

Chapter 133
SUBDIVISION OF LAND

ARTICLE I
General Provisions

- § 133-1. Authority.
- § 133-2. Policy.
- § 133-3. Conflict with other provisions.
- § 133-4. Waivers.
- § 133-5. Entirely or partially undeveloped subdivisions.
- § 133-6. Resubdivision.

ARTICLE II
Definitions

- § 133-7. Definitions.

ARTICLE III
Procedure in Filing Major Subdivision Applications

- § 133-8. General procedure.
- § 133-9. Preliminary application conferences.
- § 133-10. Sketch plan procedure.
- § 133-11. Preliminary plat.
- § 133-12. Final plat.
- § 133-13. Required improvements and procedure.
- § 133-14. Filing on approved subdivision.
- § 133-15. Status of streets, parks and easements.

ARTICLE IV
General Requirements and Design Standards for Major Subdivisions

- § 133-16. General standards.

- § 133-17. Streets.
- § 133-18. Blocks.
- § 133-19. Lots.
- § 133-20. Reservations and easements.
- § 133-21. Retention of professional consultants.

ARTICLE V
Documents to be Submitted for Major Subdivisions

- § 133-22. Sketch plan.
- § 133-23. Preliminary plat.
- § 133-24. Final plat.

ARTICLE VI
Procedures and Requirements for Minor Subdivisions

- § 133-25. Policy.
- § 133-26. General procedure.
- § 133-27. Preapplication meeting.
- § 133-28. Sketch plan.
- § 133-29. Meeting with Planning Board.
- § 133-30. Classification as minor subdivision.
- § 133-31. Minor as part of major subdivision.
- § 133-32. Study of sketch plan.
- § 133-33. Aggrieved party.
- § 133-34. Review and approval by nontown agencies.
- § 133-35. Planning Board approval by resolution.
- § 133-36. Signing of plan.
- § 133-37. Filing of plan.

**ARTICLE VII
Enforcement**

§ 133-38. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Olive at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 89.

Flood damage prevention — See Ch. 97.

Streets and sidewalks — See Ch. 129.

Zoning — See Ch. 155.

Open Development District review procedure — See Ch. A159.

Standard road requirements — See Ch. A160.

**ARTICLE I
General Provisions**

§ 133-1. Authority.

Pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board is hereby authorized and empowered to approve plats showing lots, blocks or sites with or without streets or highways and to approve preliminary plats within that part of the Town of Olive outside the limits of any incorporated city or village.

§ 133-2. Policy.

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. In order that land subdivisions may be in accordance with this policy, these regulations, which shall be known as and which may be cited as the "Town of Olive Subdivision Regulations," have been adopted.

§ 133-3. Conflict with other provisions.

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

§ 133-4. Waivers.

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

regulations, the Official Map, Chapter 155, Zoning, and the Town Development Plan, if such exist. An aggrieved party or abutting property owner has the right to appeal the waiver to the Town Board or its authorized agent.

§ 133-5. Entirely or partially undeveloped subdivisions.

Where a subdivision plat filed in the office of the County Clerk is entirely or partially undeveloped, the Planning Board may require those portions which are entirely or partially undeveloped to be replatted and improved to the standards and requirements of these subdivision regulations and in accordance with § 265-a of the Town Law.

§ 133-6. Resubdivision.

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

**ARTICLE II
Definitions**

§ 133-7. Definitions.

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

ACCEPTABLE SECURITIES — Bond, certified check, pass book with signed withdrawal slip payable to the Town of Olive.

COLLECTOR STREET — A street which serves or is designed to connect minor streets to the major street system.

DEAD-END STREET — A street which ends in a “T” or “L” or a cul-de-sac.

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 the subdivision submitted to the Planning Board 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 used primarily for fast moving traffic or large traffic volumes.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

MINOR STREET — A street intended to primarily provide access to abutting property.

MINOR SUBDIVISION — Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road (or the extension of municipal facilities) and not adversely affecting the development of the remainder of the parcel or

adjoining property and not in conflict with any provision or portion of the Master Plan or Official Map, if such exist, Chapter 155, Zoning, or these regulations. (See Article VI.)

OFFICIAL DATE OF SUBMISSION — The dates when a sketch plan, preliminary plat, or final plat shall be considered submitted to the Planning Board. Official date of submission is a date 14 days prior to the regular monthly meeting when sketch plans, preliminary plats and final plats shall be filed with the Chairman or other authorized person of the Planning Board.

OFFICIAL MAP — The map established by the Town Board pursuant to § 270 of the Town Law, showing streets, highways, parks and drainage, both existing and proposed.

PLANNING BOARD — The Planning Board of the Town of Olive.

PRELIMINARY PLAT — A drawing or drawings clearly marked “preliminary plat” showing the features of a subdivision submitted to the Planning Board for consideration prior to submission of plat in final form in accordance with § 133-23 of these regulations.

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

SKETCH PLAN — A drawing to scale showing the general features of a proposed subdivision in accordance with § 133-22 of these regulations.

STORM DRAIN — A ditch or pipe or natural valley designed to, or which in fact does, carry off stormwater.

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 on a plat duly filed and recorded in the office of the County Clerk.

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 of any parcel of land into two or more lots, blocks, or sites, with or without streets or highways, and includes resubdivision.

TOWN BOARD — The Town Board of the Town of Olive.

TOWN ENGINEER — A duly designated licensed engineer of the town on a permanent or consulting basis.

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

ZONING ORDINANCE — That Zoning Ordinance adopted June 16, 1975, by the Town Board of the Town of Olive and any amendments thereto.¹

¹ Editor's Note: See Ch. 155, Zoning.

ARTICLE III
Procedure in Filing Major Subdivision Applications

§ 133-8. General procedure.

Whenever any subdivision of land is proposed to be made in the Town of Olive, and before any lots are sold, and before any erection of a structure in such proposed subdivision, the subdivider, or his authorized agent, shall apply for approval of such proposed subdivision in accordance with the following procedure:

- A. Preapplication meeting with Planning Board.
- B. Sketch plan showing general concept.
- C. Preliminary plat showing proposal in detail.
- D. Public hearing.
- E. Review and approval by nontown agencies.
- F. Submission of final plat.
- G. Planning Board approval by resolution.
- H. Planning Board signs plat.
- I. Plat is filed in County Clerk's office by subdivider.

§ 133-9. Preliminary application conferences.

Before preparing a detailed proposal, the subdivider should make an appointment at a regular meeting of the Planning Board to familiarize himself with the requirements of these and other regulations, the policies and plans of the Planning Board, and other information that may be pertinent to the subdivision. He should also discuss his proposal with the County Health Department which is responsible for the adequacy of lot sizes for water supply and sewage disposal. Under certain conditions, the subdivider may also need the approval of the state or county highway agencies, the Ulster County Planning Board, and others. These initial conferences are not mandatory but are intended to save the subdivider time and unnecessary expense.

§ 133-10. Sketch plan procedure.

- A. Prior to filing a preliminary plat, the subdivider should submit a sketch plan showing a basic proposed layout and other information required in Article V of these regulations. At least three copies of this sketch plan shall be delivered to the Chairman or other authorized official of the Planning Board at least 14 days before the next scheduled Board meeting.
- B. At the meeting, the Planning Board may schedule a field trip to the site to be accompanied by the subdivider to ease the inspection of the site. The subdivider shall have the center line of any proposed streets marked by temporary stakes. All boundary corners on the land area covered by the sketch plan shall be marked. 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.

§ 133-11. Preliminary plat.

- A. Procedure. A preliminary plat is then prepared showing in detail how the subdivision is to be designed, details of construction, proposed covenants, and other items required in Article V. Applicable parts of §§ 276 and 277 of the Town Law, attached to these regulations,² shall govern procedure. In addition, there shall be an application fee as set from time to time by resolution of the Town Board, which shall be submitted with the preliminary plat, and said fee is not refundable. At least two copies of the preliminary plat shall be delivered to the Chairman of the Planning Board or an authorized agent of the Planning Board 14 days prior to the regular meeting date.
- B. Applicant or representative to attend Planning Board meeting. The subdivider shall be prepared to attend a meeting of the Planning Board to discuss the preliminary plat and the Planning Board's tentative conclusions.

§ 133-12. Final plat.

- A. Procedure. Procedure applicable shall be that procedure as set forth in §§ 276 and 277 of the Town Law. If the final plat and necessary materials required by the Planning Board are not submitted within six months after the preliminary plat has been approved, the Planning Board may, by resolution, rule the approval of the preliminary plat void.
- B. Agency review. Where review of subdivision(s) is required by other agencies, such approval(s) shall be indicated on the final plat.

§ 133-13. Required improvements and procedure.

- A. Improvements or performance bond. Before the Planning Board Chairman or other authorized person may sign the final plat, the subdivider shall complete the required improvements to the satisfaction of the Town Board or its authorized agent, or, in special cases only, the subdivider shall either post bonds or other acceptable securities in an amount sufficient to construct required improvements.
- B. Bond or other acceptable securities. Section 277 of the Town Law shall apply. The Town Board may authorize a cash deposit in lieu of a performance bond.
- C. 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 Planning Board or authorized agent that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Planning Board or authorized agent, in conjunction with the Superintendent of Highways, may authorize modifications,

² Editor's Note: Sections 276 and 277 of the Town Law are on file in the town offices.

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 subdivider must file a revision map with the Planning Board.

- D. Proper installation of improvements. If the Town Board or authorized agent shall find, upon inspection of the improvements performed before the expiration date of the performance bond or other acceptable securities, 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 acceptable securities. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

§ 133-14. Filing on approved subdivision.

- A. Signing and filing. Section 277 of the Town Law shall apply.
- B. Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board. Any final plat recorded without complying with this requirement shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

§ 133-15. Status of streets, parks and easements.

- A. Offers of cession. Section 279 of the Town Law shall apply.
- B. Acceptance by town.
- (1) Acceptance of any such offer of cession shall rest with the Town Board. In the event the applicant shall elect not to file the final plat in the office of the County Clerk, such offer of cession shall be deemed to be void.
 - (2) The approval by the Planning Board of a 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.
- C. Maintenance of roads. In those cases where no offer of cession to the public is made for the roads, parks and required easement 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 legal representative of the town, for legal adequacy and competence.

ARTICLE IV

General Requirements and Design Standards for Major Subdivisions**§ 133-16. General standards.**

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Conformity to Official Map and Town Plan. Subdivision shall conform to the Official Map of the town and shall conform to Chapter 155, Zoning.
- C. Preservation of natural cover. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater 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.
- D. Preservation of existing features. Existing features which would enhance the attractiveness of the site or the community as a whole, such as trees, watercourses, ponds, historic places and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the subdivision.
- E. Specifications for required improvements. All required improvements shall be constructed or installed to conform to town specifications, which may be obtained from the Town Clerk.

§ 133-17. Streets.

- A. General. Streets shall conform to current town highway specifications and 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's development plan and in conformance to the Official Map, if such exists, in location and design.
- B. Relation to topography. Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many building sites as possible at or above the grade of the street. A combination of steep grades and sharp curves shall be avoided.
- C. Continuation of streets into adjacent property. Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly when such continuation is in accordance with the Town 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 "T" or "L" in accordance with town highway specifications shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the normal street right-of-way shall revert to abutting properties.

D. Treatment of major streets.

- (1) In residential areas. Where a subdivision abuts or contains an existing or proposed major street, the Town Board or authorized agent may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (2) In business areas. In areas zoned or designed for commercial use, or where a change of zoning is contemplated for commercial use, the Town Board or its authorized agent may require that the street width be increased or that a service road be constructed, to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial area.

E. Dead-end streets. Permanent dead-end streets shall normally not exceed 1,200 feet in length in order to provide for convenience of traffic movement and facilitate more effective police and fire protection. The Town Board or its authorized agent may require the reservation of a fifty-foot-wide easement through this property to facilitate pedestrian traffic or utilities. No permanent dead-end streets may be constructed having more than 20 building lots. A "T" or "L" in accordance with the town highway specifications shall be provided at the end of permanent dead-end streets.

F. Street names.

- (1) All streets shall be named and such names shall be subject to the approval of the Planning Board. Names shall be sufficiently different in sound and spelling from other street names in the town to avoid confusion. A street which is a continuation of an existing street shall bear the same name. As general policy, the use of personal names for new roads is discouraged. Historical names are preferred or names appropriate to the particular development or general neighborhood.
- (2) The developer shall be responsible for the supply and erection of street signs in accordance with the town highway specifications.

G. Intersections.

- (1) Design. Intersections of state highways 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 2%. All street intersection corners shall be rounded by curves of at least 25 feet in radius at the property line.
- (2) Visibility at intersections. Within the triangular area formed at corners by the intersecting street lines, for a distance of 75 feet from their intersection and diagonally connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other

landscaping shall be permitted to obstruct such visibility. An easement for the enforcement of this provision shall be granted to the owner of the street and notation to this effect made on the plat.

- H. Provision for future resubdivision. When 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.

§ 133-18. Blocks.

Block dimensions shall be at least twice the minimum lot depth and generally at least 400 feet in length. In long blocks, the Planning Board may require the establishment of easements or public ways through the block to accommodate utilities or pedestrian access.

§ 133-19. Lots.

- A. Buildable lots. 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 Town Law as it may be adopted, or in providing access to buildings on such lots from an approved street. Dimensions of corner lots shall be large enough to allow for erection of building, observing the minimum front yard setback from both streets.
- B. 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.
- C. Access from major streets. Lots shall generally not have their vehicular access from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such streets. (See § 133-17D, Treatment of major streets.)
- D. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Board or its authorized agent.
- E. Water bodies. If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the ownership of the water body among the fees of the adjacent lots. The Planning Board may approve an alternate plan whereby the ownership 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 may be covered by water.

§ 133-20. Reservations and easements.**A. Parks and open space.**

- (1) General. In accordance with § 277 of the Town Law, the Planning Board may require either the reservation of land for park or recreational purpose or payment of a fee to a trust fund to be used for recreational purposes in the area of the subdivision.
- (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 10% of the gross area of the subdivision. The location of such reservation shall be in accordance with the Town Plan or Official Map, if such exist, or otherwise where the Planning Board shall deem such reservation to be appropriate. In general, such reservations should have an area of at least two acres and have adequate street access.
- (3) Payment of fee. Where the Planning Board deems that the reservation of land would be inappropriate, the Planning Board may waive the requirement of land reservation, on the condition that the subdivider deposits a cash payment in lieu of land reservation with the Secretary of the Planning Board. 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 computed by the Planning Board. This fee shall be paid upon tentative approval of the final plat.

B. Widening or realignment of existing streets. Where the subdivision borders an existing street and additional land is required for realignment or widening of such street as indicated on the Official Map or Town 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 plat and marked "Reserved for Street Realignment (or widening) Purposes."

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

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

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

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

G. Monuments and improvements.

- (1) Monuments and markers. Monuments shall be placed at all block corners, angle points, points or curvature and points of tangency in streets and at intermediate points as required by the Town Board or its authorized agent. In no case shall there be less

than four 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 Superintendent of Highways or his authorized agent shall be placed at all points where road lines intersect plat boundaries and at all lot corners.

- (2) Street improvements. Streets shall be graded and improved with pavement and street signs in accordance with town highway specifications. Where 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 connection to the property line of each lot before the street is paved. Such grading and improvements shall be approved as to design and specifications by the Town Board or its authorized agent, who shall require that all pertinent town standards and specifications shall be met.
- (3) Storm drainage facilities. Storm drainage facilities shall provide a clear and protected channel fully adequate to handle runoff from a twenty-five-year storm and designed so that heavy runoffs which exceed the capacity of the channels can be handled with least possible damage to improvements and structures or as may be approved by the Town Board or its authorized agent.
- (4) Public utilities. The Planning Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the 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.
- (5) Central water and sewage facilities. Where central water and/or central sewage for a subdivision is required by the Planning Board or other governmental agency or where central water and/or central sewage is to be placed in the subdivision by the developer, said systems 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 facilities.

§ 133-21. Retention of professional consultants.

In the event the Planning Board deems it necessary, it may retain professional consultants to aid said Planning Board in arriving at decisions concerning any particular subdivision. The fee of the professional consultant shall be paid by the subdivider whose subdivision is being reviewed by said professional consultant. A deposit of 50% of the estimated fee is required from the subdivider or his agents at the beginning of each phase of review by the Planning Board. The subdivider may appeal the decision of the Planning Board under the provisions of this section to the Town Board.

ARTICLE V

Documents to be Submitted for Major Subdivisions**§ 133-22. Sketch plan.**

- A. Number of copies. At least three copies of the sketch plan shall be delivered to the Planning Board.
- B. Details required.
- (1) The sketch shall be at a convenient scale of no more than 100 feet to the inch and shall be submitted on uniform size sheets not larger than 36 inches 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.
 - (2) The name and address and signature of the owner or owners of the land to be subdivided, the name and address of the subdivider, if other than the owner, the name of the land surveyor or licensed professional engineer and seal who prepared the sketch plan, the proposed name of the subdivision, the Town of Olive, and Ulster County.
 - (3) A map of the location of the tract with respect to surrounding properties and community facilities such as roads, parks and schools. Such map is 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.
 - (4) All existing restrictions on the use of land including easements, zoning lines or street lines.
 - (5) A sketch plan on a topographic survey of the proposed area to be subdivided and of all contiguous property owned or optioned showing in simple form the proposed layout of roads, lots, and other features.
 - (6) All restrictions and covenants shall be submitted with the sketch plan.
 - (7) Contours shall be indicated at intervals of five feet or as may be required by the Planning Board.

§ 133-23. Preliminary plat.

- A. Number of copies. At least four copies shall be delivered to the Planning Board.
- B. Details required. The Town Planning Board may require that the preliminary plat show or be accompanied by the following information. The Planning Board may waive any or all of these requirements pursuant to § 133-4 of these regulations.
- (1) All data required in § 133-22B, except it shall be clearly labeled "preliminary plat."
 - (2) The location, bearings and distances of the tract's boundaries prepared by a licensed surveyor, location of North and date of preparation.

- (3) The names of all adjoining property owners of record and the names of adjacent developments.
- (4) The location and dimensions of all public properties, street lines, easements, zoning boundaries, or restrictions on the property.
- (5) Location of existing and proposed sanitary sewers, water mains for connecting a central water supply system, leaching fields, culverts indicating pipe size and type, storm drains, grades, direction of flow and ownership of applicable items.
- (6) The name, location, width, and approximate grade of all proposed streets with the approximate elevations shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in slope; radii of all curves and lengths of arcs.
- (7) Profiles showing existing and proposed elevations along the center lines of all streets.
- (8) Plans and profiles showing the location and a typical cross section of street pavements; the location, size and invert elevations of existing or proposed sanitary sewers and stormwater drains.
- (9) The area of land included in the subdivision and the approximate location, dimensions and area of all proposed or existing lots. The suggested location of buildings on lots will also be shown. If required, the land to be set aside for recreation and public purposes shall be shown. All lots shall be numbered.
- (10) Proposed provisions for water supply. If water is to be supplied by individual wells, then the approximate location of each well shall be shown upon the map.
- (11) The location of all existing buildings that may be used as residences. The location of stone walls, watercourses, swamps and all pertinent natural features that may influence the design of the subdivision.
- (12) The location, dimensions, and status of all covenants, deed restrictions, or easements which exist.
- (13) Soil characteristics as determined by the United States Department of Agriculture, where available.
- (14) Contours shall be indicated at intervals of five feet or as otherwise designated by the Planning Board.
- (15) All lots shall be monumented to comply with § 133-20G(1) of these regulations.
- (16) The name, seal and license number of the surveyor or professional engineer who prepared the plat.
- (17) Any covenants or restrictions which will be placed upon the subdivision by the applicant.
- (18) The Planning Board may require the following information to be shown upon the preliminary plat: fire hydrant, community sanitary waste disposal plant (if required), street trees, streetlighting, sidewalks.

- (19) The Planning Board may also require other data not included under this subdivision if it feels such other data may influence the design of the proposed subdivision.

§ 133-24. Final plat.

- A. General specifications. All final plats shall be clearly drawn on a transparent stable material such as Mylar or Chronoflex, suitable for reproduction, using black waterproof ink. Such plat shall be at a convenient scale of no more than 100 feet to the inch and shall be submitted on uniform sheets not larger than 36 inches by 48 inches. Where more than one sheet is required, a scaled map showing the entire subdivision on one sheet shall be submitted.
- B. Copies required. The subdivider shall submit to the Planning Board seven prints.
- C. Details required. The final plat shall show or be accompanied by all the information required under §§ 133-22B and 133-23B of these regulations, and in addition shall contain such information as required by the Planning Board after hearing on the preliminary plat.
- D. Subdivision. The Planning Board at its option may require the following to be placed upon the final plat:
- (1) Curbs and gutters, sidewalks, manholes and catch basins, street trees, fire hydrants, and, if required, the exact location and size of all water, gas, and/or other underground utilities.
 - (2) Endorsement by the Ulster County Health Department, and any stipulations of that Department (only tentative written endorsement is necessary before the public hearing, but final endorsement on the plat is needed before filing with the County Clerk).
 - (3) Explanation of drainage easement as follows: "The drainage easements (or the drainage discharge points) shown hereon establish the perpetual right to discharge stormwater runoff from the highway and from the surrounding area onto and over the affected premises by means of pipes, culverts, or ditches, or a combination thereof, together with the right of the holder of fee title to the highway, or his 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."
 - (4) Explanation of sight easements as follows: "The sight easements shown hereon establish the perpetual right of the holder of fee title of the highway, or his 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 road surface at the nearest edge of the road and an object one foot above the nearest edge of pavement on the intersecting road." See also § 133-17G.
 - (5) Explanation of reservations as follows: "Reserved for highway purposes (or recreation purposes, or other approved purpose)."

- (6) Explanation of slope easements, as follows: "The slope easements shown hereon convey to the (insert here Town of Olive, 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."

ARTICLE VI

Procedures and Requirements for Minor Subdivisions

§ 133-25. 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 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, floods or other menace; that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, 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 to fire-fighting equipment to buildings. The provisions under this article are specifically designed to make approval of a minor subdivision more easily obtainable than a major subdivision while still protecting the Town of Olive and future owners of the subdivided parcels.

§ 133-26. General procedure.

Whenever any subdivision of land is proposed to be made under the provisions of this article in the Town of Olive, and before any lots are sold, and before any erection of a structure in such proposed subdivision, the subdivider or his authorized agent shall apply for approval of such proposed subdivision in accordance with the following procedure:

- A. Preapplication meeting with Planning Board.
- B. Sketch plan showing general concept.
- C. Meeting with the Planning Board.
- D. Classification as minor subdivision and study of sketch plan (within 45 days).
- E. Review and approval by nontown agencies (if necessary).
- F. Planning Board approval by resolution.
- G. Planning Board signs plan.
- H. Planning Board and subdivider file plan.

§ 133-27. Preapplication meeting.

Before preparing a detailed proposal, the subdivider will make an appointment at a regular meeting of the Planning Board to familiarize himself with the requirements of these and other regulations, the policies and plans of the Planning Board, and other information that may be pertinent to the subdivision. He should also discuss his proposal with the County Health Department which is responsible for the adequacy of lot sizes for water supply and sewage disposal and in certain areas of the town with the Department of Environmental Protection. Under certain conditions, the subdivider may also need the approval of the state or county highway agencies, the Ulster County Planning Board, and others. Aside from the meeting with the Town Planning Board, these initial conferences are not mandatory but are intended to save the subdivider time and unnecessary expense.

§ 133-28. Sketch plan.

- A. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Secretary of the Planning Board at least 14 days prior to the regular meeting of the Board four copies (see § 133-37) of a sketch plan of the proposed subdivision, which shall comply with the requirements set forth below for the purposes of classification and preliminary discussion.
- B. The sketch plan initially submitted to the Planning Board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:
- (1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 - (2) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 20 feet.
 - (3) The name and signature of the owner(s) and the names of all adjoining property owners as disclosed by most recent tax records.
 - (4) The tax map sheet, block and lot numbers, if available.
 - (5) All the utilities available, and all streets which are either proposed, mapped or built.
 - (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
 - (7) All existing restrictions on the use of land including easements, covenants, or zoning lines.
 - (8) The proposed subdivision name, name of the town and county in which it is located.
 - (9) The date, North point, map scale, name and address of subdivider.

§ 133-29. Meeting with Planning Board.

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

§ 133-30. Classification as minor subdivision.

After meeting with the subdivider or his representative, the Planning Board shall classify the subdivision as a major or minor subdivision. If the Board determines that the subdivision is a major subdivision then the subdivider must follow the procedures outlined in Articles III, IV, and V of these regulations. If the Board determines that the subdivision meets the requirements of a minor subdivision then the subdivider should be notified within 45 days, or by the next monthly meeting date of the Planning Board, whichever comes sooner.

§ 133-31. Minor as part of major subdivision.

This section shall apply to any subdivision of land which is adjacent to or which encompasses any approved minor or major subdivision(s) and which is owned by the same or previous owner(s) of the approved minor or major subdivision(s).

- A. If any approved minor subdivision(s) should subsequently become part of a major subdivision, then the procedures and fees required in Articles III, IV, and V of these regulations shall apply to any lots that had received prior approval as a minor subdivision.
- B. If the sum of the number of lots in any proposed subdivision of land and any previous lots approved as a minor or major subdivision is five or more and if such proposed subdivision is adjacent to or encompasses the approved minor or major subdivision and if the owner(s) of the proposed subdivision is the same as the owner(s) or previous owner(s) of the approved minor or major subdivision then the proposed subdivision shall be considered as a major subdivision and the procedures and fees required in Articles III, IV, and V of these regulations shall apply.

§ 133-32. Study of sketch plan.

The Planning Board shall determine within 45 days whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

§ 133-33. Aggrieved party.

Any person aggrieved by the classification made by the Planning Board may appeal such decision to the Town Board in accordance with procedures outlined by the Town Board to take such appeals.

§ 133-34. Review and approval by nontown agencies.

Where review of subdivision(s) is required by other agencies, such approval shall be indicated on the sketch plan before the Planning Board can approve and sign the plan.

§ 133-35. Planning Board approval by resolution.

Once the requirements of this article have been met by the applicant, the Planning Board shall approve the minor subdivision plan by a resolution and duly record this resolution and the vote thereon in the official minutes of the Planning Board.

§ 133-36. Signing of plan.

After passage of the resolution by the Planning Board, the Board will affix its official signature to the plan.

§ 133-37. Filing of plan.

- A. The Planning Board shall maintain a file of approved subdivision plans which shall be available for public view upon request.
- B. The subdivider may file a copy of the approved subdivision with the County Clerk within 62 days as required by Town Law § 276.
- C. The Planning Board shall send copies of the approved subdivision to the Town Clerk and the Tax Assessor of the Town of Olive.

**ARTICLE VII
Enforcement****§ 133-38. Penalties for offenses.**

Any person who violates any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine not to exceed \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.

