

TOWN OF PINE PLAINS

SUBDIVISION REGULATIONS

Prepared for:

Town of Pine Plains Town Board  
Town of Pine Plains Planning Board

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## **ARTICLE I**

### **General Provisions**

#### **A61-1. Purpose; title.**

- A. Purpose. This chapter establishes rules, regulations and standards governing the subdivision of land within the Town of Pine Plains, Dutchess County, New York, pursuant to the provisions of Article 16 of the Town Law of the State of New York and amendments thereto; setting forth the procedure to be followed by the Planning Board in administering these rules, regulations and standards.
- B. Short title. This chapter shall be known as the "Town of Pine Plains Subdivision Regulations".

#### **A61-2. Authority of the Planning Board.**

- A. By authority of the resolution adopted by the Pine Plains Town Board on May 8, 1986, pursuant to the provisions of Section 276 of the Town Law, the Town of Pine Plains Planning Board has the power and authority to review, approve, approve with modifications and/or conditions, or disapprove lot line adjustments, preliminary, and final subdivision plans.
- B. The Town Board hereby empowers the Planning Board to review and render decisions regarding subdivision plans, entirely or partially undeveloped, which were filed in the office of the Dutchess County Clerk prior to the appointment of the Planning Board. The term undeveloped shall mean those subdivision plans where 20 percent or more of the lots within the plan are unimproved unless existing conditions, such as poor drainage, have prevented their development.

#### **A61-3. Policy.**

It is declared to be the policy of the Town of Pine Plains to consider land subdivision as part of a plan for the orderly, efficient, environmentally sound and economic development of the Town. These regulations shall be administered to ensure orderly growth and development and shall supplement, facilitate and effectuate the policies and regulations set forth in: the Town Comprehensive Plan; the Town Zoning Law including specifically §100-36 regarding consistency with the Greenway program; the Town Official Map; and, New York State Town Law, as may exist and be amended from time to time. The following objectives shall guide the Planning Board's decisions:

- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare.
- B. Proper provisions shall be made for drainage, water supply, sewerage and other needed improvements and utilities.
- C. Streets shall be of such width, grade and location as to appropriately accommodate present and anticipated future traffic, to provide adequate light and air, to facilitate fire protection, and to provide access of firefighting equipment to buildings.

- D. The subdivision design shall minimize disruption and impacts to the natural environment.
- E. Park or other natural areas of suitable location, size and character for playground or other passive or recreational purposes shall be shown on the subdivision plan, where deemed appropriate by the Planning Board.
- F. Proper provision shall be made to: retain undeveloped natural areas and corridors to mitigate any adverse environmental impacts of subdivision; sustain a diversity of native vegetation and wildlife; protect water resources, agricultural land, and scenic viewsheds; and, implement other policies that protect the Town's environmental and cultural resources pursuant to the Town Comprehensive Plan and Town Zoning Law.
- G. The Planning Board shall consider the subdivision's consistency with the policies and objectives of the Town Comprehensive Plan, all requirements of the Town Zoning Law and these subdivision regulations, and the Official Map, as may be adopted or amended.
- H. The Planning Board shall consider those matters enumerated in Section 277 of the New York State Town Law.

**A61-4. Interpretation; conflict with statutory provisions.**

- A. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote public health, safety and welfare.
- B. Supersession of New York State Town Law. To the extent that any provisions of this chapter are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§276 through 279, and any amendments thereto, the Town Board of the Town of Pine Plains hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 42, §10 et seq. of the Consolidated Laws of the State of New York.

**A61-5. Self-imposed restrictions.**

Nothing in this chapter shall prohibit any subdivider from placing self-imposed restrictions on the development of lots shown on a subdivision plan provided said restrictions are not in violation of this chapter and Zoning Law and the Planning Board approves placement of said notes on the plan.

## **ARTICLE II Procedures**

### **A61-6. General.**

- A. Approval required. Whenever any subdivision of land in the Town of Pine Plains is proposed, before any contract is made for the sale of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or designated representative shall apply for and secure approval of such proposed subdivision in accordance with these procedures. Where applicable, subdivision applications shall comply with the requirements for conservation subdivisions set forth in Section A61-6.E. below and Article VII of the Zoning Law.

In addition to subdivision approval, a proposed development may also be subject to site plan and special use permit approval as set forth in the Pine Plains Zoning Law. Special use permit and site plan review may occur concurrently with subdivision application review.

- B. Subdivision of a lot with pre-existing use(s) or buildings. Where a new lot is created from a lot already occupied by a building, such subdivision shall be effected in such manner as to conform to all of the requirements of the Zoning Law with respect to the existing building and lot coverage, all yards and other required spaces in connection therewith, and no permit shall be issued for the establishment of a land use or the erection of a building on the new lot thus created, unless it complies with all provisions of the Zoning Law or a variance obtained from the Town Zoning Board of Appeals. This provision of these subdivision regulations may not be waived by the Planning Board.
- C. Electronic format. Due care in the preparation of maps and other required information will expedite the process of obtaining the Planning Board's decision. Whenever possible, maps and other documents should also be submitted in electronic format, in addition to that otherwise specified, in order to facilitate distribution, reproductions and storage of documents.
- D. Site alterations. During the subdivision review, no site disturbance in furtherance of the improvements proposed and/or required for the subdivision shall take place, such as road construction or grading, except that which is directly related to obtaining required approvals (e.g., surveying, test pits, and the location of stakes) that would alter, remove or relocate any existing features including, but not limited to, stone walls, steep slopes, rock outcroppings, trees, general vegetation, streams, and watercourses. This section shall not apply to continuing use of legally established improvements or uses on the subject property.
- E. Conservation subdivisions.
- (1) In accordance with the provisions of §278 of the New York State Town Law, the Town Board hereby authorizes the Planning Board to approve a conservation subdivision simultaneously with the approval of a plan or plans. As set forth in the Zoning Law, a cluster development as authorized by New York State Town Law is referred to herein as a "conservation subdivision".

The purpose of a conservation subdivision is to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands.

- (2) Standards and procedures. Article VII of the Zoning Law sets forth the procedures for the review and approval of a conservation subdivision. Those procedures are in addition to, or otherwise supersede, the provisions set forth in these subdivision regulations. The Planning Board is not authorized to waive the requirements applicable to conservation subdivisions unless a waiver is explicitly allowed under Article VII of the Zoning Law. The following table sets forth the type of subdivision layout permitted in each zoning district as established by the Town Zoning Law:

Zoning District	Type of Subdivision(2)	Type of Subdivision Allowed		Recommended Design*
		Conventional	Conservation	
R and WP	Major – 30 and more lots	--	■	Traditional neighborhood hamlet
	Major - 15-29	--	■	Rural hamlet
	Major – 5-14 lots	□	■	Rural cluster
	Minor – 2-4 lots	■	■	Rural cluster
AG-O	Major – 30 and more lots	--	■	Traditional neighborhood hamlet
	Major - 15-29	--	■	Rural hamlet
	Major – 5-14 lots	--	■	Rural hamlet
	Minor – 2-4 lots (1)	■	■	Rural cluster
Hamlet Districts	Major – 5 or more lots	■	■	To be determined by PB
	Minor – 2-4 lots	■	■	Rural cluster

Notes:

- = Permitted by right with subdivision approval.
- = The Planning Board may permit this type of subdivision, subject to waiver findings as per §100-31.F of the Zoning Law.
- = Conservation subdivision design is required.
- (1) = The Planning Board may require a minor subdivision to be designed as a conservation subdivision where it finds that a conventional subdivision would have an impact on the preservation of agricultural resources.
- (2) = No more than 4 lots may be subdivided in the form of a conventional subdivision from any "parent" parcel lawfully in existence on the effective date of the Zoning Law. Any subsequent subdivision of land shall be designed as a conservation subdivision and adhere to the requirements of §100-31.G of the Zoning Law.

\*Appendix A of these subdivision regulations set forth the design guidelines for conservation subdivisions.

- (3) Where up to four lots have been subdivided from a parent parcel, i.e., a parcel in existence on the effective date of the Town Zoning Law, any subsequent subdivision of the remainder of the parent parcel shall be subject to the requirements set forth in §100-31.G.(2) of the Town Zoning Law.

- (4) Appendix A of these subdivision regulations sets forth additional design guidelines for conservation subdivisions.

- F. New Neighborhood Development ("NND") subdivision. The subdivision of land within a NND shall require subdivision approval in accordance with the procedures set forth herein, and in accordance with the design standards set forth in Section 100-28.F. together with all standards set forth in the Town Board's NND and Final Master Plan Approval, as set forth in section 100-28.D (10) of the Zoning Law. The subdivision design standards shall also apply to the subdivision of land in a NND except to the extent that provisions of the Town



Zoning Law or subdivision regulations have been specifically modified as set forth in the approval of a NND Final Master Plan.

- G. Subdivision of a pre-existing lot. In the Rural and Wellhead Protection zoning districts, a lot lawfully in existence on the effective date of the Town Zoning Law that is less than the net lot area required for the applicable zoning district may be subdivided in accordance with §100-33, Subdivision of pre-existing lots, of the zoning law. The subdivision shall be processed as a minor subdivision.
- H. Density credit for resubdivision of existing lots of record. Lawfully existing lots of record may be resubdivided to encourage the elimination of lots of record which are made nonconforming as a result of the enactment of the Town Zoning Law in accordance with §100-34 therein. The subdivision shall be processed as either a minor or major subdivision based on the number of lots to be resubdivided.
- I. Affordable housing. Any subdivision plan application that proposes 10 or more residential lots or dwellings or combination thereof shall be required to set aside ten percent of the total number of lots/dwellings for "moderate income households" as that term is defined in the Town Zoning Law. Section 100-23 of the Zoning Law regulates an applicant's obligation to provide affordable housing.
- J. Planning Board site inspection during application review. The filing of any application regulated by these subdivision regulations shall be deemed to be a grant of authority by the property owner/applicant to the Planning Board and its consultants to conduct one or more site inspections of the property after notice is provided to the applicant.

#### **A61-7. Zoning Enforcement Officer (ZEO) review.**

- A. Authority. As set forth in Article XIV of the Pine Plains Zoning Law, the Zoning Enforcement Officer shall first receive any application regulated by these subdivision regulations, including any application for a lot line adjustment, natural subdivision, minor subdivision and/or major subdivision. An applicant may appear before the Zoning Enforcement Officer to request an initial determination with regard to the type of application required to be submitted in conjunction with these regulations.
- B. Informal presentation. The ZEO may recommend to the potential applicant that he or she appear before the Planning Board to discuss the nature of any proposed activity, in order to further clarify the type of application that must be formally submitted. Nothing herein limits the applicant's ability to request an informal appearance before the Planning Board in the absence of the ZEO's recommendation. The potential applicant shall receive a copy of the Habitat Awareness Form and the Priority Habitat Types, Key Functions and Conservation Recommendations Form, as those forms may be amended from time to time, and refer to the Hudson Ltd. habitat map showing habitats prevalent on the subject property. A copy of the Significant Habitats of Pine Plains report prepared by Hudson Ltd. and describing significant ecological habitats shall be kept in the ZEO office for reference purposes. The potential applicant is encouraged to review the report prior to submitting a formal application to the Planning Board.
- C. Type of application to be submitted.

- (1) The ZEO shall advise the applicant as to the type of application form to be submitted initially to the Planning Board which may be one of the following:
    - (a) lot line adjustment application;
    - (b) natural subdivision application;
    - (c) subdivision application (Planning Board to determine if application is a minor or major subdivision).
  - (2) The ZEO shall also make a preliminary determination as to whether submission of a conservation subdivision is required. However, the Planning Board, during sketch plan review, must determine whether a conservation subdivision shall be required for the following specific types of subdivisions:
    - (a) any minor subdivision application proposed in the Agricultural Overlay (AG-O) zoning district;
    - (b) any major subdivisions between 5-14 lots in the Rural and Wellhead Protection zoning districts.
  - (3) The ZEO shall determine if the property to be subdivided was previously subdivided and if so, how many lots have been subdivided from the parent parcel subsequent to the effective date of the Town Zoning Law. No more than four (4) lots may be subdivided in the form of a conventional subdivision from any "parent" parcel lawfully in existence on the effective date of the Town Zoning Law. Any subsequent subdivision of such parcel shall be designed as a conservation subdivision and adhere to the requirements of §100-31.G of the Town Zoning Law.
- D. Submission of application to the Planning Board. The Zoning Enforcement Officer shall review any application regulated by these subdivision regulations and shall determine if it is complete. For purposes of this subsection, "complete" shall be deemed to be a determination that the information and data, as specified on the application, have been submitted in order to forward the application to the Planning Board for its review. The Planning Board shall make a separate determination with regard to whether an application is determined to be complete as required by Section 276 of New York State Town Law, and as that term is defined in Article VI of these regulations.
- E. Variance required.
- (1) In the event the ZEO finds that the application does not comply in one or more respects with the provisions of the Zoning Law, the application shall be denied by the ZEO, with leave to appeal the ZEO's determination to the Zoning Board of Appeals in accordance with the provisions of Article XV of the Zoning Law.
  - (2) If during the course of its review, the Planning Board determines that a plan contains one or more lots that do not comply with the Zoning Law, an application may be made by the applicant to the Zoning Board of Appeals for an area variance pursuant to §277 of the New York State Town Law without the necessity of a decision or determination of the ZEO.

- (3) In reviewing any variance request associated with a subdivision application, the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning the proposed variance. The Planning Board shall provide its written recommendation to the Zoning Board of Appeals within forty-five (45) days of the date of its clerk's receipt of the request for recommendation from the ZBA and if the Planning Board shall fail to do so, the ZBA shall be permitted to take action on the variance request without the Planning Board's recommendation.

**A61-8. Lot line adjustments and natural subdivision.**

**A. Lot line adjustment.**

- (1) The following information shall be submitted:
  - (a) A title block identifying the map as a "Lot Line Adjustment", and containing the name and address of the owner or owners of the lots involved in the lot line adjustment, and "Town of Pine Plains, Dutchess County" in the title block.
  - (b) The tax map section, block and lot number(s) of the properties involved. The zoning district(s) in which the properties are located and the bulk regulations applicable to same shall be indicated on the plan. Pre-existing nonconforming conditions shall be noted on the plan.
  - (c) A location map of the properties at a scale of 2,000 feet to the inch.
  - (d) All existing restrictions on the use of land, including, but not limited to, easements, covenants, zoning district lines, or street lines.
  - (e) The location of all existing structures, including principal and accessory buildings and structures. Known or reputed locations of all existing wells and septic systems shall be shown. Driveways and access to the lots shall be shown.
  - (f) A completed short environmental assessment form.
  - (g) Certification of title verifying ownership of the concerned parcel. A copy of the property deed shall be submitted.
  - (h) Proposed lot lines to be removed and lot lines to be added shall be shown and clearly labeled on the map.
  - (i) The Planning Board may require additional information to be submitted as it deems necessary for adequate review.
- (2) A lot line adjustment is permitted for lots with pre-existing nonconformities related to lot size, setbacks, or other bulk requirements applicable to the zoning district in which the subject properties are located and an area variance from the Zoning Board of Appeals shall not be required, provide the degree of nonconformity is not increased, or a new nonconformity is not

created. A lot 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 lot 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 A61-9 herein.

- (3) If the Planning Board finds that the application meets the requirements for a lot line adjustment as per the requirements of Subsection (2) above, the subdivider shall submit a final map prepared by a licensed surveyor which depicts the original lot line as "lot line to be deleted" and the proposed lot line as "new lot line" and a metes and bounds survey of the new lots. The Planning Board may approve the lot line adjustment and complete a lot line adjustment certificate which authorizes filing of the approved map. No public hearing is required, but the Planning Board may, at its option, conduct a public hearing prior to taking action on the lot line adjustment.
- (4) To insure that the parcel or parcels receiving additional acreage as a result of the lot line adjustment does not result in the creation of a new lot, the Planning Board shall require the additional acreage to be merged with the existing acreage of each such receiving parcel by Merger Deed(s). The Merger Deed, and all documents required to file the Merger Deed(s) in the Office of the Dutchess County Clerk shall be reviewed and approved by the Town Attorney. The Merger Deed(s), supporting filing documentation, and the required filing fees shall be submitted to the Town Attorney to be held in escrow and filed by the Town Attorney after approval of the lot line adjustment and filing of the map in the Office of the Dutchess County Clerk. In addition, appropriate notations shall be placed upon the final map clearly indicating that no new lot has been created as a result of the lot line adjustment and that one or more Merger Deed(s) is required.

B. Natural subdivision.

- (1) Where a subdivider desires to split a parcel of land that is described as one parcel on a recorded deed but which is bisected by a public right-of-way, the application may be processed in accordance with the provisions herein, subject to the following:
  - (a) The Planning Board shall determine whether or not the action qualifies as a natural subdivision.
  - (b) The property must be divided by a deeded public utility right-of-way, a state highway or other deeded highway and not by a highway by use as that term is defined herein and by §189 of the Highway Law.
  - (c) Each lot shall comply with Table B, Schedule of Bulk Regulations, for the zoning district in which the subject property is located.
  - (d) Each lot created by the natural subdivision shall meet applicable health department requirements and approvals for the provision of an on-site septic system, individual well, public water and/or public sewer.

- (2) A short form Environmental Assessment Form shall be submitted.
- (3) Where it is demonstrated that the application meets the requirements set forth in subsection (1) above, the subdivider shall submit a final map prepared by a licensed surveyor which depicts the metes and bounds survey of the new lots. The Planning Board may approve the natural subdivision and complete a natural subdivision certificate which authorizes filing of the approved map. No public hearing is required, but the Planning Board may, at its option, conduct a public hearing prior to taking action on the natural subdivision.
- (4) If the application does not conform to these provisions, it shall be processed as a minor subdivision in accordance with the procedures identified in A61-9 herein.

#### **A61-9 Minor and major subdivision procedure overview.**

The procedures for applications regulated by these subdivision regulations are as follows:

##### **A. Minor subdivision.**

- (1) Informal presentation (optional)
- (2) Sketch subdivision plan. If the Planning Board classified the sketch subdivision plan as a minor subdivision, the subdivider will submit a final subdivision plan in accordance with A61-13 of these regulations. Nothing herein shall limit the Planning Board's authority to require that a minor subdivision obtain preliminary and final subdivision approval in accordance with the procedures set forth for a major subdivision.
- (3) Final subdivision plan.

##### **B. Major subdivision.**

- (1) Informal presentation (optional)
- (2) Sketch subdivision plan.
- (3) Preliminary subdivision plan.
- (4) Final subdivision plan.

#### **A61-10. Informal presentation (optional).**

- A. The Planning Board has accumulated a considerable body of information which may be of assistance to the prospective subdivider. A prospective subdivider is encouraged to meet informally with the Planning Board prior to submission of a sketch plan to discuss relevant issues, procedures and requirements which will be applicable during the review process. The subdivider should become familiar with the regulations, standards and requirements contained in these regulations, the Zoning Law and zoning maps, the Town Comprehensive Plan, the New York State Environmental Quality Review Act and New York State Town Law, as well as with any other applicable Town, county, state and federal requirements.

- B. Prior to a formal submission of an application for subdivision approval, a subdivider may submit a request to the Planning Board for an informal presentation. The review shall not constitute a formal application, and no approval can be granted on such review.
- C. An informal presentation shall include the following:
  - (1) Vicinity map at an engineering scale of two thousand (2,000) feet to the inch, indicating the relationship of the proposed subdivision to existing community facilities which serve it, e.g., roads, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey ("USGS") Map of the area.
  - (2) An area map at a scale of not less than one (1) inch equals four hundred (400) feet, or other scale deemed acceptable to the Planning Board, showing:
    - (a) All land in the ownership or control of the subdivider;
    - (b) The location and ownership of all adjoining property;
    - (c) The general location of new streets and the arrangement of lots within the proposed subdivision.
    - (d) The approximate location of natural features such as wetlands, streams, ponds, marshes, ridges, steep slopes, and wooded areas which might influence the design of the subdivision.
  - (3) Such other information that the subdivider may submit, or that the Planning Board may request, in order for the Planning Board to comment informally on the proposed development.
  - (4) The applicant may rely on secondary sources of information, e.g., a United States Geological Survey quadrangle, relevant sections of wetland maps, etc., to convey information regarding the property in question. Nothing herein is intended to require actual field surveys at this step in the process, except to the extent that such data are available and the applicant submits same.

#### **A61-11 Sketch plan requirements.**

- A. Sketch plan submission and review. All minor and major subdivisions shall require the submission of a sketch plan. The sketch plan submission provides the Planning Board and the subdivider an opportunity to discuss the proposed subdivision during its formative stage and to determine if the plan is to be processed as a "minor" or "major" subdivision and whether the application shall require submission of a conservation subdivision plan. If a conservation subdivision plan is required, the procedures set forth in §100-31 of the Zoning Law shall be followed in addition to the requirements of these Regulations.

The sketch plan shall be at a convenient scale of no more than 200 feet to the inch and shall contain the date of preparation, approximate true North point, title "sketch plan" and scale. Nothing herein is intended to limit a subdivider from

supplying any additional information available from actual field surveys or other field analyses.

- B. The subdivider shall submit the sketch plan and subdivision application no less than ten (10) days prior to the Planning Board meeting at which time the application will be discussed. Copies shall be submitted in a number as set forth on the Town subdivision application forms or as otherwise directed by the Planning Board.
- C. The sketch plan shall include the following information, unless said information is waived by the Planning Board:
  - (1) A title block identifying the map as a "Sketch Plan", and containing 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 proposed name of the subdivision, and "Town of Pine Plains, Dutchess County" in the title block.
  - (2) The tax map section, block and lot number(s) of the property and a Tax Map illustrating surrounding properties, and all property in the vicinity, held or controlled by the subdivider. The zoning district(s) in which the property is located and the bulk regulations applicable to same shall be indicated on the plan.
  - (3) A map of the location of the tract with respect to surrounding properties and physical features, such as wetlands, streams, ridges, and floodplains, and community facilities, such as roads, parks, and schools. Such map is to be at a scale of between 800 and 2,000 feet to the inch and shall identify all property within 2,000 feet of the subdivision.
  - (4) All existing restrictions on the use of land, including, but not limited to, easements, covenants, zoning district lines, or street lines.
  - (5) The location of all existing structures, such as buildings, stone walls and all pertinent natural features that may influence the design of the subdivision, such as habitats identified in the publication, Significant Habitats in the Town of Pine Plains (Hudsonia Ltd), wetlands, steep slopes, watercourses, rock outcroppings, wooded areas and agricultural fields.
  - (6) Soil types as shown on the Dutchess County Soil Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service, if available. Any prime farmland soils or soils of statewide importance shall be shown.
  - (7) A completed environmental assessment form, part 1.
  - (8) A competent initial sketch of the proposed layout of roads, lots, building setback lines and other features.
  - (9) Completed sketch plan checklist, subdivision application and fee.
  - (10) Certification of title verifying ownership of the concerned parcel. A copy of the property deed shall be submitted.

- (11) Owner's written authorization for subdivider (if different from the owner) to act as the owner's agent.
  - (12) Town of Pine Plains Zoning Board of Appeals determinations pertinent to the proposed subdivision, if applicable.
  - (13) An agricultural data statement and required disclosure, if required, as per §100-20., Agricultural Uses, of the Town Zoning Law.
  - (14) The Planning Board may require additional information to be submitted as it deems necessary to adequately review the application.
- D. The Planning Board may schedule a site inspection with the subdivider to develop a mutual understanding of the general nature of the site and the approach for subdividing the tract.
- E. The Planning Board shall have the authority to forward the sketch subdivision plan to other Town agencies for comment. Where the proposed subdivision is also situated in an adjoining municipality, the Planning Board shall send a copy to said municipality for informational purposes and preliminary comment. In addition, the Planning Board shall make best efforts to coordinate its review of the subdivision with the review conducted by the Planning Board of the adjoining municipality.
- F. The Planning Board shall review the sketch subdivision plan in accordance with the criteria contained in these regulations and with other applicable local laws of the Town. The Planning Board's review of the sketch plan shall consider, but not be limited to:
- (1) The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, stormwater management areas, etc.) with respect to identified notable features of natural or cultural significance.
  - (2) The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels.
  - (3) The location of proposed access points along the existing road network.
  - (4) The proposed building density and lot coverage.
  - (5) Consistency with the Town Zoning Law and the specific purposes set forth in 100-3 of the Zoning Law.
  - (6) A determination as to whether submission of a conservation subdivision shall be required as per the requirements of these regulations and the Zoning Law.
- G. The sketch plan should illustrate the proposed layout of house sites, street alignments, the network of open space, and shall be based closely upon the information contained in the data submitted above. The sketch subdivision plan shall also be designed in accordance with the design process set forth in



Appendix A of these regulations if the application requires submission of a conservation subdivision application.

- H. The Planning Board shall advise the subdivider of any general recommendations on layout, arrangement of lots and required improvements, taking into consideration the requirements of these Regulations and the Town Zoning Law. It shall informally advise the subdivider of the extent to which the proposed subdivision conforms to the relevant standards of these regulations, 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. Data obtained during the more detailed preliminary and final plan and/or SEQRA review may necessitate revision of the initial proposal, as presented in the sketch plan.
- I. The Planning Board shall classify the subdivision as "major" or "minor" as defined herein and noted for the record. Classification of the sketch plan is to be made by the Planning Board within sixty-two (62) days of the first public meeting at which a complete sketch plan is submitted. The Planning Board need take no further action until the application has been classified as a minor or major subdivision. The Planning Board shall make a notation regarding classification directly on the sketch plan.
- J. Upon designation of the sketch plan as major or minor, the subdivider may proceed with the procedures for subdivision review in accordance with the provisions of A61-12 and A61-13 for minor subdivisions and A61-12 and A61-14 for major subdivisions.

**A61-12. General submission requirements for all subdivision plans.**

- A. The following requirements are applicable to minor and major, and preliminary and final subdivision plans:
  - (1) Drawings shall be submitted on uniform-size sheets, not larger than thirty-six by forty-eight inches (36" by 48").
  - (2) All submissions shall indicate:
    - (a) The proposed subdivision name or identifying title. It shall state whether it is a "minor" or "major" subdivision.
    - (b) The words "Town of Pine Plains, Dutchess County, New York".
    - (c) The name and address of the record owner and subdivider.
    - (d) The name and address, and seal of the licensed professional person(s) responsible for subdivision design, for the design of public improvements, and for the property survey.
    - (e) The date, approximate true point North and graphic scale.
    - (f) A legend identifying any symbols that may appear on the map.

- (3) An area map at a scale of one (1) inch equals four hundred (400) feet, showing the location of the subdivision with respect to all streets and property within 1,000 feet of the subdivider's tract and identifying all property in the area held in the same ownership.
- (4) In addition to information required to be shown on the sketch plan, the following shall be presented:
  - (a) Location, bearings and distances of the tract boundary, standard title block, key map, north arrow and engineering scale.
  - (b) Topography at 2-foot contour intervals, or other contour interval deemed acceptable by the Planning Board and extending a minimum of 50 feet beyond all property boundaries.
  - (c) Location, width and grade of all existing streets, and proposed streets and street right-of-ways, with approximate elevations shown on the beginning and end of each street, at street intersections and at all points where there is a change in the slope or direction; detailed road centerline profile of all proposed roads.
  - (d) Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, wetlands, rock outcrops, and existing wooded areas, or isolated trees fifteen (15) inches or more diameter breast height ("dbh") that are within or in proximity to any proposed area of disturbance; structures, stone walls, farm access roads, and other significant features; location, width and names of all existing or planned streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within five hundred (500) feet of any perimeter boundary of the subdivision or the names of adjacent developments.
  - (e) The location, dimensions, and areas of all proposed or existing lots and suggested location of buildings.
  - (f) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, storm drains, and other underground structures within the tract and immediately adjacent thereto: existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way. The pipe size, grades and direction of flow should be provided.
  - (g) Location, name and dimensions of existing parks and public properties.
  - (h) The location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use or other public use and the conditions of such dedication, or for the use of property owners in the proposed subdivision.

- (i) Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses, other than residential, proposed by the subdivider.
- (5) Proposed provision of water supply, fire protection, sanitary waste disposal, stormwater drainage, street trees, streetlight fixtures, street signs and sidewalks shall be shown.
- (6) Whenever the plan covers only part of the subdivider's holdings, the Planning Board may require that the subdivider submit a conceptual plan for the subdivision of the entire parcel, at a scale of no more than two hundred (200) feet to the inch, together with its proposed street system, and an indication of the probable future street system and drainage system of the remaining portion of the tract in order to avoid piecemeal design and segmented review.
- (7) Data acceptable to the Town Engineer to readily determine the location, bearing and length of all lines, and to reproduce such lines upon the ground. The location of all existing and proposed monuments should be shown.
- B. The Planning Board may require that the proposed subdivision be staked in the field to facilitate inspection and review of the proposed subdivision. If required, the subdivider shall stake the property as follows:
  - (1) Along the centerline of each proposed road at intervals of not more than 100 feet, and at each point of beginning and ending of each curve.
  - (2) At the intersection of each side lot line with the street line, marked with identifying numbers of each abutting lot, as shown on the preliminary plan. These stakes shall be maintained in position during construction operations.
  - (3) All stakes referred to in this section shall be in position at the time the preliminary application is presented to the Planning Board. The Planning Board will not conduct its field inspection of the property until such stakes have been positioned.
  - (4) All stakes removed or destroyed prior the approval of the final plan shall be replaced by the subdivider, if required by the Planning Board or its authorized representative.
- C. Additional requirements for conservation subdivisions. Where the Planning Board has determined during sketch plan review that a subdivision shall be designed as a conservation subdivision, the provisions of Section 100-31 of the Zoning Law, in addition to these Regulations, shall specifically apply. All information and all procedures set forth in Section 100-31 are incorporated herein by reference.
- D. The Environmental Assessment Form, Part 1, revised to reflect any revisions made since submission of the sketch plan.
- E. The subdivision plan shall contain the original signature and seal of a professional engineer or land surveyor, both registered in New York State, or a

qualified land surveyor under Section 7208, paragraph (n) of the Education Law. Certification shall be made stating the date of the completion of the field survey and the name of the subdivision, if any.

F. The Planning Board may also require the following information:

- (1) Offer of dedication in a recordable instrument form approved by the Town Board and the Town Attorney of all land included in easements, drainage easements, and parks and playground areas not specifically reserved by the owner.
- (2) Copies of all applications for approval of proposed water supply and wastewater disposal facilities.
- (3) Protective covenants in form for recording, including covenants governing the maintenance of public spaces or reservations that are not proposed for dedication.
- (4) Such other and further material and documentation as the Planning Board deems necessary for review and approval of the subdivision application or its SEQRA review of the same.

**A61-13. Minor subdivision plan procedure; decision.**

A. Minor subdivision plan submission.

- (1) Application and fee. Within six (6) months following the classification by the Planning Board of a proposed subdivision as a minor subdivision, the subdivider shall submit a minor subdivision plan. The minor subdivision plan shall be equivalent to a final plan as defined in these regulations. The plan shall be accompanied by any additional documentation required by the Planning Board and a subdivision application fee. Failure to submit the plan within six (6) months will cause the application to be considered withdrawn. Applications that have been withdrawn may be reactivated only upon re-submission of a sketch plan to the Planning Board for classification, in addition to payment of the appropriate application fee. The Planning Board shall review the minor subdivision plan and shall determine whether it is a complete application for purposes of commencing a public hearing. If the Planning Board deems the application incomplete, the Board shall detail the application deficiencies, in writing, to the subdivider.
- (2) Number of Copies. Copies of the minor subdivision plan shall be filed with the Planning Board Clerk at least ten (10) days prior to a regular monthly meeting of the Planning Board at which the application will be discussed. A proposed submission that does not include all the required drawings, information, and documents shall be incomplete, and the Planning Board may, in its discretion, decline to consider the application until such time as it is complete.

- (3) Subdivider to attend Planning Board meeting. The subdivider or his representative shall attend the regular meeting of the Planning Board at which time the plan shall be discussed.
- (4) Official submission date. The official date of submission shall be the date of the regular monthly meeting of the Planning Board after timely receipt of all required application documents and fees.
- (5) Start of time frames. A determination by the Planning Board that it has received a complete application shall initiate all time frames set forth herein (see definition of "complete application" in Article VI of these regulations).

B. Decision on minor subdivision plan.

- (1) Coordination with State Environmental Quality Review Act. The Planning Board shall comply with the provisions of State Environmental Quality Review Act. A minor subdivision plan shall not be deemed a complete application until a negative declaration has been filed or until a notice of completion of a draft environmental impact statement has been filed in accordance with the regulations implementing SEQRA (see definition of "complete application" in Article VI of these regulations). The period for review of a minor subdivision shall begin upon filing of the negative declaration or notice of Draft Environmental Impact Statement completion.
- (2) Consistent with the requirements of 239-nn of the General Municipal Law, the Planning Board shall give notice to an adjacent municipality when a hearing is held relating to minor subdivision review and approval 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 (10) days prior to the hearing. The adjacent municipality may appear and be heard.
- (3) Periods for public hearing and decision.
  - (a) Where the Planning Board is lead agency. 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 the regulations implementing SEQRA, as follows:
    - (i) If the Planning Board determines that the preparation of an environmental impact statement is not required, the public hearing shall be held within 62 days after receipt of the complete minor subdivision plan (see definition of "complete application" in Article VI of these regulations); or
    - (ii) If an environmental impact statement is required, the Planning Board shall hold a public hearing on the draft environmental impact statement jointly with the public hearing otherwise required by this law. The public hearing on the minor subdivision plan and draft environmental impact statement shall be held within 62 days after the filing of the notice of completion of the draft environmental impact

statement. If no public hearing is held on the draft environmental impact statement, the public hearing on the minor subdivision plan shall be held within 62 days of filing of the notice of completion.

- (b) Where the Planning Board is not the lead agency under State Environmental Quality Review Act. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the minor subdivision jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the minor subdivision plan within 62 days after receipt of a complete application for a minor subdivision plan.
- (4) The hearing on the minor subdivision plan shall be advertised at least once in a newspaper of general circulation in the town at least 5 days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the minor subdivision plan. The hearing on the plan shall be closed within 120 days after it has been opened, unless the time period is extended by mutual consent of the applicant and Planning Board.
- (5) Decision. The Planning Board shall, within 62 days from the close of the public hearing, or within 30 days of the adoption of findings by the lead agency, whichever period is later, approve, conditionally approve with or without modification, or disapprove the minor subdivision plan. When conditionally approving a minor subdivision plan with or without modifications, the Planning Board must state in writing the modifications, if any, it deems necessary before the plan will be endorsed by the Chairman. The Planning Board shall specify in writing its reasons for any disapproval.
- (6) Filing of decision. Within five (5) business days from the date of the adoption of the resolution stating the decision of the board on the minor subdivision plan, the Planning Board Chairman or duly authorized representative of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.
- (7) Duration of conditional approval of minor subdivision plan. Conditional approval of the minor subdivision plan shall expire within 180 days after the date of adoption of the resolution granting such approval. The Planning Board may extend by not more than two additional periods of 90 days each the time in which a conditionally approved plan must be submitted for signature if, in the Board's opinion, such extension is warranted by the particular circumstances. A failure to complete the conditions of minor subdivision approval within the required time period(s) shall result in the approval becoming null and void.
- (8) Application for area variance. Where a proposed subdivision contains one (1) or more lots that do not comply with the dimensional regulations of the

Zoning Law, an application may be made to the ZBA for an area variance without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application, the ZBA shall request the Planning Board to provide a written recommendation concerning the proposed variance.

- (9) Filing of minor subdivision plan; expiration of approval. The subdivider shall file the approved minor subdivision plan in the Office of the County Clerk within 62 days from the date of final approval or such approval shall expire. The signature of the Chairman or other duly authorized representative of the Planning Board signifying final approval and completion of conditions of final approval by the Planning Board shall constitute approval.
- (10) Endorsement of the Chairperson. Upon approval of the minor subdivision plan, the subdivider shall carry out the following steps prior to obtaining the Chairperson's signature of approval:
  - (a) Provide proof of compliance with the Department of Health standards and approval for water supply and sewage disposal.
  - (b) If required by the Planning Board, provide proof of compliance with all other required local, state and federal agency permits and approvals, including but not limited to: stream disturbance; wetland and wetland adjacent area disturbances, highway work; curb cuts; stormwater connections; SPDES permit discharges, and all other conditions of approval required by the Planning Board.
  - (c) Make all required corrections or changes to the minor subdivision plan as outlined in the resolution of the Planning Board and complete and meet all applicable conditions of the Planning Board resolution approving the final plan.
  - (d) Provide a Mylar and paper copies of the minor subdivision plan in such quantity as specified by the Planning Board for the endorsement of the Chairperson. After the Chairperson has signed the Mylar and the paper copies of the plan, the Secretary shall immediately notify the subdivider of the availability of the minor subdivision plan map. The subdivider is solely responsible for filing of the minor subdivision plan with the County Clerk.
  - (e) Pay all outstanding escrow fees and inspections fees. Recreation and inspection fees, if applicable, are due and payable prior to the Chairperson endorsing the final plan map.
- (11) Filed plan map. Within seven (7) days of the date the minor subdivision plan is filed with the County Clerk, the subdivider shall submit to the Planning Board two copies of the plan showing the endorsement of the County Clerk.
- (12) Deed Required for Filing. Prior to final approval of the subdivision plan, all deeds and other legal instruments that are required as a condition of

approval shall be submitted to, and approved by, the Town Attorney. Said documents and all required filing fees shall be provided to the Town Attorney to be held in escrow to be filed upon filing of the subdivision plan. Filing fees shall also be deposited for such documents. Such deeds or documents may contain restrictions on the use of the land including, but not limited to, easements and covenants, which form part of the subdivision approval.

- C. Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of section 560 of New York Real Property Tax Law.
- D. Plan void if revised after approval. No changes, erasures, modifications, or revisions shall be made on any final plan after the Planning Board Chairperson has placed his or her signature on plans. In the event that any final plan, when recorded, contains any such changes, the plan shall be considered null and void, and the Board shall institute proceedings to have said plan stricken from the records of the County Clerk.

**A61-14. Major subdivision – preliminary plan procedure; decision.**

A. Submission of preliminary plan.

- (1) Within six (6) months of the Planning Board's classification of a proposed subdivision as a major subdivision, the subdivider shall submit the following:
  - (a) A preliminary plan application.
  - (b) Copies of the preliminary plan and data described in A61-12., of these regulations in a number as set forth on the subdivision application forms or as otherwise directed by the Planning Board.
- (2) The application and plan shall comply in all respects with the requirements specified in these regulations and with the provisions of section 276 and 277 of the Town Law, Article VII of the Zoning Law and all applicable governing statutes.
- (3) The application and preliminary plan shall be submitted at least ten (10) days prior to the date of the meeting of the Planning Board.
- (4) The preliminary plan shall be clearly marked "preliminary plan" and shall conform to the definition provided in this section.
- (5) Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of SEQRA and its implementing regulations.
- (6) Receipt of a complete application - preliminary plan. A preliminary plan shall not be deemed complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of SEQRA – see subsection (9) below.



- (7) Subdivider to attend Planning Board meeting. The subdivider shall attend a regular meeting of the Planning Board to discuss the preliminary plan.
  - (8) Official submission date. The official date of submission shall be the date of the regular monthly meeting of the Planning Board after timely receipt of all required documents and application fees.
  - (9) Start of time frames. A determination by the Planning Board that a complete application has been received shall initiate all time frames set forth herein (see definition of "complete application" in Article VI of these regulations).
  - (10) Referral to Town of Pine Plains Conservation Advisory Council ("CAC"). The Planning Board shall forward the preliminary plan to the CAC for its review and comment. The CAC shall provide its comments to the Planning Board within forty-five days of the date of its receipt of the referral, and should it fail to do so, it shall be deemed to have no comments on the preliminary plan.
- B. Consistent with the requirements of 239-nn of the General Municipal Law, the Planning Board shall give notice to an adjacent municipality when a hearing is held relating to major subdivision review and approval 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 (10) days prior to the hearing. The adjacent municipality may appear and be heard.
- C. Planning Board as lead agency under SEQRA; public hearing, notice and decision.
- (1) Public hearing on preliminary plan. The time within which the Planning Board shall hold a public hearing on the preliminary plan shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA, as follows:
    - (a) If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plan is not required, the public hearing on such plan shall be held within 62 days after the receipt of a complete preliminary plan application by the Planning Board (see the definition of "complete application" in Article VI of these regulations); or
    - (b) If the Planning Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plan and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plan shall be held within sixty-two days of filing the notice of completion.

- (c) Public hearing notice, length. The hearing on the preliminary plan shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. 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 plan. The hearing on the preliminary plan shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- (2) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plan as follows:
  - (a) If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plan is not required, the board shall make its decision within 62 days after the close of the public hearing; or
  - (b) If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plan. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its decision on the preliminary plan.
  - (c) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be placed on the records of the Planning Board. When so approving a preliminary plan, the Planning Board shall state in writing any modifications it deems necessary for submission of the plan in final form.
- D. Planning Board not as lead agency under SEQRA; public hearing, notice and decision.
  - (1) Public hearing on preliminary plan. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plan jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plan within 62 days after the receipt of a complete preliminary plan application by the Planning Board (see definition of "complete application" in Article VI of these regulations).
  - (2) Public hearing notice, length. The hearing on the preliminary plan shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held

jointly therewith. 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 plan. The hearing on the preliminary plan shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(3) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plan as follows:

(a) If the preparation of an environmental impact statement on the preliminary plan is not required, the board shall make its decision within 62 days after the close of the public hearing on the preliminary plan.

(b) If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plan within 62 days after the close of the public hearing on such preliminary plan or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

(4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be placed on the records of the Planning Board. When so approving a preliminary plan, the Planning Board shall state in writing any modifications it deems necessary for submission of the plan in final form.

E. Certification and filing of preliminary plan. Within five business days of the adoption of the resolution granting approval of such preliminary plan, such plan shall be certified by the Planning Board Secretary as having been granted preliminary approval and a copy of the plan and resolution shall be filed in the Planning Board office. A copy of the resolution shall be mailed to the owner and the subdivider, if different from the owner.

F. Filing of decision on preliminary plan. Within five (5) business days from the date of the adoption of the resolution stating the decision of the board on the preliminary plan, the chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the town clerk.

G. Revocation of approval of preliminary plan. Within six (6) months of the approval of the preliminary plan, the owner must submit the plan in final form. If the final plan is not submitted within six (6) months, approval of the preliminary plan may be revoked by the Planning Board.

**A61-15. Major subdivision - final plan approval procedure; decision.**

A. Application procedure. The application shall:

(1) Be made on forms provided by the Planning Board.

(2) Be accompanied by copies of the final plan in a number as set forth on the subdivision application forms or as otherwise directed by the Planning Board.

- (3) Comply with the preliminary plan as approved.
- (4) Comply with the improvement requirements of these regulations.
- (5) Be submitted to the Planning Board at least ten (10) days prior to a regular meeting of the Board.

B. Submission of the final plan. The final plan shall include the following:

- (1) Data required by A61-12. The title shall note that the submission is a "final" subdivision plan.
- (2) Location, width and name of each proposed street, and typical cross sections showing street pavement and, where required, curbs, gutters and sidewalks.
- (3) Lengths and deflection angles of all straight lines and radii, length, central angles, chords and tangent distances of all curves for each street proposed.
- (4) Profiles showing existing and proposed elevations along the center lines of all proposed streets and the elevations of existing streets for a distance of one hundred (100) feet on either side of their intersection with a proposed street.
- (5) Present elevations of all proposed streets shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, said elevation points being indicated at the center line of the street, each property line and points thirty (30) feet inside each property line (only when required by the Board because of existence of steep slopes).
- (6) Building setback lines.
- (7) Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants.
- (8) Location of street trees, street lighting standards and street signs.
- (9) Area of all lots in hundredths of an acre.
- (10) Location, material and size of all permanent monuments.
- (11) Accurate location of all property to be offered for dedication for public use, with the purpose indicated thereon, and of all property to be reserved by deed covenant for the common use of the property owners of the subdivision.
- (12) Necessary agreements in connection with required easements or releases.
- (13) Formal irrevocable offers of dedication to the Town of all streets, public parks, and other rights in a form acceptable to the Town Attorney.
- (14) Easements of ingress and egress for the public over mapped streets prior to acceptance of dedication.

- (15) A map note that the subdivision and its development is subject to continuing compliance with all the terms and conditions of approval of these regulations, and all other applicable ordinances and local laws of the Town.

C. Decision on final subdivision plan.

- (1) Final plan which is in substantial agreement with an approved preliminary plan. When a final plan is submitted which the Planning Board deems to be complete and in substantial agreement with a preliminary plan approved pursuant to these regulations, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plan, within 62 days of its receipt by the Planning Board.

- (2) Final plan not in substantial agreement with approved preliminary plan. When a final plan is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plan approved pursuant to this chapter, the following shall apply:

- (a) Planning Board as lead agency; public hearing; notice; decision.

- (i) Public hearing on final plans. The time within which the Planning Board shall hold a public hearing on such final plan shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA, as follows:

- a. if such board determines that the preparation of an environmental impact statement, or a Supplemental Environmental Impact Statement ("SEIS"), as the case may be, is not required, the public hearing on a final plan not in substantial agreement with a preliminary plan shall be held within 62 days after the receipt of a complete application for a final subdivision plan by the Planning Board; or
- b. if such board determines that an environmental impact statement or an SEIS is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plan and the draft environmental impact statement, or Draft SEIS ("DSEIS"), shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement or DSEIS in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement or DSEIS, the public hearing on the final plan shall be held within 62 days following filing of the notice of completion.

- (ii) Public hearing; notice, length. The hearing on the final plan shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. 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 final plan. The hearing on the final plan shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(iii) Decision. The Planning Board shall make its decision on the final plan as follows:

- a. If the Planning Board determines that the preparation of an environmental impact statement or SEIS, as the case may be, on the final plan is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plan within 62 days after the date of the public hearing; or
- b. if the Planning Board determines that an environmental impact statement or SEIS is required, and a public hearing is held on the draft environmental impact statement or DSEIS, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement or DSEIS, the final environmental impact statement or Final SEIS ("FSEIS") shall be filed within 45 days following the close of the public hearing on the final plan. Within 30 days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plan.

(iv) Grounds for decision. The ground for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(b) Planning Board not as lead agency; public hearing; notice; decision.

(i) Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final subdivision plan jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the final plan within 62 days after the receipt of a complete application of the final plan by the Planning Board.

(ii) Public hearing; notice, length. The hearing on the final subdivision plan shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. 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 final plan. The hearing on the final plan shall be closed upon motion of the Planning Board within 120 days after it has been opened.

(iii) Decision. The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the plan as follows:

- a. If the preparation of an environmental impact statement on the final plan is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plan.
- b. If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plan within 62 days after close of the public hearing on such final plan or within 30 days of the adoption of the findings by the lead agency, whichever period is longer.
- c. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(3) Endorsement of State and/or local agencies. The proposed final plan shall be submitted to and be properly endorsed by the County Health Department and other agencies having jurisdiction as meeting the applicable standards of the State, County and/or local agencies. Said endorsement shall be made a condition of final approval and shall be provided prior to the Chairperson signing the final subdivision plan.

- D. Certification of final plan. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plan, such plan shall be certified by the Planning Board Secretary as having been granted conditional or final approval and a copy of such resolution and plan shall be filed in the Planning Board office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plan, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plan shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plan shall be filed in the Planning Board office.
- E. Approval of plan in sections. In granting conditional or final approval of a plan in final form, the Planning Board may permit the plan 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 plan 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 plan may be granted concurrently with conditional or final approval of the entire plan, subject to any requirements imposed by the Planning Board.

- F. Duration of conditional approval of final plan. Conditional approval of the final plan shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of 90 days each, the time in which a conditionally approved plan must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.
- G. Default approval of preliminary or final plan. The time periods prescribed herein within which a Planning Board must take action on a preliminary plan or a final plan are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action on a preliminary plan or a final plan within the time prescribed therefor after completion of all requirements under SEQRA, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such preliminary or final plan shall be deemed granted approval. The certificate of the town clerk as to the date of submission of the preliminary or final plan and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required for filing in the Dutchess County Clerk's Office.
- H. Filing of decision on final plan. Within five (5) business days from the date of the adoption of the resolution stating the decision of the board on the final plan, the Chairperson or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.
- I. Endorsement of the Chairperson. Upon approval of the final subdivision plan, the subdivider shall carry out the following steps prior to obtaining the Chairperson's signature of approval:
- (a) Provide proof of compliance with the Department of Health standards and approval for water supply and sewage disposal or consent to file.
  - (b) Provide proof of compliance with all other required local, state and federal agency permits and approvals, including but not limited to: stream disturbance; wetland and wetland adjacent area disturbances, highway work; curb cuts; stormwater connections; SPDES permit discharges.
  - (c) Make all required corrections of changes to the final subdivision plan as outlined in the resolution of the Planning Board and complete and meet all applicable conditions of the Planning Board resolution approving the final plan.
  - (d) Provide a Mylar and paper copies of the final subdivision plan in such quantity as specified by the Planning Board for the endorsement of the Chairperson. After the Chairperson has signed the Mylar and the paper copies of the plan, the Secretary shall immediately notify the subdivider of



the availability of the subdivision plan map. The subdivider is solely responsible for filing of the final subdivision plan with the County Clerk.

- (e) Pay all outstanding escrow fees and inspections fees. Recreation and inspection fees, if applicable, are due and payable prior to the Chairperson endorsing the final plan map.
- J. Filing of final plan; expiration of approval. The owner shall file in the office of Dutchess County Clerk the approved final plan or a section of such plan within 62 days from the date of final approval or such approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the Planning Board constituting final approval by the Planning Board of a plan; or the approval by such board of the development of a plan or plans already filed in the office of the Dutchess County Clerk if such plans are entirely or partially undeveloped; or the certificate of the Town Clerk as to the date of the submission of the final plan and the failure of the Planning Board to take action within the time herein provided. In the event the owner shall file only a section of such approved plan in the office of the Dutchess County Clerk, the entire approved plan shall be filed within thirty days of the filing of such section with the Town Clerk in each town in which any portion of the land described in the plan is situated. Such section shall encompass at least ten percent (10%) of the total number of lots contained in the approved plan and the approval of the remaining sections of the approved plan shall expire unless said sections are filed before the expiration of the exemption period to which such plan is entitled under the provisions of subdivision two of 265-a of New York State Town Law.
- K. Filed plan map. Within seven (7) days of the date the final subdivision plan is filed with the County Clerk, the subdivider shall submit to the Planning Board two copies of the plan showing the endorsement of the County Clerk.
- L. Deed required for filing. Prior to final approval of the subdivision plan, all deeds and other legal instruments that are required as a condition of approval shall be submitted to, and approved by, the Town Attorney. Said documents and all required filing fees shall be provided to the Town Attorney to be held in escrow to be filed upon filing of the subdivision plan. Filing fees shall also be deposited for such documents. Such deeds or documents may contain restrictions on the use of the land including, but not limited to, easements and covenants, which form part of the subdivision approval.
- M. Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of 560 of New York Real Property Tax Law.
- N. Plan void if revised after approval. No changes, erasures, modifications, or revisions shall be made on any final plan after approval has been given by the Board. In the event that any final plan, when recorded, contains any such changes, the plan shall be considered null and void, and the Board shall institute proceedings to have said plan stricken from the records of the County Clerk.

### **ARTICLE III Design Standards**

#### **A61-16. General.**

- A. Conformance to applicable rules and regulations. In addition to the requirements established herein, except where waived in accordance with A61-27, all subdivision plans shall comply with the following laws, rules, and regulations:
- (1) All applicable statutory provisions, including New York State Town Law, except as may be superseded by this chapter.
  - (2) The Zoning Law of the Town of Pine Plains, including specifically the design standards applicable to conservation subdivisions.
  - (3) The special requirements of these regulations and any rules of the Health Department and/or appropriate state agencies.
  - (4) The laws, rules or regulations of the State Department of Transportation, Dutchess County Department of Public Works and Town of Pine Plains Highway Department if the subdivision or any lot contained therein abuts a town, county, or state highway or connecting street or proposes a new street.
  - (5) The standards and regulations adopted by all boards, commissions, agencies, and officials of the Town.
  - (6) Plan approval may be withheld if a subdivision is not in conformity with the above guides or policy of these regulations.
- B. Character of the land. 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.
- C. Modification of design improvements. If subsequent to the final approval of a subdivision plan, and at any time before or during construction of the required improvements, it is demonstrated to the satisfaction of the Town Engineer and the Planning Board that unforeseen conditions make it necessary to modify the location of design of such required improvements, the Planning Board may authorize said modifications provided they 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 subdivider must demonstrate that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements. The Planning Board shall issue any such authorization under this provision in

writing with a copy of such authorization to be filed with the Town Clerk, as the case may be.

D. Plans straddling municipal boundaries; notice to adjoining municipalities.

- (1) Whenever access to the subdivision is required across land in another municipality, the Planning Board shall forward the subdivision plan to the adjoining community for its review and determination as to what approvals, if any, may be required. Where construction of said access requires approval from an adjoining municipality, the Planning Board may condition its approval on obtaining approval from the adjoining municipality. The Planning Board may also, as a condition of approval, require evidence that access can be legally established and adequately improved, or that a performance bond has been duly executed and is sufficient in amount to ensure the construction of the access road.
- (2) Subdivisions shall be designed so that lot lines do not cross municipal boundary lines. To the maximum extent practicable, subdivisions should be designed so that lot lines do not cross zoning district or special district boundary lines.
- (3) As required by 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 by same relating to a subdivision review and approval on property that is within 500 feet of an adjacent municipality.

**A61-17. Lots; lot access.**

- A. Lot 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 Zoning Law, 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.
- B. Lot arrangement. The lot arrangement 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 Zoning Law, applicable health department regulations, and in providing driveway access to buildings on such lots from an approved street.
- C. Access from highway. Lots shall generally not have their vehicular driveway access from a major or through highway or a commercial or industrial highway as those terms are described in the Town Highway Specifications. Where driveway access to said classes of roads 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 said roads.
- D. Driveways. Driveways shall be designed to comply with Section 49, Driveways, of the Town Highway Specifications. The Planning Board may allow use of

common driveways which shall be designed in accordance with Section 53, Common Driveways, of the Town Highway Specifications.

- E. Lot dimensions and area. 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.
- F. Monuments and lot corner markers. Permanent monuments meeting specifications approved by the Town Engineer as to size, type and installation shall be set at block corners, angle points, points of curves in streets, easements, and other points as the Town Engineer may require, and their location shall be shown on the final subdivision plan. Monuments shall be set before the plan is signed by the Planning Board Chairman, except in the case that a performance bond for the subdivision is provided.

**A61-18. Preservation of natural features and amenities; open space.**

- A. General. Existing features which would add value to residential development or to the local environment as a whole, such as trees including heritage trees, watercourses and falls, beaches, historic buildings or features, and similar irreplaceable assets, shall be preserved through harmonious design of the subdivision. All trees on the plan required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The plan shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed shade trees required along the street side of each lot as required by these regulations.
  - (1) 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.
  - (2) Disturbance to streams, wetlands, and areas with seasonally high water tables shall be avoided.
  - (3) Existing flora and fauna shall be evaluated by the subdivider to determine the extent to which ecological habitat should be conserved. Evaluation criteria for this shall include size, present conditions, site potential, ecological functions, relationship of woodlands on adjoining properties.
  - (4) Wooded areas along roadways, property lines, streams and hedgerows that screen views of development from public travel ways, especially scenic roads, shall be preserved.
  - (5) 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.

- (6) Disturbances to steep slopes shall be avoided. Grading on slopes greater than 15% shall be minimized wherever practicable.
- (7) The subdivision layout shall be designed to protect historic resources to the maximum extent practicable.
- B. Shade tree easement and dedication. As set forth in the Town of Pine Plains Highway Specifications, the Planning Board, in its discretion, may require the installation of street trees within a subdivision. The Planning Board shall identify the species of trees and spacing of any plantings. The location of street tree plantings shall be as specified in the Highway Specifications. The Planning Board may require that a shade tree easement area be shown on the subdivision plan which would authorize the Town to enter the easement area and maintain said trees.
- C. Required protected open space. Required protected open space shall be owned and managed in accordance with §100-32 of the Town Zoning Law.

**A61-19. Reservations and easements.**

- A. Offers of dedication. In accordance with § 279 of the Town Law, the subdivider may add a notation on the final plat that no offer of streets, parks, or easements, shown on the plan is made to the public. Failure to make such notation will constitute a continuing offer of dedication 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 agent. Prior to rendering any decision on a subdivision application, the Planning Board shall consult with the Town Board to determine whether the Town Board will accept any offers of dedication. Formal offers of dedication to the public of all streets, parks, and easements, except for those streets, parks and easements not offered, shall be filed with the Planning Board prior to approval of the plan. The subdivider shall tender offers of dedication in a form certified as satisfactory by the Town Attorney. In general, no reserve strips controlling access to land dedicated, or to be dedicated, to public use shall be permitted.
- B. Acceptance by Town Board. Acceptance of any such offer of dedication shall rest with the Town Board. In the event that such approved plan is not filed or recorded prior to the expiration date of the plat approval as provided in § 276 of the Town Law, then such offer of dedication shall be deemed to be invalid, void, and of no effect on and after such expiration date.. The approval by the Planning Board of a final plan 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 plan. The Planning Board may require said plan to be endorsed with a note to this effect.
- C. Reservation of parkland on subdivision plans containing residential units. Before the Planning Board may approve a subdivision plan containing residential units, such subdivision plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes. 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 plan will contribute.

- (1) Any area reserved for parkland shall be of suitable size, dimension, topography, and general character and shall have adequate road access, for the recreational use for which the land is intended.
  - (2) The Planning Board may refer the proposed reservations to the Town official or department in charge of parks and recreation for recommendation.
  - (3) Minimum size of park and playground reservations. In general, land reserved for recreational purposes shall have an area of at least four (4) acres. If the proposal would create an area less than four (4) acres, the Planning Board may require that the recreation land be located on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In general, no recreational area less than two (2) acres be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
  - (4) In the event the Planning Board makes a finding pursuant to paragraph C of this Subsection that the proposed subdivision plan 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 plan, 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 plan 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.
  - (5) Ownership and maintenance of recreation land. The ownership of lands reserved for recreation purposes shall be clearly indicated on the plan and the ownership and maintenance shall be determined in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.
- D. Other recreational reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a subdivider from reserving land for recreational purposes in addition to the requirements of this section.
- E. Maintenance of roads and other facilities. In those cases where no offer of dedication to the public is made for the roads, parks and required easements

shown on the plan, there shall be submitted with the plan copies of agreements or other documents providing for and fixing responsibility for 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.

**A61-20. Water supply improvements.**

**A. General.**

- (1) Where a municipal water main is accessible or where the Planning Board finds it necessary, the subdivider shall connect to said water main (including fire hydrants) subject to applicable State and local standards.
- (2) Water main extensions must be approved by the applicable State and/or County agency and Town water department, including if applicable, extension of the service area by the Town Board.
- (3) When a subdivision is required to connect to municipal facilities, the location of all fire hydrants, water supply improvements, the boundary lines of existing or proposed water districts, indicating all locations proposed to be served, shall be shown on the subdivision plan, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.
- (4) All material and work performed on a central water system, whether private or public, shall be completed in accordance with the Pine Plains Water Improvement Area regulations.

**B. Individual Wells and Central Water Systems.**

- (1) At the discretion of the Planning Board, if a municipal water system is not available, individual wells and/or a privately owned central water supply system shall serve every lot in the subdivision. Water quality sampling shall be conducted in accordance with health department standards of approval, and individual wells and central water systems shall be approved by the applicable health department. Evidence of health department or other applicable agency approval shall be submitted to the Planning Board.
- (2) The Planning Board may condition approval of the subdivision on future connection to a municipal public water system. The subdivider shall arrange for future water service at the time the plan receives final plan approval. A performance guarantee may be required to insure compliance.

**A61-21. Sewerage facilities.**

**A. General requirements.** The subdivider shall install sanitary sewer facilities in a manner prescribed by the Town standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the Town, any health department having jurisdiction, and any other agency having approval or permitting authority.

**B. Sanitary sewerage systems shall be construed as follows:**

- (1) Where the Planning Board determines that connection to a municipal sanitary sewerage system is feasible, the subdivision and all lots therein shall be designed to connect to same. Where the Planning Board determines that a municipal sanitary sewerage system is not nor will not be made available, a subdivision shall be served by a private central sewer system and/or by on-site individual sanitary disposal systems. All such systems shall be designed to conform to applicable state and county health department requirements and applicable environmental regulations.
  - (2) Where municipal sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time as approved by the Planning Board, the subdivider may choose one of the following alternatives:
    - (a) Central sewerage system, the maintenance cost to be assessed against each property benefited. Where plans for future municipal sanitary sewerage systems exist, the subdivider shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
    - (b) Individual sewage disposal systems (i.e., septic systems), provided the subdivider shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when municipal sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the municipal sewer system, where such exist, and shall be ready for connection to such municipal sewer main.
- C. Mandatory connection to municipal sewer system. If a municipal sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon the property, the owner thereof shall be required to connect to same, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.
- D. Individual disposal system requirements.
- (1) As per the regulations promulgated in Section 17 of the Environmental Conservation Law, certain subdivisions with fewer than five residential lots do not require Health Department approval. The Planning Board, in its discretion, may require that a subdivision that would not otherwise require Health Department approval obtain said approval where it finds, on the basis of information regarding soils, groundwater, or other limiting environmental condition, that a septic system may not be able to be feasibly constructed on the lot to be subdivided. Alternatively, the Planning Board may require that the applicant submit data regarding soil conditions, groundwater, surface water levels, or percolation tests witnessed by the Town Engineer, or such other information necessary to assure the Planning Board that an approvable septic system may be constructed on the lot proposed to be subdivided.
  - (2) Where individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Town Zoning Law and percolation tests



and test holes shall be made as directed by the Health Department and the results submitted to the Health Department where Health Department approval is required. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Health Department, and such approval shall be a condition of final subdivision approval for both minor and major subdivisions.

**A61-22. Drainage.**

- 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 §100-42., Stormwater management, of the Town 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. Flood hazard areas. All requirements, procedures and standards of Local Law No. 2 of 1983 (Flood Damage Prevention Local Law) and Local Law No 1 of 1990 (A Local Law amending Local Law No. 2 of 1983 regulating Flood Plain Land Use) shall be met for all areas identified by the Federal Emergency Management Agency on Flood Insurance Rate Maps. A subdivision shall be designed to avoid any disturbances to, or construction within, the 100-year floodplain. These flood plain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, and from any obstruction or restriction of the floodway.
- C. Snow storage. Snow storage areas shall be located and 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.
- D. Dedication of drainage easements.
  - (1) General requirements. This Subsection D shall apply to all subdivisions. 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) Establishment of a drainage easement in no manner creates an obligation on the part of the Town to accept or maintain the easement.
  - (e) 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 road, or private road where the Planning Board has approved a Home Owners Association. 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.
- E. 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 said drainage district, where the Town Board has agreed said district is to be established. In the alternative, the Planning Board may require, as a condition of approval, that a homeowners association be established to maintain said facilities.

**A61-23. Utilities.**

The Planning Board may require that utilities, including but not limited to gas, electric power, telephone, and cable, be located underground. Where the Planning Board deems it appropriate, existing utility facilities located aboveground, except those existing on public roads and rights-of-way, shall be removed and placed underground. Utilities, existing and proposed, shall be shown on the final plan. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Planning Board, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

## **A61-24. Roads.**

### **A. General Requirements.**

- (1) Compliance with highway specifications. Roads shall comply with the standards set forth in the Town of Pine Plains Highway Specifications.
- (2) Frontage.
  - (a) Lots shall front to a road as required by §100-17.A. of the Town Zoning Law. Consistent with Section 280-a of New York State Town Law, no permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the Town Official Map, or if there be no Official Map, unless such street or highway is:
    - (i) An existing state, county or town road; or
    - (ii) A street shown upon a plan approved by the Planning Board and recorded in the office of the County Clerk; or
    - (iii) A street on a plan duly filed and recorded in the office of the County Clerk prior to the appointment of such Planning Board and the grant to the Board of such power to approve plans.
  - (b) Where a parcel does not front on a street or highway as required by Subsection (a) above, an area variance granted by the Zoning Board of Appeals shall be required to allow a lot to front to a private right-of-way or easement.
  - (c) The Town Board may, by resolution, establish an open development area or areas within the Town of Pine Plains, wherein permits may be issued for the erection of structures to which access is given by right-of-way or easement, upon such conditions and subject to such limitations as may be prescribed by the Planning Board. The Town Board, before establishing any such open development area, shall refer the matter to the Planning Board for its advice and shall allow the Planning Board a reasonable time to report.
  - (d) Where a lot or lots front to a private road or easement, the Planning Board may require, as a condition of approval, the creation of a homeowners association or similar entity to maintain the private right-of-way or easement. The Town Attorney shall review any agreement or legal documents establishing a homeowners association or other entity and shall find it to be satisfactory as to form and content prior to the Planning Board rendering a decision on a final subdivision plan.
- (3) In any case where there is an inconsistency between the requirements of these Subdivision Regulations and the Town Highway Specifications, the Town's Highway Specifications shall govern.

- (4) Grading and improvements. Grading and improvements of all proposed roads shall be shown on the final subdivision plan. Roads shall conform to the Town Highway Specifications. The Town Engineer and Superintendent shall approve the improvements as may be required by the Town Highway Specifications.
  - (5) Topography and arrangement. A road shall be related appropriately to the topography. Roads shall be arranged so as to obtain as many as possible of the building sites at, or above the grade of the road. Grades of roads shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
  - (6) All roads shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as may be established on a Town Official Map.
  - (7) All roads shall be properly designed to handle adequately the traffic volumes anticipated to be generated by the uses served.
  - (8) All subdivisions, major and minor, that are proposed on a highway by use, shall deed an easement and/or a right of way in fee to the Town 50 feet in width to allow for future maintenance and/or expansion of the highway by use by the Town. A 25 foot half or a 50 foot full dedication, as applicable, shall be made along all roads within or along the applicant's holdings.
- B. Road improvements. Roads shall be graded and improved with pavement, street signs, sidewalks, street lighting, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, consistent with the Town Zoning Law and Town Highway Specifications.
- C. Utilities. Underground utilities shall be placed outside the paved roadway to simplify location and repair of the lines, and conduits or sleeves shall be constructed where such facilities cross under the travel way. The subdivider shall install underground service connections, where required, to the property line of each lot before the street is paved.
- D. Bridge. The construction of any bridge that may be required to provide access to a subdivision shall be the responsibility of, and at the expense of, the subdivider. The plans shall be subject to the approval by the Town Engineer and the Town Highway Superintendent, and in the case of a bridge with a 25 feet or greater span, the Dutchess County Department of Public Works.
- E. Road design.
- (1) Perimeter road. Roads shall be laid out so as to eliminate the creation of perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Board may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

- (2) Widening and realignment of existing roads. Where the subdivision borders an existing road and additional land is required for realignment or widening of such road as indicated on the Official Map, or Comprehensive Plan, if such exist, or where the Planning Board deems such reservation necessary, the Planning Board may require that such areas be indicated on the plan and marked "Reserved for Street Realignment (or Widening) Purposes." The subdivider may be responsible for making improvements to realign or widen the road where the Planning Board finds that said improvements are required to adequately handle traffic generated by the subdivision.
  - (3) Continuation of streets into adjacent property. Streets shall be arranged so as to provide for the continuation as required by the Town Highway Specifications. A temporary circular cul-de-sac at the project boundary shall be provided, if required by the Planning Board.
  - (4) A rigid rectangular gridiron road pattern need not be adhered to, and the use of curvilinear roads shall be encouraged where such design will result in a more desirable layout. Subdivision lots stacked one behind another, rather than each lot fronting to a road giving access thereto, is discouraged.
  - (5) In a subdivision that will serve commercial, industrial or other nonresidential uses, the roads or driveways serving same shall be planned in connection with the grouping of buildings, the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between vehicles and pedestrians.
  - (6) Permanent dead-end street (cul-de-sac). Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance of not less than one hundred (100) feet. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. The Planning Board may require the reservation of a twenty-foot wide easement to accommodate pedestrian and/or bicycle traffic and utilities. A circular turnaround shall be provided at the end of a permanent dead-end street.
  - (7) Road names. The Town Board shall approve road names as set forth in the Town Highway Specifications.
- F. Blocks. Where residential blocks are planned in a residential subdivision, the length, width, and shapes of blocks shall be of a character appropriate to its setting, e.g., rural area versus hamlet area. The length of a block length between two roads shall not exceed two thousand two hundred (2,200) feet or twelve (12) times the minimum lot width required, nor be less than four hundred (400) feet in length. The Planning Board may require the reservation of an easement no less than ten (10) feet wide through the block to accommodate utilities, drainage facilities, or to facilitate pedestrian access. Sidewalks, not less than five feet wide, may be required by the Planning Board through the center of blocks to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

- G. Intersections. Intersections shall be designed in accordance with the Town Highway Specifications.

**A61-25. Sidewalks.**

- A. Required Improvements. Pedestrian movement shall be an integral method of transportation, as opposed to being understood as incidental to vehicular routes. Sidewalks shall be provided where deemed appropriate by the Planning Board.
- B. Pedestrian and bicycle easements. The Planning Board may require that a subdivision include pedestrian or bicycle trails or sidewalks to connect to schools, parks, playgrounds, or other nearby roads. Said trail or sidewalk connection shall be established within an easement at least ten (10) feet in width. Easements shall be indicated on the plan.
- C. Access. In recognition of the mobility needs of aged and handicapped residents, the Planning Board, at its option, may require that the following provisions be met in areas that are intended for public use such as, but not limited to, parks, commercial establishments, and community facilities
- (1) Sidewalks. Pedestrian ramps should be provided wherever walks cross streets, parking lots or driveways to preclude abrupt changes in level. Where constructed, the grade level, width, and length of ramps shall be approved by the Town Superintendent of Highways.
- (2) Access to buildings. A safe and convenient means of pedestrian access from a vehicular unloading area and from parking areas without intervening stairs or steps should be provided.

**A61-26. Nonresidential subdivisions.**

- A. General. The subdivision of land for nonresidential uses (e.g., a business park) may also be subject to special use permit and/or site plan approval as set forth in the Zoning Law. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as the standards set forth for said uses in the Zoning Law.
- B. Standards. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Board that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) Lots within a nonresidential development shall conform to the minimum requirements set forth in the Town Zoning Law, and said lots shall be suitable in area and dimension to mitigate against any potential negative impacts to adjoining uses.
- (2) Road rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

- (3) Based on the anticipated nonresidential use and the specific operational characteristics of same, additional requirements not set forth in these Subdivision Regulations may be imposed by the Town with respect to street, curb, gutter, and sidewalk design and construction.
- (4) Based on the anticipated nonresidential use and the specific operational characteristics of same, additional requirements not set forth in these Subdivision Regulations may be imposed by the Planning Board with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- (5) Adjacent residential uses and neighborhoods shall be protected from potential nuisances emanating from the operation of uses within a nonresidential subdivision. The Planning Board may require larger yard set backs or larger lot areas for lots that adjoin existing or future residential development in order to accommodate a screen or buffer to where necessary to mitigate potential nuisances.
- (6) Roads serving a nonresidential subdivision shall not be extended to the boundaries of adjacent existing or potential residential areas.

**A61-27. Waiver of improvements and design standards; application submission requirements.**

- A. Waiver of standards set forth in Article III of these regulations. As set forth in Section 277.7 of New York State Town Law, the Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications, or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event that such standard or improvement is found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. Such waiver, however, shall not have the effect of nullifying the intent and purpose of these Regulations. The subdivider shall request any waiver, and the Planning Board shall record the reason for any waiver it may grant.
- B. Waiver of submission requirements. The Planning Board, in its discretion and when it deems reasonable, may waive the application submission requirements set forth in A61-8, A61-10, A61-11, A61-12 and A61-15 of these subdivision regulations. Such waiver may be exercised in the event that such submission requirement is found not to be requisite in the interest of the public health, safety, and general welfare. The subdivider shall request any waiver, and the Planning Board shall record the reason for any waiver it may grant.

**ARTICLE IV**  
**Required Improvements and Agreements**

**A61-28. Improvements to be completed.**

Prior to an action by the Planning Board approving a subdivision plan, the subdivider shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate town departments, all the streets and other improvements specified in the action approving said plan, or, as an alternative, to file with the Town Board a bond or other security, in an amount determined by the Planning Board and approved by the Town Board, to secure the satisfactory construction and installation of the uncompleted portion of the required improvements. All required improvements shall be made by the subdivider at his expense without reimbursement by the town or any district therein.

**A61-29. Performance bonds.**

- 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 a town department designated by the Planning Board to make such estimate, where such departmental estimate is deemed acceptable by the Planning Board, shall be furnished to the town by the subdivider.
- B. Security where plan approved in sections. In the event that the subdivider shall be authorized to file the approved plan in sections, as provided in §276.10 of New York Town Law, approval of the plan may be granted upon the installation of the required improvements in the section of the plan filed in the office of the county clerk 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 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. Temporary improvement. The subdivider shall build and pay for all costs of temporary improvements required by the Planning Board and shall maintain same for the period specified by the Planning Board. Prior to construction of any temporary facility the developer shall provide a separate suitable bond for said temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.
- G. Costs of improvements. The costs of all required improvements shall be borne by the subdivider without reimbursement by the Town of Pine Plains or any improvement district therein.
- H. Acceptance of dedication offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks may be made at the discretion of the Town Board. 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 said plan to be endorsed with appropriate notes to this effect. Refer to Section A61-20 of these regulations.
- I. Inspections. The Town may employ inspectors and/or may retain the town engineer or other professionals to act as agents of the Town Board or the Planning Board for the purposes of assuring the satisfactory completion of roads and improvements required by the Planning Board, and shall determine an amount sufficient to defray costs of inspections as set forth in Article XVI of the Town of Pine Plains Zoning Law. The subdivider shall pay the Town costs of inspection before the subdivision plan is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved drawings, the subdivider

and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

- J. Inspection of improvements. The subdivider shall notify the Town Building department in writing of the time when construction shall commence so that the Town may arrange such inspections as are necessary to assure that all Town specifications and requirements are met during the construction of required improvements. The costs of inspection will be set in accordance with Article XVI of the Zoning Law, if the inspection is made by the engineer or other professional. If made by Code Enforcement Officer, the fee shall be established either by the Fee Schedule or at the time the inspection schedule is established and requirements are fixed by the Planning Board.
- K. Proper installation of improvements. If any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the subdivider shall be directed to correct the work to conform with the plans and specifications. The Planning Board shall not approve any plan as long as the subdivider is in default on a previously approved plan for the same lands.
- L. The requirements of this Section A61-29 are in addition to the performance bond requirements set forth in the Town Highway Specifications.

**A61-30. Maintenance of improvements; maintenance bond.**

- A. 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 said 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 30 days shall be added to the tax levy for the affected properties still owned by the subdivider.
- B. Maintenance bond required. The subdivider shall file with the Town a maintenance bond in the 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.

**A61-31. 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 company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved subdivision plan.

**A61-32. Monuments.**

Permanent monuments shall be set as required by the Planning Board. In the case that a subdivision does not require a performance bond, the monuments shall be set before the plat is signed by the Planning Board Chairperson.

**A61-33. Building permit and certificate of occupancy.**

A building permit and certificate of occupancy shall be issued in conformity with the Town Highway Specifications and Article XIV of the Town Zoning Law.

**A61-34. Application fees; professional fees.**

- A. Application fees. All applications reviewed and regulated by this chapter shall be accompanied by a fee in accordance with the Town of Pine Plains Fee Schedule as may be amended from time to time.
- B. Professional fees. In accordance with the fees, escrows and reimbursable costs provision in Article XVI of the Town Zoning Law, the subdivider shall be responsible for all reasonable engineering, planning, legal, and other project review costs incurred by the Town in connection with the review of applications subject to these Subdivision Regulations.

**ARTICLE V**  
**Repealer; Separability; Effective Date**

**A61-35. Repealer.**

These regulations are intended to supercede, repeal, and annul the existing subdivision regulations for the Town of Pine Plains, effective\_\_\_\_\_.

**A61-36. Separability.**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

**A61-37. Effective date.**

These subdivision regulations shall become effective upon their filing in the Office of the Secretary of State.

**ARTICLE VI**  
**Definitions**

**A61-38. Usage.**

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."
- C. A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
- D. Definitions in the Town of Pine Plains Zoning Law are incorporated herein by reference. Where there is a conflict, the definitions set forth in the Zoning Law shall prevail.

**A61-39. Words and Terms Defined.**

**AGRICULTURAL DATA STATEMENT.** A statement that includes the following information: 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 an agricultural district, which land contains agricultural operations and is located within five hundred

feet of the boundary of the property upon which a subdivision is proposed; and a tax map or other map showing the site of the proposed project relative to the location of agricultural operations identified in the agricultural data statement. The agricultural data statement shall be circulated in accordance with the requirements set forth in Section 100-20 of the Zoning Law.

**ALLEY.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**AREA OF SPECIAL FLOOD HAZARD AREA.** The land in the floodplain within a community subject to a one per-cent or greater chance of flooding in any given year. It is also commonly referred to as the base floodplain or 100-year floodplain.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year.

**BLOCK.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines of municipalities.

**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.

**BUILDING.** Any structure having a roof supported by columns or walls.

**BUILDING SETBACK LINE.** The line within a lot delineating the minimum distance between any part of a principal structure and an adjacent lot line or street line as required by the Zoning Law.

**CENTRAL WATER SYSTEM.** A private water company formed by a subdivider to serve a subdivision, or an existing or proposed municipal water system. It includes water source, treatment and distribution facilities.

**CENTRAL SEWERAGE SYSTEM.** A privately owned sewer system including collection and treatment facilities established by a subdivider to serve a subdivision, or an existing or proposed municipal sewer system

**CLUSTER DEVELOPMENT.** See "conservation subdivision".

**CODE ENFORCEMENT OFFICER.** The person designated by the Town Board to enforce the New York State Building Code and Subdivision Regulations.

**COMMON DRIVEWAY.** A driveway serving up to three lots and regulated by the Town Highway Specifications.

**COMPLETE APPLICATION.** An application for subdivision approval which includes all of the following:

- A. All information concerning the proposed subdivision in the format required by the applicable provisions of these regulations:
- B. All application fees required by these regulations and the escrow deposit for development review costs shall be made in accordance with Article XVI of the Zoning Law;
- C. An EAF assessing the potential environmental impacts of the proposed application;
- D. A determination by the Planning Board, or by the lead agency in the event of a coordinated review involving other agencies, that the proposed action is not likely to have a significant impact on the environment (Negative Declaration), or the filing of a Notice of Completion of a DEIS or SEIS in accordance with the provisions of SEQRA. The Planning Board, if it is the SEQRA lead agency for review of an application, may, in its discretion, open the public hearing on the Subdivision application prior to a SEQRA determination of significance (i.e., a Negative Declaration or Positive Declaration) if the Planning Board determines that public comment may be helpful to the Board in making its SEQRA determination. However, in such a case, the Board shall not close the public hearing until after the Negative Declaration or Notice of Completion of a DEIS or SEIS, as the case may be, has been issued, and the public hearing on the application has been completed.

**COMPREHENSIVE PLAN.** The Comprehensive Plan of the Town of Pine Plains, as may be amended from time to time.

**CONDITIONAL APPROVAL OF FINAL SUBDIVISION PLAN.** The approval of a final plan subject to conditions set forth by the Planning Board in a resolution conditionally approving such plan. Such conditional approval does not qualify a final plan for recording nor authorize issuance of building permits prior to the signing of the plan by a duly authorized officer of the Planning Board and recording of the plan in the office of the County Clerk or Registrar in accordance with provisions of these regulations.

**CONSERVATION EASEMENT.** An easement, covenant, restriction or other interest in real property created under Article 49 of the Environmental Conservation Law of the State of New York which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property.

**CONSERVATION SUBDIVISION.** A residential subdivision wherein the number and arrangement of dwellings that would result under a given conventional subdivision plan are allowed to be situated on the same parcel in a flexible manner, where lot size, street frontage, and other bulk dimensions are allowed to be varied in order to preserve in perpetuity a significant amount of the land in its natural or agricultural state. For purposes of these regulations and the Zoning Law, a "cluster development" as authorized by Section 278 New York State Town Law is referred to herein as a conservation subdivision.

Conservation development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural, scenic and other qualities of open lands.

For purposes of this Zoning Law, the following types of conservation subdivisions have been established:

- A. Rural cluster. A loose collection of dwellings, located on the landscape in a manner that meets the siting design standards set forth in Appendix A.
- B. Rural hamlet. An informal residential neighborhood designed in a manner set forth in Appendix A.
- C. Traditional neighborhood hamlet. A formal residential pattern of development characterized by a gridded street pattern, a designated pedestrian circulation system, and other design standards set forth in Appendix A.

**CONSOLIDATION.** The combining or merger of adjoining, but separate, individually recorded lots and parcels into a single tract of land in single ownership.

**CONVENTIONAL SUBDIVISION** – A subdivision in which each lot conforms to the minimum lot area and lot dimension requirements set forth in the Schedule of Bulk Regulations.

**CUL-DE-SAC.** A designated turn-around area for vehicles at the end of a street or road.

**DBH.** Diameter at breast height.

**EASEMENT.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**ENVIRONMENTAL ASSESSMENT FORM (“EAF”)** - A form used by the Planning Board or other agencies to assist same in determining the environmental significance or nonsignificance of actions as required by the regulations implementing the New York State Environmental Quality Review Act (“SEQRA”). The model full and short EAFs contained in Appendices A and C of section 617.20 of the regulations implementing SEQRA shall be submitted as required by these regulations and by the Planning Board.

**ESCROW.** A deposit with the Town in accordance with Article XVI of the Zoning Law.

**FINAL SUBDIVISION PLAN.** A drawing prepared in the manner set forth herein showing a proposed subdivision containing in detail, as required by these regulations, all information required to appear on the preliminary plan and any modifications required by the Planning Board at the time of approval of a preliminary plan of such proposed subdivision if such preliminary plan has been so approved.

**FINAL SUBDIVISION PLAN APPROVAL.** The signing of a final plan by a duly authorized officer of the Planning Board after a resolution granting final approval to the plan, or after conditions specified in a resolution granting conditional approval of the plan are completed. Such final approval qualifies the plan for recording in the office of County Clerk or Registrar in the county in which such plan is located.

**FRONTAGE, LOT.** The horizontal distance measured along the full length of the front lot line.

**HERITAGE TREE** – A tree identified by inventory, or other study of the Town’s Conservation Advisory Council which has certain unique or noteworthy characteristics or

values including endangered species, rarity, age or historical significance to make that tree deserving of special protection under Local Law 2 of 2010, also known as the Pine Plains Tree Law.

**HIGHWAY BY USE** – As described in Section 189 of New York State Highway Law, all lands which shall have been used by the public as a highway for the period of ten years or more, shall be a highway, with the same force and effect as if it had been duly laid out and recorded as a highway.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

**LOT.** A parcel of land whose boundaries are established by legal instrument, such as recorded deed or map, and which is recognized as a separate, legal entity for the purposes of transfer of title.

**LOT LINE ADJUSTMENT.** The realignment or adjustment of a boundary line in accordance with A61-8 herein.

**MONUMENT (ALSO “MARKER”)** – 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.

**NATURAL SUBDIVISION.** An area of land completely separated by a deeded public utility right-of-way, a state highway or other deeded highway and not by a highway by use as that term is defined herein and by §189 of the Highway Law, established by legal boundary from other lands of the same owner under the same tax identification number and the same deed.

**NONRESIDENTIAL SUBDIVISION.** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

**OFFICIAL MAP.** The map, and any amendments thereto, adopted or as may be adopted by the Town Board under Section 270 of the Town Law, or the map, and any amendments thereto, which may be adopted by the County Legislature under Sections 239-g, 239-h and 239-i of the General Municipal Law.

One hundred year flood or 100-year flood. The same as the "Base Flood".

**OPEN SPACE.** Land set aside for conservation or agricultural uses or for scenic or recreational uses, as set forth in the Town Zoning Law.

**OWNER.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations. For purposes of these regulations, “owner” shall also mean “subdivider”.

**PLANNING BOARD or BOARD.** The Town of Pine Plains Planning Board.

**PLAT.** Another term for "subdivision plan".



**PRELIMINARY SUBDIVISION PLAN APPROVAL.** The approval of the layout of the plan of a proposed subdivision as set forth in a preliminary plan, but subject to approval of the plan in final form in accordance with the provisions of these regulations.

**PRELIMINARY SUBDIVISION PLAN.** A drawing prepared in the manner set forth herein showing the layout of a proposed subdivision, including but not restricted to road and lot plan with approximate dimensions, key plan, topography and drainage, and all proposed facilities, including preliminary plans and profiles at suitable scale and in such detail as specified in these regulations.

**PUBLIC IMPROVEMENT.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, parking area, lot improvement or other facility which is proposed to be dedicated to the Town for maintenance and operation.

**RESUBDIVISION.** A change in a subdivision plan or subdivision plan filed previously in the office of the Dutchess County Clerk, which change:

- A. Affects any street layout shown on such plan,
- B. Affects any area reserved thereon for public use, or
- C. Diminishes the size of any lot shown thereon.

**SEQRA.** New York State Environmental Quality Review Act as may be amended.

**SKETCH PLAN.** A sketch preparatory to the preliminary plan (or final plan in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the plan and the objectives of these regulations.

**STREET.** A highway, road, alley, or thoroughfare used by vehicles. Also referred to as a road.

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

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

**SUBDIVIDER.** Any person, firm, corporation, partnership, company, association or other entity who shall lay out any subdivision or part thereof as defined herein, either for himself or for others. Also referred to in these regulations at times as the "applicant" or "developer".

**SUBDIVISION.** The division of any parcel of land into a number of lots, blocks or sites with or without streets or highways, for the purpose of sale, transfer of ownership, or development.

**SUBDIVISION, MAJOR.** All subdivisions or resubdivisions not classified as minor subdivisions, including but not limited to subdivisions of more than four (4) lots, or any size subdivision requiring any new street or extension of utilities, or the creation of any public improvements.

**SUBDIVISION, MINOR.** 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. A subdivision not meeting these requirements shall be processed in accordance with the regulations applicable to a major subdivision.

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

**TEMPORARY IMPROVEMENT.** Improvements built and maintained by a subdivider during construction of the subdivider and prior to release of the performance bond.

**TOWN.** The Town of Pine Plains.

**TOWN ATTORNEY.** This term shall be synonymous with "Attorney to the Town".

**TOWN BOARD.** The Town of Pine Plains Town Board.

**TOWN LAW.** The Town Law of the State of New York, Chapter 62 of the Consolidated Laws, and amendments thereto.

**TOWN ZONING LAW.** The officially adopted Zoning Law of the Town of Pine Plains, New York, together with any amendments thereto. Also referred to herein as "Zoning Law".

**ZBA.** The Town of Pine Plains Zoning Board of Appeals.

**ZEO.** The Zoning Enforcement Officer of the Town of Pine Plains.

APPENDIX A  
CONSERVATION SUBDIVISION DESIGN GUIDELINES



**APPENDIX A**  
**CONSERVATION SUBDIVISION DESIGN GUIDELINES**

**Section I. General guidelines for conservation subdivisions.**

**A. Site design criteria.**

1. Dwellings. The siting of dwellings and other buildings shall be accomplished taking into consideration the rural siting principles set forth in Appendix A, Section II. Buildings should also be located in accordance with the following:
  - a. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use;
  - b. Distant from the boundaries of any protected farm, to reduce conflicts between agricultural and residential uses;
  - c. In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses;
  - d. To avoid disturbance to existing environmental, historic, cultural and scenic features;
  - e. To be as visually inconspicuous as practical when seen from state, county and local roads, and particularly from designated scenic routes;
  - f. In proximity to other existing or proposed residences or building lots on adjacent properties;
  - g. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads;
  - h. On suitable soils for subsurface sewage disposal (where applicable);
  - i. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.
2. Open space. Required open space land consists of a Primary and Secondary Conservation Features. Said features are listed in §100-26 and §100-31.J of the Town Zoning Law.
  - a. Open space lands shall be laid out in accordance with the Town's *Comprehensive Plan* to enable an interconnected network of open space and wildlife corridors. Open space lands shall be laid out in such a manner that preserves ecological systems that may be present on the site including, but not limited to preserving wetlands and their associated upland habitats.

- b. Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
  - c. Open space land shall be contiguous to create a critical mass of land available for agriculture or left in a natural state. Open space lands shall be designated as a conservation lot owned in common or designated and included as part of one or more lots. No individual parcel of common open space shall be less than one (1) contiguous acre unless otherwise approved by the Planning Board.
  - e. Any lot five (5) acres or more in size may be used for meeting the minimum required open space land. At least eighty percent (80%) of the lot shall be restricted by a conservation easement as required open space.
  - f. Septic systems, stormwater management basins or ponds, and land within the rights-of-way of utilities may be included as part of the minimum required open space.
3. Other layout criteria.
- a. Building envelopes shall not encroach upon Primary Conservation Features and their layout shall avoid Secondary Conservation Features to the greatest extent practical.
  - b. The layout shall leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. A deep no-build, no-plant buffer is recommended along the road where those views or vistas are prominent or locally significant in the Town Comprehensive Plan appendices.
  - c. The layout shall maintain or create a buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs and ponds.
  - d. The regulations set forth in §100-20., Agricultural uses, shall be adhered to, if applicable.

**B. Streets and driveways.**

- 1. Common driveways are permitted and regulated in accordance with the Town of Pine Plains Highway Specifications.
- 2. A pedestrian or trail system shall be installed sufficient for the needs of residents, unless waived by the Planning Board.
- 3. The Planning Board shall coordinate its review with the Town Highway Department to encourage a street layout and design that complements the rural and environmental character of the conservation subdivision.
- 4. In an informal rural cluster, curving roads are preferred and long straight

segments shall be avoided. Short, straight segments connected by 90 degree and 135 degree bends are preferred where roads are not curvilinear.

5. Whenever appropriate, streets should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.
  6. The use of reverse curves should be considered for local access streets in a conservation subdivision in conjunction with long horizontal curve radii (at least 250 feet) and where traffic speeds will not exceed 30 mph.
  7. Single-loaded streets are encouraged to maximize public views of conservation lands.
  8. Landscape with native species of shade trees.
- C. Sewage disposal.** Individual or community sewage disposal systems may be located within or extend into required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed and the ownership and maintenance responsibilities associated therewith are clearly defined in easements and agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law.

## **Section II. Rural hamlet.**

**A. Applicability.** Where a conservation subdivision is designed as a "Rural Hamlet", the following standards shall apply in addition to the standards set forth in Section I above.

### **B. Standards.**

1. Dwelling Layout. The Planning Board may require that a minimum of 75% of the total dwelling units be situated on the property to conform to the rural hamlet design standards. The remaining dwelling units may be located strategically on the property to preserve open space.
2. The Planning Board may require that the subdivision adhere to the building design standards set forth in Appendix A, Section I. However, the following shall not be required:
  - a. Curbs, crosswalks, curb bulb-outs, street lights, traffic lights, or changes in pavement materials or color.
  - b. Commons. Small pocket parks are encouraged.
  - c. Formal sidewalks.

### **Section III. Traditional neighborhood hamlet.**

**A. Applicability.** Where a conservation subdivision is to be designed as a “Traditional Neighborhood Hamlet”, the following standards shall apply in addition to the standards set forth in Section I above.

**B. Standards.**

1. Dwelling Layout. The Planning Board may require that a minimum of 75% of the total dwelling units be situated on the property to conform to the traditional neighborhood design standards. The remaining dwelling units may be located strategically on the property to preserve open space.
2. The Planning Board may require that the subdivision adhere to the building design standards set forth in Appendix A, Section I. In addition, the Planning Board may also require that the subdivision comply with the following standards:
  - a. Sidewalks and/or trails, and bicycle routes shall be incorporated to promote safe and efficient mobility, and create links between residences, mixed uses, and surrounding open spaces.
  - b. Streetscape features and traffic calming measures shall be used to separate vehicular from pedestrian movement.
  - c. Streets shall be interconnected in a grid or modified grid street pattern with block lengths from 200 to 400 feet.
  - d. Shared parking lots within rear yards, and shared access to parking lots shall be incorporated.
  - e. Commons, squares, and pocket parks shall be introduced as focal points in the neighborhood. One common “green” no less than 30,000 square feet shall be provided in a central location in the neighborhood and framed by new dwellings. Additional smaller greens serving clusters of dwellings shall be incorporated into the overall design of the neighborhood.