envelopes, addressed to each of the owners of record of property, abutting or across the street from the tract, shall be submitted to the Planning Board.
- (5) The location and dimension of all public properties, streets, easements, utility district boundaries, building lines or restrictions on the tract.
- (6) The location of existing and proposed sewers, water mains, culverts and storm drains, including pipe size and type, grades, direction of flow, ownership.
- (7) The location, width, grade and names of all proposed streets, with elevations shown at the beginning and the end of each street, at street intersections and at all points where there is a decided change in slope or direction shown on the plat.
- (8) Statement from subdivider's engineer giving estimated cost of construction of roads and other improvements to meet the requirements of these regulations, together with quantities and unit costs used in making the estimate.
- (9) Radii of all curves and lengths of arcs.
- (10) Profiles showing existing and proposed elevations along the center lines of all streets, the elevation along the center line of the existing street or streets, within one hundred (100) feet of the intersection, shall be shown.
- (11) The Planning Board may require a cross section where steep slopes exist, showing present elevations of all proposed streets every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points thirty (30) feet inside each property line.
- (12) Plans and profiles showing the location and a typical cross section of street pavements, including curbs and gutters, sidewalks manholes, and catch basins; the location of street trees, street lighting standards and street signs; the location, size and invert elevation of existing and proposed sanitary sewers, stormwater drains, and fire hydrants; and the exact location and size of all water, gas or other underground utilities or structures.
- (13) The area of the land included in the subdivision, and the location, dimensions and area (in square feet or acres) of all existing or proposed lots and land to be set aside for recreation or public purposes. All lots shall be numbered for identification.

- (14) The location of all existing water bodies, swamps or streams that will be retained or relocated or intended to be developed.
- (15) Sufficient data acceptable to the Town Engineer to readily determine the location, bearings and length of all lines and to reproduce such lines on the ground.
- (16) The location of all existing and proposed monuments and markers.
- (17) Offers of cession, in a form satisfactory to the Town Board, of all land offered, or to be offered, for dedication for streets, highways, easements, parks or other public facilities.
- (18) Proposed covenants, deed restrictions and easements proposed by the applicant.
- (19) The following notations shall be shown on the plat:
  - (a) Endorsement by the Ulster County Health Department, and any stipulations of that Department (only tentative written endorsement is necessary before the public hearing, but final endorsement on the plat is needed before filing with the County Clerk).
  - (b) Explanation of drainage easements as follows: "The drainage easements (or the drainage discharge points) shown hereon establish the perpetual right to discharge stormwater runoff from the highway and from the surrounding area onto and over the affected premises by means of pipes, culverts or ditches, or a combination thereof, together with the right of the holder of fee title to the highway, or his or her authorized representatives, to enter said premises for purposes of making such installations and doing such maintenance work as said holder of fee title may deem necessary to adequately drain the highway and surrounding area."
  - (c) Explanation of sight easements as follows: "The sight easements shown hereon establish the perpetual right of the holder of fee title of the highway, or his or her authorized representatives, to clear, regrade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the area between an observer's eye at an elevation of three and five-tenths (3.5) feet above the road surface at the nearest edge of the road and an object one (1) foot above the nearest edge of pavement on the intersecting road."
  - (d) Explanation of reservation as follows: "Reserved for highway purposes (or recreation purposes or other approved purpose)."

- (e) Explanation of slope easements, as follows: "The slope easements shown hereon convey to the (insert here "Town of Ulster' or 'holder of fee title of the highway' or other phrase as directed by the Planning Board) the right to enter said premises for the purpose of cutting and maintaining a stable earth slope."
- (f) Endorsement of owner as follows: "I hereby grant my approval to this plat and consent to the filing of it in the Office of the County Clerk."