

Town of Denning Subdivision Regulations

This Version provided by Planning Board Secretary on April 2006

The Town of Denning Subdivision Regulations.

In addition to the Town of Denning Subdivision regulations, this booklet contains pertinent information on Ulster County and on other town regulations. The subdivider should be aware that the Ulster County Planning Board must review any subdivision approved by the town planning board; that the subdivision must conform to the Denning Zoning Law; that the subdivision is also subject to the New York City Watershed Regulations as administered by the Department of Environmental Protection. For any subdivision an environmental impact Statement will be required, at least the short form.

**TOWN OF DENNING
SUBDIVISION
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ARTICLE I - GENERAL PROVISIONS

SECTION 100. Authority.

By the authority of the resolution of the Town Board of the Town of Denning, adopted on May 7, 1975, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Denning. Is authorized and empowered to approve Plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the clerk of the county and to conditionally approve preliminary plats, within that part of the Town of Denning outside the limits of any incorporated city or village.

SECTION 110. Policy.

It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, efficient, aesthetic and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that the natural terrain, Vegetation, and soil shall be conserved wherever possible; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists and shall be properly related to the proposals shown on the Town Development Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of firefighting equipment to buildings; and that proper provision shall be made for open spaces for parks or playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, "Town of Denning, Land Subdivision Regulations" have been adopted by the Planning Board on March 19, 1975, and approved by the Town Board on May 7, 1975.

SECTION 120. Inconsistence with Town Law.

Should any of these regulations conflict or be inconsistent with any provisions of the Town Law, such provision of the Town Law shall apply.

SECTION 130. Separability Clause.

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

SECTION 140. Waivers.

The Planning Board may waive, subject to appropriate conditions, the provision of any or all such improvements and requirements not required by State Law as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, or would cause unusual hardship, provided the public interest is protected and the development is in keeping with the general spirit and intent of these Regulations, the Official Map, the Zoning Ordinance, and the Town Development Plan, if such exist.

SECTION 150. Building Permits.

A building permit for erection of a structure in a development laid out subsequent to the adoption of these Regulations shall not be issued unless the street giving access to proposed building appears on a plat approved by the Planning Board duly filed with the County Clerk, suitably improved or bonded to cover the cost of such improvement.

SECTION 160. Plats Straddling Municipal Boundaries.

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

SECTION 170. Resubdivision.

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

SECTION 180. Emergency Access

SECTION 190. NOT IN DOCUMENT – might assume the section is reserved.

ARTICLE II - DEFINITIONS

SECTION 200.

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

- CLERK OF
PLANNING BOARD - The person duly designated as Clerk of the Planning Board.
- COLLECTOR STREET - A street which serves or is designed to connect minor streets to the major street system.
- EASEMENT - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- FINAL PLAT - The final drawing or drawings of a subdivision submitted to the Planning Board as prescribed in section 520 of these regulations which, if approved, may be duly filed in the Office of the County Clerk.
- MAJOR STREET - A street which serves or is designed to be primarily for fast moving traffic or large traffic volumes.
- MINOR STREET - A street intended to primarily provide access to abutting property.
- OFFICIAL DATE
OF SUBMISSION - The dates, when a Sketch Plan, Preliminary Plat, or Final Plat shall be considered submitted to the Planning Board, hereby defined to be the date of the regular monthly meeting of the Planning Board at least ten days prior to which all required surveys, plans, data, and fees are filed with the clerk or other authorized person of the Planning Board.
- PLANNING BOARD - The Planning Board of the Town of Denning.
- PRELIMINARY
PLAT -- A drawing or drawings clearly marked "Preliminary Plat", showing the layout of a proposed subdivision including but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as prescribed in section 510 of these regulations.

CONT'
SECTION 200.

- RESUBDIVISION - Any change in the plat of a subdivision which has previously been filed in the Office of the County Clerk.
- SKETCH PLAN - A free-hand sketch showing the general features of a proposed subdivision as prescribed in section 500 of these Regulations.
- STREET - A right-of-way for vehicular traffic, including road, avenue, lane, highway, or other way which is an existing public way, or a way shown upon a subdivision plat approved by the Town Planning Board as provided by law or a plat duly filed and recorded in the Office of the County Clerk.
- STREET PAVEMENT - The wearing or exposed surface of the roadway used by vehicular traffic.
- SUBDIVIDER - Any person, firm, corporation, partnership, or association, who shall layout any subdivision or part thereof as defined herein, either for himself or others.
- SUBDIVISION - The division or any parcel of land into three or more lots, blocks, or sites, with or without streets or highways and includes resubdivision.
- TOWN BOARD - The Town Board of the Town of Denning.
- TOWN DEVELOPMENT
PLAN - A comprehensive master plan for the development of the Town prepared by the Planning Board, pursuant to section 272-a of the Town Law which indicates the general locations recommended for various public works and reservations, and for the general physical development of the Town, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.
- TOWN ENGINEER - The person duly designated engineer of the Town as a permanent or consultant basis.
- ZONING ORDINANCE - The officially adopted zoning ordinance of the Town, together with any and all amendments thereto, in accordance with Article 16 of the Town Law.

ARTICLE III - PROCEDURE IN FILING SUBDIVISION APPLICATIONS

SECTION 300. General Procedure

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

1. Pre-application meeting with Planning Board.
2. Sketch Plan showing general concept.
3. Preliminary Plat showing proposal in detail.
4. Review by non-Town agencies.
5. Public hearing on Preliminary Plat.
6. Planning Board action on Preliminary Plat.
7. Final Plat submission and review.
8. Public hearing on Final Plat. (may be waived)
9. Planning Board action by resolution.
10. Completion of improvements or posting of bond, certified checks, or suitable alternative surety.
11. Planning Board signs plat.
12. Plat is filed in County Clerk's Office.

SECTION 310. Pre-application Conferences

Prior to the filing of an application for subdivision approval, the applicant shall confer with the Planning Board to acquaint the applicant with the objectives of these regulations and to determine the necessary Preliminary Plan requirements. Under certain conditions, the subdivider may also need the approval of the State or County Highway agencies, the State Department of Environmental Conservation, New York City Board of Water Supply, the Ulster County Planning Board, and others; therefore the proposed subdivision should be discussed in advance with these agencies.

SECTION 320. Sketch Plan

321. Procedure

Prior to filing a Preliminary Plat, the subdivider or his duly authorized representative, shall submit a Sketch Plan showing a basic proposed layout and other information required in Article V of these regulations. At least two (2) copies of this Sketch Plan shall be delivered to the clerk at least 10 days before the next scheduled Board meeting. After submission of the Sketch Plan the Planning Board may schedule a field trip to the site to be accompanied by the subdivider. To facilitate the inspection of the site, the subdivider shall have the center line of any proposed streets marked by temporary stakes.

After review of the Sketch Plan and field inspection, but within 45 days of the official date of submission of the Sketch Plan, the Planning Board will tentatively approve the Sketch Plan or recommend modifications in writing.

SECTION 330. Preliminary Plat

331. Procedure

A Preliminary Plat shall then be prepared and submitted (5 copies) showing in detail how the subdivision is to be designed, the details of construction, any proposed covenants and other items required in Article V. A public hearing shall be held within forty-five (45) days after the receipt of the Preliminary Plat by the clerk of the Planning Board. Such hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing. The Planning Board shall act in writing within forty-five (45) days of the hearing to approve, with or without modification, or disapprove the Preliminary Plat. This period may be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to act within forty-five (45) days shall constitute approval.

332. Other Agency Review

Where review is required by other agencies such as the Ulster County Health Department and New York City Board of Water Supply, tentative written recommendations of these agencies shall be filed by the Subdivider with the Planning Board.

333. Study of Preliminary Plat

The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, the relation to the topography of the land; water supply, sewage disposal, and drainage; lot sizes; shape and arrangement; the future development of adjoining lands as yet unsubdivided; and the requirements of the Town Development Plan, The Official Map, and Zoning Regulations, if such exist, and other matters enumerated in Section 277 of the Town Law.

SECTION 334. Approval of the Preliminary Plat

Approval with or without modification shall be noted on two (2) copies of the Preliminary Plat referenced and attached to any statement of conditions. One (1) copy shall be returned to the applicant and one (1) shall be retained by the Planning Board. The ground of a modification if any, or the ground for disapproval, shall be stated upon the records of the Planning Board.

Within five (5) days of the approval of the Preliminary Plat it shall be certified by the clerk of the Planning Board as granted preliminary approval and copy filed in his office and a certified copy mailed to the owner or owners.

SECTION 340. Final Plat

341. Procedure

Within six (6) months after the approval of the Preliminary Plat, the subdivider shall file the Plat in final form with the Planning Board, accompanied by required fees and information required in Article V. If the Final Plat and accompanying materials are not submitted within (6) months, approval of the Preliminary Plat may be revoked by the Planning Board. Within forty-five days of the submission of a plat in final form for approval by the Planning Board a hearing shall be held by the planning board, which hearing shall be advertised at least once in a newspaper of General circulation in the town at least five days (5) before such hearing, if a planning board deems the Final Plat to be in substantial agreement with a Preliminary Plat approved under section 330 and modified in accordance with requirements of such approval and if such Preliminary Plat has been approved with modification, the Planning Board may waive requirement for such public hearing.

342. Conditional Approval

In the event the requirements of section 350 of these regulations or other conditions set forth by the Planning Board are not complete at the time of submission of the Final Plat, the Planning Board may conditionally approve the Final Plat. Upon completion of such requirements the plat shall be signed by the duly authorized officer of the Planning Board as specified in section 360. Conditional approval of a Final Plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as completed. The Planning Board may extend this time up to two additional ninety (90) day periods.

343. Planning Board Action

The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within forty-five (45) days of its receipt by the clerk of the Planning Board if no such hearing is held, or in the/event such hearing is held, within forty-five (45) days after the date of such hearing. Notwithstanding the foregoing provisions of this subdivision, the time in which a Planning Board must take action of such a plat, may be extended by mutual consent of the owner and the Planning Board. In the event a Planning Board fails to take action on

a Final Plat within the time prescribed therefore, the plat shall be deemed approved and a certificate of the clerk of the town as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval here- in required.

344. Division of Subdivision Plat into Two or More Sections

Prior to granting conditional or final approval of a plat in final form the town Planning Board may permit the plat to be subdivided into two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the board, shall be granted concurrently with conditional or final approval of the Plat. Any section shall encompass at least ten (10) percent of the total number of lots shown on the plat.

SECTION 350. Required Improvements and Procedure

351. Improvements or Performance Bond

Before the Planning Board Chairman or other authorized person may sign the Final Plat, the subdivider shall either post a bond or certified check, bank passbook or other surety satisfactory to the Town Board, in an amount sufficient to construct required improvements OR shall complete the required improvements to the satisfaction of the Town Engineer or other authorized person.

351.1 When Bond or Certified Check or Other Surety is Posted

The subdivider shall either file with the Town Clerk a bond or certified check, bank passbook, or other surety to cover the full cost of the required improvements. Any such bond shall comply with the requirements of section 277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency, manner of execution and surety. A period of one year, or such other period as the Planning Board may determine appropriate, but not to exceed three (3) years, shall be set forth in the bond within which required improvements must be completed.

351.2 When No Bond is Posted

When no bond, certified check, bank passbook or other surety satisfactory to the Town Board is posted the subdivider shall complete all required improvements to the satisfaction of the Town Engineer who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board.

351.3 "As Built" Drawings Necessary

The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to section 351.2, then said map shall be submitted prior to endorsement of the Plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond, certified check or other surety satisfactory to the Town Board, for all required improvements as specified in section 351.1, such surety shall not be released until such map is submitted.

352. Modification of Design of Improvements

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

353. Inspection of Improvements and Fees

At least five (5) days prior to commencing construction of required improvements the subdivider shall pay to the Town Clerk an inspection fee of 1.5% of the required improvements and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

354. Proper Installation of Improvements

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

SECTION 360. Filing of Approved Final Plat

Upon completion of the requirements of section 340 and 350, the Final Plat shall be signed by the Chairman of the Planning Board, or Secretary in the Chairman's absence, and may be filed by the subdivider in the office of the County Clerk. Any Plat not so filed or recorded within thirty (30) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void.

362. Plat Void if Revised After Approval

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

SECTION 370. Status of Streets, Parks, Easements

371. Offers of Cession

In accordance with section 278 of the Town Law, the subdivider may add a notation of the Final Plat that no offer of streets, parks, or easements, shown on the Plat is made to the public. Failure to make such notation will constitute a continuing offer of cession to the Town, which may be accepted by the Town Board at any time prior to revocation of said offer by the owner of the land or his agent. Formal offers of cession to the public of all streets, parks, and easements, not marked with such notation on the plat, shall be filed with the Planning Board prior to approval of the plat.

372. Acceptance by Town

Acceptance of any such offer of cession shall rest with the Town Board. In the event the applicant shall elect not to file the Subdivision Plat in the Office of the County Clerk, such offer of cession shall be deemed to be void. The approval by the Planning Board of a Final Plat shall not be deemed to constitute or imply the acceptance by the Town Board of any street, park, easement, or open space shown on said Plat. The Planning Board may require said Plat to be endorsed with an appropriate note to this effect.

373. Maintenance of Roads and Other Facilities

In those cases where no offer of cession to the public is made for the roads, parks and required easements shown on the Plat, there shall be submitted with the Plat copies of agreements or other documents providing for and fixing responsibility for their suitable maintenance and statements of all rights which exist with respect to the use of such property or properties. Such Documents shall be reviewed by the Town Attorney for legal adequacy and competency.

ARTICLE IV. GENERAL REQUIREMENTS AND DESIGN STANDARDS

SECTION 400. General

410. Character of Land

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

412. Conformity to Official Map and Town Development Plan

Subdivisions shall conform to the/Official Map of the Town and Ulster County and shall be in harmony with the Town Development Plan, if such exist.

413. Preservation of Natural Cover

Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from any lots shown on any subdivision plat, except for the purpose of improving such lots and for the laying out of streets shown thereon. Topsoil so removed shall be restored to a depth of six (6) inches and properly seeded and fertilized on areas of such lots not occupied by buildings or structures. No excess topsoil so removed shall be disposed of outside of the boundaries of the Town, except upon the approval of the Town Board.

414. Preservation of Existing Features

Existing features which would enhance the attractiveness of the site or the community as a whole, such as trees, watercourses, ponds, historic places and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the subdivision.

415. Specifications for Streets and Required Improvements

All streets and other required improvements shall be constructed or installed to conform to Town specifications.

SECTION 420. Streets

421. General

Streets shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic, and to afford satisfactory access to police, fire fighting, snow removal or other road maintenance equipment, and shall be coordinated so as to compose a convenient system. All streets shall be properly related to the Town Development Plan and in conformance in location and design to the Official Map if such exist.

422. Relation to Topography

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

423. Continuation of Streets into Adjacent Property

Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the Town Development Plan, as it may be adopted. Reserve strips, controlling access to streets, shall be prohibited except where their control is placed with the Town under conditions approved by the Planning Board, if adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround with pavement radius of at least fifty (50) feet shall be provided on all temporary dead-end streets, with the notation on the Plat that land outside the normal street right-of-way shall revert to abutting properties.

424. Treatment of Major Streets

424.1 In Residential Areas

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

424.2 In Business Areas

In areas zoned or designed for commercial use, or where a change of zoning is contemplated for commercial use, the Planning Board may require that the street width be increased or that a service road be constructed, to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial area.

425. Dead End Streets

Permanent dead-end streets shall normally not exceed 1,200 feet in length in order to provide for convenience of traffic movement and facilitate more effective police and fire protection. A depth suitable for an adequate building lot may be required to be retained between the terminus of the road and adjoining property. The Planning Board may require the reservation of a twenty (20) foot wide easement through this property to facilitate pedestrian traffic or utilities. No permanent dead-end streets may be constructed having more than twenty (20)

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building lots. A circular turnaround with a minimum right-of-way radius of sixty (60) feet and a pavement radius of fifty feet, shall be provided at the end of permanent dead-end streets.

426. Street Names

All streets shall be named and such names shall be subject to the approval of the Planning Board. Names shall be sufficiently different in sound spelling from other street names in the Town to avoid confusion. A street which is a continuation of an existing street shall bear the same name. As general policy, the use of personal names for new roads is discouraged. Historical names are preferred or names appropriate to the particular development or general neighborhood.

427. Intersections

427.1 Design

Intersections of major streets by other streets shall be at least 800 feet apart. Cross (four-cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least 150 feet shall be maintained between offset intersections. Within 40 feet of an intersection, streets shall be approximately at right angles, and grades shall be limited to 11/2. All street intersection corners shall be rounded by curves of at least 25 feet in radius at the property line.

427.1 Visibility at Intersections

Within the triangular area formed at corners by the intersecting street pavement lines, for a distance of 75 feet from their intersection and diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping, shall be permitted to obstruct such visibility. An easement for the enforcement of this provision shall be granted to the owner of the street and notation to this effect made on the Subdivision Plat. (see Section 524-s-3).

428. Provision for Future Resubdivision

Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow the provision of future streets and logical further subdivision.

429. Design Standards for Streets

- a. Different standards for different types of streets e.g. major, collector, minor streets.
- b. Minimum width of right-of-way - No less than 50 feet, 60 feet or more for collector or major roads.
- c. Minimum width of pavement - generally 8-10 foot lanes for moving traffic except for higher speed roads, and 8 foot lanes for parking.

- d. Minimum radius of horizontal curves - Common standards used are 400 feet on minor streets, measured at the centerline.
- e. Minimum length of vertical curves - Generally 300 feet on a major street, 200 feet on a collector but not less than 40 feet for each 1% algebraic difference in grade, 100 feet but not less than 20 feet for each 1% algebraic difference in grade for a minor street.
- f. Minimum length of tangents between reverse curves - an example would be 300 feet on a major street, 200 feet on a collector, 100 feet on minor street.
- g. Maximum grade - generally no more than 15% for minor streets: 6 to 8% for others.
- h. Minimum grade - generally 1% to assure proper drainage.

SECTION 430 Blocks

Block dimensions shall generally not be less than 400 feet nor more than 1200 feet in length. In general block width should not be less than twice the normal lot depth. In long blocks, the Planning Board may require the establishment of easements or public ways through the block to accommodate utilities or pedestrian access.

SECTION 440. Lots

441. Lots to 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 Ordinance, as it may be adopted, or in providing access to buildings on such lots from an approved street. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.

442. Side Lot Lines

Side lot lines shall be at right angles to street lines unless a variation from this rule will give in the opinion of the Planning Board a better street or lot plan. Lot lines shall coincide with municipal boundaries rather than cross them. Where extra width has been dedicated for widening an existing street, lot lines shall begin at such extra width line.

443. Access from Major Streets.

Lots shall generally not have their vehicular access from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. (section 424-Treatment of Major Streets).

444. Access across a Watercourse

Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Engineer.

445. Water Bodies

If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the ownership of the water body among the fees of the adjacent lots. The Planning Board may approve an alternate plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a Town responsibility. No more than 25% of the minimum lot area required under zoning regulations if such exist may be satisfied by land under water.

SECTION 450. Reservations and Easements

451.1 General

In accordance with Section 277 of the Town Law, the Planning Board may require either the reservation of land for park or recreational purpose or payment of a fee to a trust fund to be used for recreation purposes in the area of the subdivision.

451.2 Reservation of Land

The Planning Board may require the reservation of land for a park or recreational purposes to be reserved on the Plat, but in no case to be more than ten (10) percent of the gross area of the subdivision. The location of such reservation shall be in accordance with the Town Development Plan or Official Map, if such exist, or other wise where the Planning Board shall deem such reservation to be appropriate. In general, such reservations should have an area of at least two (2) acres and have adequate street access. The responsibility for maintenance shall be fixed and agreed upon by both the subdivider and the Planning Board.

451.3 Payment of Money in Lieu of Land

Where the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such Plat or is otherwise not practical, the Planning Board may waive the requirement of land reservation, on the condition that the subdivider deposit a cash payment with the Town Clerk in lieu of land reservation. Such payment shall be placed in a trust fund to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds, or other recreational purposes. The amount of such payment shall be \$50.00 for each lot approved on the plat.

452. Widening or Realignment of Existing Streets

Where the subdivision borders an existing street and additional land is required for realignment or widening of such street as indicated on the Official Map, or Town Development Plan, if such exist, or where the Planning Board may require that such areas be indicated on the Plat and marked

"Reserved for Street realignment (or Widening) Purposes."

453. Easements for Utilities and Drainage

Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.

454. Easements for Pedestrian Access

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

455. Easements for Maintenance of Slopes

Where steep slopes beyond the street right-of-way may require maintenance, an easement may be required for such purpose.

456. Responsibility for Ownership of Reservations

Title to all reservations, if vested in interests other than the subdivider shall be clearly indicated on the plat.

457. Improvements

457.1 Monuments and Markers

Permanent monuments shall be placed at all block corners, angle points, points of curvature and points of tangency in streets and intermediate points as required by the Town Engineer. In no case shall there be less than four (4) permanent monuments per block. Monuments shall be set so as to prevent movement by frost upheaval and other pressures. Markers of a material size and length suitable to the Town Engineer shall be placed at all points where road lines intersect plat boundaries and at all lot corners.

457.2 Street Improvements

Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, sanitary sewers, storm drains, and fire hydrants, except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and general welfare or may result in unnecessary hardship. If underground utilities are required by the Planning Board, they shall be placed between the paved roadway and street right-of-way line, where possible, to simplify location and repair of the lines. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Such grading

CONT. 457.2

and improvements shall be approved as to design and specifications by the Town Engineer, who shall require that all pertinent Town standards and specifications shall be met.

457.3 Water and Sewerage Facilities

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

- a. Central water supply systems shall be designed with adequate pressures, mains and fire hydrants to meet Association of Fire Underwriters specifications for a class C protected area.
- b. All water mains shall be at least six (6) inches in diameter.
- c. Sanitary sewers shall not be used for storm water drainage.
- d. Central sewerage systems shall provide a four (4) inch minimum size connection to each lot.
- e. Any subdivision contiguous to an existing water or sewer district or contiguous to or within a planned expansion of an existing water or sewer district shall make application to become a part of or to be serviced by the existing district. No subdivision shall be approved where it is intended to use individual wells and/or septic tanks where the facilities of an existing water or sewer district may be utilized.

457.4 Storm Drainage Facilities

Storm drainage Facilities shall provide a clear and protected channel fully adequate to handle runoff from a ten (10) year storm and designed so that heavy runoffs which exceed the capacity of the channels can be handled with least possible damage to improvements and structures.

457.5 Public Utilities

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

ARTICLE V - DOCUMENTS TO BE SUBMITTED

SECTION 500. Sketch Plan

501. Number of Copies

At least two (2) copies of the Sketch Plan shall be delivered to the Planning Board.

502. Details Required

- a. The sketch shall be at a convenient scale of no more than 100 feet to the inch and shall be submitted on uniform size sheets not larger than 36 by 48 inches and shall contain the date of preparation, approximate true north point, title "Sketch Plan", and the graphic scale. Where more than one sheet is required, a scaled map showing the entire subdivision on one sheet shall be prepared.
- b. 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, the Town of Denning, and Ulster County.
- c. A map of the location of the tract with respect to surrounding properties and community facilities such as roads, parks, and schools. Such map to be at a scale of either 2,000 or 800 feet to the inch* and shall identify all property in the vicinity of the subdivision held by the subdivider.
- d. All existing restrictions on the use of land including easements, covenants, zoning lines, or street lines.
- e. A sketch plan on a topographic survey of the proposed area to be subdivided and of all contiguous property owned or optioned by the subdivider showing in simple form the proposed layout of roads, lots, and other features. (Waive for subdivisions of three (3) parcels or less.)

SECTION 510. Preliminary Plat

511. Number of Copies

At least five (5) copies shall be delivered to the Planning Board.

512. Details Required

The Preliminary Plat shall show or be accompanied by the following information, except where requirements have been waived through Sketch Plan review:

- a. All data required in Section 502, except it shall be clearly labeled "Preliminary Plat."
- b. The location, bearings and distances of the tract's boundaries prepared by a licensed surveyor, including seal and number.

- c. If topographic conditions are significant, as determined by the Planning Board.
- d. The names of all adjoining property owners of record and the names of adjacent developments.
- e. The location and dimensions of all public properties, street lines, easements, zoning boundaries, or restrictions on the property.
- f. Location of existing and proposed sewers, water mains, leaching fields, culverts, and storm drains including pipe size and type, grades, direction of flow, and ownership.
- g. The location, width and approximate grade of all proposed streets with the approximate elevations shown at the beginning and end of each street, at street intersections, and all points where there is a decided change in slope or direction.
- h. The area of the land included in the subdivision and the approximate location, dimensions, and area of all proposed or existing lots and land to be set aside for recreation and public purposes. The suggested location of buildings on lots will also be shown. All lots shall be numbered.
- i. Proposed provision of water supply, fire protection, sanitary waste disposal, storm water drainage, street trees, street lighting, fixtures, signs, sidewalks, and easements.
- j. The location of all existing structures such as buildings and the stone walls and all pertinent natural features that may influence the design of the subdivision such as water courses, swamps, rock outcropping, wooded areas, and single large trees, eight (8) or more inches in diameter measured three (3) feet above the base of the trunk within the subdivision and within 50 feet thereof. Where large trees occur in groupings or clusters, only the general outlines of said groups need be shown.
- k. The location, dimensions, and status of all covenants, deed restrictors or easements proposed by the applicant.
- l. Soil characteristics as determined by the U.S. Department of Agriculture Soil Conservation Service, through the Ulster County Soil and Water Conservation District where available.
- m. Other data which may influence the design of the proposed subdivision and the health, safety, and welfare of future residents.

SECTION 520 Subdivision Plat. See County Clerk's subdivision map regulations in appendix for additional requirements.

521. General Specifications

All subdivision plats shall be clearly drawn. Such plat shall be at a convenient scale of no more than 100 feet to the inch and shall be submitted on uniform sheets not larger than 34 by 44 inches, other acceptable sizes; 8 1/2"x11", 17x22", 22x44". Where more than one sheet is required, a scale map showing the entire subdivision on one sheet shall be submitted.

522. Copies Required

The subdivider shall submit to the Planning Board Five Copies as required in Section 521d, one of which will be filed with the County Clerk.

523. Application Fee

An application fee of \$25 plus \$10 per lot;

524. Details Required

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

- a) Name of the subdivision, name address and signature of the owner, subdivider seal and number of the licensed professional engineer or land surveyor who prepared the Plat, the Town of Denning, and Ulster County.
- b) A map of the location of the tract with respect to surrounding properties and community facilities such as roads, parks, and schools, at a scale of either 800 or 2000 feet to the inch.
- c) Date of preparation, graphic scale, approximate true north point, bearings and distances of tract's boundaries.
- d) To the extent possible, the current names of all adjoining property owners of record shall be indicated on the Plat. Stamped envelopes, addressed to each of the owners of record of property, abutting or across the street from the tract, shall be submitted to the Planning Board.
- e) The location and dimension of all public properties, streets, easements, building lines, or restrictions on the tract.
- f) The location of existing and proposed sewers, water mains, culverts, and storm drains including pipe size and type, grades direction of flow.
- g) The location, width, grade, names of all proposed streets with elevations shown at the beginning and the end of each street, at street intersections, at all points where there is a decided change in slope or direction shown on the plat.

- h) Statement from subdivider's engineer giving estimated cost of construction of roads and other improvements to meet the requirements of these Regulations, together with quantities and unit costs used in making the estimate.
- i) Radii of all curves and lengths of arcs.
- j) Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets. The elevation along the center line of the existing street or streets, within 100 feet of the intersection, shall be shown.
- k) The Planning Board may require a cross-section where steep slopes exist, showing present elevations of all proposed streets every 100 feet at five points on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points 30 feet inside each property line.
- l) Plans and profiles showing the location and a typical cross-section of street pavements, including curbs and gutters, sidewalks, manholes and catch-basins; the location of street trees, street lighting standards and street signs; the location size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants; and the exact location and size of all water, gas or other underground utilities or structures.
- m) The area of the land included in the subdivision and the location dimensions, and area (in square feet) of all existing or proposed lots and land to be set aside for recreation or public purposes. All lots shall be numbered for identification.
- n) The location of all existing water bodies, swamps, or streams that will be retained or relocated or intended to be developed. Existing buildings which shall be retained or removed, shall be so identified.
- o) Sufficient data acceptable to the Town Engineer, to readily determine the location, bearing, and length of all lines and to reproduce such lines on the ground.
- p) The location of all existing and proposed monuments and markers.
- q) Offers of cession, in a form satisfactory to the Town Board, of all land offered, or to be offered, for dedication for streets, highways, easements, parks or other public facilities.
- r) Proposed covenants, deed restrictions, easements proposed by the applicant.
- s) The following notations shall be shown on the Plat:
 - 1. Endorsement by the Ulster County Health Department and New York City Board of Water Supply when applicable, and any stipulations of those agencies (only tentative written endorsement is necessary before the

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hearing, but final endorsement on the plat needed before filing with the County Clerk).

2. Explanation or Drainage Easements as follows:

"The drainage easements for the drainage discharge points) shown hereon establish the perpetual right to discharge storm water runoff from the highway and from the surrounding area onto and over the effected premises by means of pipes, culverts, or ditches, or a combination thereof, together with the right of the holder of fee title to the highway, or his authorized representatives, to enter said premises for purposes of making such installations and doing such maintenance work as said holder of fee title may deem necessary to adequately drain the highway and surrounding area."

3. Explanation of Sight Easements as follows:

"The sight easements shown hereon established the perpetual right of the holder of fee title of the highway, or his authorized representatives, to clear, regrade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the area between an observer's eye at an elevation of 3.5 feet above the surface at the nearest edge of the road and object 1 foot above the nearest edge of pavement on the intersecting road."

4. Explanation of Reservations as follows:

"Reserved for highway purposes (or recreation purposes, or other approved purpose.)"

5. Explanation of Slope Easements, as follows:

The slope easements shown hereon convey to the (insert here Town of Denning, or "holder of fee title of the highway" or other phrase as directed by the Planning Board) the right to enter said premises for the purpose of cutting and maintaining a stable earth slope."

6. Endorsement of Owner as follows:

"I hereby grant my approval to this plat and consent to the filing of it in the Office of the County Clerk."

Owner

Date

Addendum

FORMAT

All preliminary and final plats are to be submitted in the form required by the Office of the Ulster County Clerk.

Curb cuts Property with driveways exiting to a county road may require a curb cut permit from the Ulster County Department of Public Works.

**ORDINANCE ESTABLISHING A BUILDING PERMIT SYSTEM IN THE TOWN OF DENNING,
ULSTER COUNTY**

The Town Board of the Town of Denning does hereby ordain
and enact as follows:

- SECTION 1. This ordinance shall be known as the TOWN OF DENNING BUILDING PERMIT ORDINANCE.
- SECTION 2. Whereas the Town of Denning has been identified by the Federal Insurance Administration as having a Special Flood Hazard Area or Areas which area or areas are shown on a map dated February 7, 1975 and designated as FIA Flood Hazard Boundary Map No. 361439, it is the intent of the Town of Denning to comply with the provisions of Section 1910.3(b) of the criteria of Land management and Use as determined pursuant to Title 24 - Housing and Housing Credit, Chapter 7, Federal Insurance Administration, Department of Housing and Urban Development.
- SECTION 3. This Ordinance shall apply to the construction, erection, alteration or installation of any building, or structure in the Town of Denning in order to assure the health, safety and general welfare of the residents of the Town.
- SECTION 4. No building or structure shall be erected, added to, or structurally altered until a building permit therefore has been issued by the Town of Denning Code Enforcement Officer. Permits will not be required for ordinary exterior repairs such as roof replacements or repair, patch repair, new siding, window replacement, and such interior renovation as remodeling of ceilings, walls, and floors.
- SECTION 5. The Code Enforcement Officer of the Town of Denning shall:
- A. Review all building permit applications for construction, substantial improvements or major repairs to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has been designated a special flood hazard area, any proposed new construction, substantial improvements or major repair (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage.
 - B. Review subdivision proposals and other proposed new developments to determine if (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

ORDINANCE ESTABLISHING ENFORCEMENT PROCEDURES FOR VIOLATION OF THE TOWN OF DENNING, LAND SUBDIVISION REGULATIONS

Pursuant to Section 130 and Section 268 of the Town Law of the State of New York, the Town Board of the Town of Denning does hereby ordain and enact as follows:

SECTION 1. This ordinance shall be known as the TOWN OF DENNING, LAND SUBDIVISION REGULATIONS VIOLATION ORDINANCE.

SECTION 2. The purpose of this ordinance is to protect the public health, welfare and safety of the residents of the Town of Denning and to provide for the orderly, efficient aesthetic and economical development of the Town by providing a uniform means of enforcing the Subdivision Rules and Regulations of the Town of Denning.

SECTION 3. Definitions: For the purposes of this ordinance, certain words and terms used herein are defined as follows:

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

SUBDIVISION The division or any parcel of land hereinafter divided into three or more lots, blocks, or sites, with or without streets or highways and includes resubdivision.

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

SECTION 4. No subdivider shall offer to sell or offer to convey, or offer to transfer or offer to lease for a continuous period of more than one year, any subdivision or resubdivision or lot, block, site or part of a subdivision or resubdivision without having fully complied with the Town of Denning, Land Subdivision Regulation and Article 16 of Town Law.

SECTION 5. No subdivider shall sell, or convey, or transfer or lease for a continuous period of more than one year, any subdivision or resubdivision or lot, block, site or part of a subdivision or resubdivision without having fully complied with the Town of Denning, Land Subdivision Regulations and without having obtained approval of the Town of Denning Planning Board pursuant to the Town of Denning, Land Subdivision Regulations and Article 16 of the Town Law.

SECTION 6. Any owner of real property who has divided any parcel of land into three or more lots, blocks or sites after May 6, 1975, shall not, after the effective date of this ordinance, sell, convey, transfer, lease for a continuous period of more than one year, or offer to sell, convey, transfer or lease for a continuous period of more than one year, any parcel or portion thereof so divided, unless and until he has fully complied with the Town of Denning, Land Subdivision Regulations and unless and until he has obtained approval of the Town of Denning Planning Board pursuant to the Town of Denning, Land Subdivision Regulations and Article 16 of the Town Law.

- SECTION 7. A violation of any section of this ordinance shall be deemed to be an offense
- SECTION 8. A violation of any section of this ordinance shall be punishable by a fine not exceeding \$250.00 or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.
- SECTION 9. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this ordinance shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.
- SECTION 10. This ordinance shall not be deemed to be the exclusive remedy for "the Town of Denning as against violators of the Town's Subdivision "Rules and Regulations. It is not the intent of this ordinance' to in any way restrict or limit the proper local authorities of the Town or taxpayers of the Town from availing themselves of the remedies available to them pursuant to Section 268(2) of the Town Law.
- SECTION 11. This ordinance shall be enforced by the person 'designated by the" Town Board as the "Code Enforcement Officer" or by any other employee of the Town of Denning hereinafter designated by Resolution of the Town Board of the Town of Denning.
- SECTION 12. If any clause, sentence, paragraph, phrase or any part of this ordinance shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in its operation to the clause sentence, paragraph, phrase or part thereof directly involved in the controversy or action on which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this ordinance would have been adopted had any such provision not been included.
- SECTION 13. This ordinance shall take effect ten days after publication or immediately upon personal service as provided by Section 133 of the Town Law.

By order of the Town Board of the Town of Denning.