

Local Law Filing

New York State Department of State  
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MISCELLANEOUS  
& STATE RECORDS

**Town of Glen**  
**Local Law No. 2 of the Year 2001**  
**A Local Law to be known as "Town Of Glen Subdivision Regulations" amending Local Law No. 1 of the Year 1995**

**Be it enacted by the Town Board of the Town of Glen as follows:**

**TABLE OF CONTENTS**

**ARTICLE 1: ENACTMENT, AUTHORIZATION, PURPOSE, APPLICATION ..... 3**

Section 105. Enactment and Authorization ..... 3

Section 110. Title ..... 3

Section 115. Purpose ..... 3

Section 120. Administration ..... 3

Section 125. Fees ..... 3

Section 130. Applicability and Exemptions ..... 3

**ARTICLE 2: DEFINITIONS ..... 4**

Section 205. Purpose ..... 4

Section 210. Definitions ..... 4

**ARTICLE 3: REVIEW AND APPROVAL PROCEDURE ..... 6**

Section 305. Purpose ..... 6

Section 310. Review Procedure for Minor Subdivision ..... 6

Section 315. Review Procedure for Major Subdivision ..... 6

Section 320. Sketch Plan Conference ..... 7

Section 325. New York State Department of Health ..... 7

Section 330. Application for Preliminary Plat Approval-Major Subdivision ..... 7

Section 335. Public Hearing for Preliminary Plat ..... 7

Section 340. Action on Preliminary Plat ..... 8

Section 345. Effect of Preliminary Plat Approval ..... 8

Section 350. Application for Final Plat Approval ..... 8

Section 355. Public Hearing for Final Plat ..... 8

Section 360. Waiver of Public Hearing for Final Plat-Major Subdivision ..... 8

Section 365. Guarantees for Required Improvements ..... 8

Section 370. Action on Final Plat ..... 9

Section 375. Conditional Approval of Final Plat ..... 9

Section 380. Filing of Plats in Sections ..... 9

Section 385. Recording of Final Plat ..... 9

Section 390. Compliance with State Environmental Quality Review Act ..... 9

<b>ARTICLE 4: DOCUMENTS TO BE SUBMITTED .....</b>	<b>10</b>
Section 405. Purpose .....	10
Section 410. Information Required for all Plat Submissions .....	10
Section 415. Agricultural Data Statement .....	11
Section 420. Minor Subdivisions .....	11
Section 425. Preliminary Plat, Major Subdivision .....	12
Section 430. Final Plat, Major Subdivision .....	13
Section 435. Waiver of Submission Requirements .....	14
 <b>ARTICLE 5: DESIGN STANDARDS AND REQUIRED IMPROVEMENTS .....</b>	 <b>14</b>
Section 505. Purpose .....	14
Section 510. General Road Standards .....	14
Section 515. Road Construction Standards .....	16
Section 520. Pedestrian Ways .....	17
Section 525. Utilities .....	17
Section 530. Water Supply .....	18
Section 535. Sewage Disposal .....	18
Section 540. Lot Requirements .....	18
Section 545. Unique and Natural Features .....	19
Section 550. Reservation of Parkland .....	19
Section 555. Unsuitable Land for Subdivisions .....	20
Section 560. Cluster Development .....	20
Section 565. Waiver of Standards .....	22
 <b>ARTICLE 6: FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS .....</b>	 <b>22</b>
Section 605. Purpose .....	22
Section 610. Required Public Improvements .....	22
Section 615. Time Limit on installation of Improvements .....	22
Section 620. Extension of Time Limit .....	23
Section 625. Phasing of Improvements .....	23
Section 630. Inspections of Improvements .....	23
Section 635. Financial Security Options .....	23
Section 640. Review of Proposed Financial Security .....	24
Section 645. Schedule of Improvements .....	24
Section 650. Staged Refunding of Financial Guarantees .....	24
Section 655. Acceptance of Required Public Improvements .....	24
 <b>ARTICLE 7: MISCELLANEOUS PROVISIONS .....</b>	 <b>25</b>
Section 705. Subdivision Compliance .....	25

Section 710. Penalty Provisions .....	25
Section 715. Certification and Filing with County .....	25
Section 720. Amendments .....	25
Section 725. Interpretation, Conflict and Separability .....	25
Section 720. Effective Date .....	26

## **ARTICLE 1: Enactment, Authorization, Purpose, Application**

### **Section 105. Enactment and Authorization**

Pursuant to the authority granted to the Town in Article 16, Section 276 and 278, of the Town Law, the Town Board of the Town of Glen, by resolution dated March 13, 1995, authorizes and empowers the Planning Board of the Town of Glen to approve preliminary and final plats of subdivisions 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 approve cluster developments within that part of the Town of Glen outside the limits of any incorporated city or village.

### **Section 110. Title**

This regulation shall be known as "Town of Glen Subdivision Regulations".

### **Section 115. Purpose**

The purpose of these regulations is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population. The provisions in these regulations shall be administered to supplement and facilitate the provisions of the Town of Glen Comprehensive Plan.

### **Section 120. Administration**

These regulations shall be administered by the Town of Glen Planning Board.

### **Section 125. Fees**

Application filing, consulting, environmental quality review and inspection fees shall be set by the Town Board resolution.

### **Section 130. Applicability and Exemptions**

Any subdivision of any parcel of land as defined in Article 2 of these regulations is subject to these regulations. The following exemptions to these regulations shall apply only if the land parcel undergoing subdivision has not been part of any subdivision during the past consecutive three (3) year period:

- i. A minor two-lot subdivision in which one (1) lot is retained by the owner is exempt;
- ii. A minor two-lot subdivision in which one (1) lot contains an existing dwelling is exempt;

- iii. A minor two-lot subdivision in which each of the two (2) lots contain five (5) acres or more is exempt.

## **ARTICLE 2: Definitions**

### **Section 205. Purpose**

Unless otherwise expressly stated, for the purpose of these regulations words and terms herein are defined as follows:

### **Section 210. Definitions**

**Comprehensive Plan:** A long range plan for the development of the Town.

**Cluster Development:** A planned development in which lots are platted with less than the minimum lot size and dimension requirements of land-use regulations, if such exist, but which have access to common open space that is a part of the overall development plan approved by the Planning Board.

**Conditional Approval of Final:** Approval of a final plat subject to conditions set forth by the planning board in a resolution conditionally approving such plat. Conditional approval does not qualify a final plat for recording nor authorize issuance of building permits prior to final plat approval.

**Environmental Assessment Form:** A form used by the Planning Board in the State Environmental Quality Review process to assist in determining the environmental significance or non-significance of an action or project.

**Final Plat:** A scale drawing, in final form and clearly marked "final plat", showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which after final plat approval, may be duly filed or recorded by the applicant in the Office of the County Clerk.

**Final Plat Approval:** The signing of a final plat by a duly authorized officer of a planning board after a resolution granting final approval to the plat, or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the County Clerk.

**Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law.

**Official Submission Date:** The date on which an application for plat approval, complete and

accompanied by all required information, endorsements and fees, has been filed with the Planning Board.

**Planning Board:** The Town of Glen Planning Board.

**Plat:** A scale drawing or drawings showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and dimensions, key plan, topography and drainage, and all proposed facilities.

**Preliminary Plat:** A scale drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**Re-subdivision:** The further division of lots, plots, sites, or other division of land or the relocation of lot lines of any lot within a subdivision previously made and approved or recorded according to law; or changes in the lines of existing streets, highways or public areas within any such subdivision; but not including conveyances made so as to combine existing lots by deed or other instrument.

**Reverse Frontage Lot:** Lots with the rear lot line abutting an existing or proposed street.

**Road, Major:** A road intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties.

**Road, Minor:** A road intended to serve primarily as an access to abutting residential properties.

**SEQR:** State Environmental Review Quality Act.

**Sketch Plan:** A scale sketch of a proposed Subdivision to enable the sub-divider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

**Subdivision:** The division of any parcel of land into two or more lots, blocks or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term "subdivision" shall include "re-subdivision".

**Subdivision, Major:** Any subdivision not classified as a minor subdivision including, but not limited to, subdivisions of five or more lots, or any subdivision requiring any new street or extension of municipal facilities.

**Subdivision, Minor:** Any subdivision for single-family residential housing containing not more than four lots fronting on an existing street, not involving any new street or road or the extension

of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of these regulations, or any master plan, official map, or land-use regulations, if such exist.

**Undeveloped Plat:** A plat where twenty percent [20%] or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

### **ARTICLE 3: Review and Approval Procedure**

#### **Section 305. Purpose.**

The purpose of this article is to establish the procedure for planning board review and action on applications for subdivisions. The procedure is intended to provide orderly and expeditious processing of such application.

#### **Section 310. Review Procedure for Minor Subdivision**

Minor subdivisions shall be processed in the following steps:

1. Sketch plan conference. (Optional)
2. Application for final plat approval. Environmental Assessment Form must be completed and submitted with application.
3. Planning Board review of final plat and Environmental Assessment Form.
4. Public hearing.
5. Planning board determination of environmental significance pursuant to SEQR.
6. Planning board action on final plat.

#### **Section 315. Review Procedure for Major Subdivisions**

Major subdivisions shall be processed in the following steps:

1. Sketch plan conference. (Optional)
2. Application for final plat approval. Environmental Assessment Form must be completed and submitted with application.
3. Planning Board review Environmental Assessment Form and preliminary plat.

4. Planning Board determination of environmental significance Pursuant to SEQR.
5. Public hearing.
6. Planning board action on preliminary plat.
7. Final plat submitted to Planning Board.
8. Planning board review.
9. Public hearing. (Optional)
10. Planning board action on final plat.

**Section 320. Sketch Plan Conference**

The sub-divider may request an appointment with the Planning Board for the purpose of reviewing a sketch plan. The Planning Board Clerk shall notify the sub-divider of the time, date and the place that the Planning Board will meet to consider and review such sketch plan as it relates to the comprehensive plan, design standards and required improvements as defined in Article 5 of these regulations. This meeting is intended to assist the sub-divider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans. The plat will be classified as a minor or major subdivision by the Planning Board as defined by these regulations. Subdivisions classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat. The sketch plan meeting does not require formal application, fee or filing with the Planning Board.

**Section 325. New York State Department of Health**

New York State Department of Health approval may be required for any subdivision containing five or more lots. Early contact by the sub-divider with this department is advised.

**Section 330. Application for Preliminary Plat Approval - Major Subdivision**

All major subdivisions shall be subject to the preliminary plat requirements of these regulations. The sub-divider shall file an application for approval of the preliminary plat on forms available from the Town Clerk accompanied by all documents specified in Article 4 of these regulations. Such application shall be filed at least ten days prior to the meeting at which it is to be considered by the Planning Board. The application for approval of the preliminary plat shall not be considered complete until all fees and reimbursable costs have been deposited by the sub-divider with the Town of Glen. In addition, a preliminary plat shall not be considered complete until a negative declaration or a notice of completion of the draft Environmental Impact Statement has been filed in accordance with the provision of SEQR. The time periods for review of a preliminary plat shall



begin upon filing of the negative declaration or the notice of completion.

### **Section 335. Public Hearing for Preliminary Plat**

Following the review of the preliminary plat and supplementary material submitted for conformity to these regulations, and following negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made by him/her, the Planning Board shall hold a public hearing. This hearing shall be held within 62 days after receipt of a complete preliminary plat by the Clerk of the Planning Board. The sub-divider or a duly authorized representative shall attend the hearing. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate.

### **Section 340. Action on Preliminary Plat.**

Within sixty two [62] days after the public hearing, the Planning Board shall approve, with or without modifications, or disapprove the preliminary plat and state its reasons for disapproval. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the sub-divider and the Planning Board. Within five days of approval of such preliminary plat it shall be certified by the clerk of the Planning Board as having been granted preliminary approval, a copy filed in the clerk's office, and a certified copy mailed to the sub-divider.

### **Section 345. Effect of Preliminary Plat Approval**

Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the sub-divider must comply with these regulations and all requirements set forth by the Planning Board in their review of the preliminary plat, and any other State Health Department requirements.

### **Section 350. Application for Final Plat Approval**

All major and minor subdivisions shall require final plat approval by the Planning Board. The sub-divider shall file for final plat approval on forms available from the Town Clerk, and accompanied by documentation as specified in Article 4 of these regulations, to the Planning Board. Such application shall be submitted at least ten days prior to the meeting at which it is to be considered by the Planning Board, and no later than six months after the date of the preliminary plat approval.

### **Section 355. Public Hearing for Final Plat**

A public hearing shall be held by the Planning Board after a complete application is filed and prior

to rendering a decision. This hearing shall be held within 62 days of the official submission date of the plat. The sub-divider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before the hearing.

#### **Section 360. Waiver of Public Hearing for Final Plat-Major Subdivision**

The public hearing for major subdivisions may be waived by the Planning Board if the final plat is in substantial agreement with the preliminary plat.

#### **Section 365. Guarantees for Required Improvements**

Prior to final plat approval, the sub-divider shall construct all required infrastructure and improvements. As an alternative, a performance bond or other security sufficient to cover the full cost of same shall be furnished to the town by the sub-divider as provided in Article 6 of these regulations.

#### **Section 370. Action on Final Plat**

The Planning Board shall by resolution conditionally approve, with or without modifications; disapprove; or grant final approval to the final plat within 62 days after the public hearing. If the public hearing has been waived pursuant to Section 360 above, the Planning Board shall act within 62 days after the official submission date. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the sub-divider and the Planning Board. The sub-divider shall be notified of the final action of the Planning Board by mail within five days. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to the provision violated by the plat.

#### **Section 375. Conditional Approval of Final Plat**

Upon conditional approval of such final plat the Planning Board shall empower a duly authorized officer to sign the plat and grant final approval upon completion of such requirements as may be stated in the conditional approval resolution. The plat shall be certified by the planning board clerk. A certified statement of the requirements shall accompany the plat which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of the requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire one hundred eighty [180] days after the date of the resolution granting conditional approval. The Planning Board may, however, extend the expiration time not to exceed two additional periods of ninety [90] days each.

#### **Section 380. Filing of Plats in Sections**

Prior to granting conditional or final approval of a plat in final form, the 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, may be granted concurrently with conditional or final approval of the plat.

#### **Section 385. Recording of Final Plat**

The sub-divider shall record the final plat, or section thereof, in the Office of the Clerk of Montgomery County, N.Y. within 60 days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Montgomery County, New York.

#### **Section 390. Compliance with State Environmental Quality Review Act**

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR 617.

### **ARTICLE 4. DOCUMENTS TO BE SUBMITTED.**

#### **Section 405. Purpose**

The documents to be submitted are intended to provide the approving authority (planning board) with sufficient information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development, meets the design and improvement standards contained in these regulations.

#### **Section 410. Information Required for All Plat Submissions**

1. Name and address of sub-divider and professional advisors who may appear in public with the sub-divider or on the sub-divider's behalf.
2. Map of property, prepared and stamped by a licensed land surveyor in the State of New York, at a scale of one inch to fifty [50] feet, one [1] inch to one hundred [100] feet, or one [1] inch to two hundred [200] feet, showing:
  - a. Subdivision name, the tax map section, block and lot number(s), scale, north arrow, location map showing on a tax map, USGS map, or street map the general location of the plat, and date.
  - b. Subdivision boundaries.

- c. Contiguous properties and names of owners.
  - d. Existing and proposed road, sidewalks, utilities, structures and drainage systems.
  - e. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
  - c. Proposed layout of lots, including lot widths and depths, road layout, open space, drainage, water supply, and sewage disposal facilities.
  - g. Land contours at ten foot intervals, or other suitable indicators of slope.
  - h. Proposed alterations of existing topography.
3. Copy of tax map(s).
  4. Existing restrictions on the use of land including easements, covenants and land-use regulations.
  5. Total acreage of subdivision and number of lots proposed.
  6. Environmental Assessment Form.

**Section 415. Agricultural Data Statement**

An application for subdivision approval that would occur on property within an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement. In addition to the information required in Section 410, an agricultural data statement shall include the following:

1. The name and address of any owner of land within the agricultural district which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and
2. A tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

**Section 420. Minor Subdivisions**

The following shall be submitted with all applications of a final plat for a minor subdivision:

1. One copy of the plat to be submitted to the County Clerk, drawn with ink on Mylar or

other material that is acceptable for filing, plus three (3) paper copies.

2. All information specified under Sections 410 and 415, updated and accurate.
3. Data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line, sufficient to allow for the reproduction of such lines on the ground.
4. A statement that all on-site sanitation and water supply facilities shall be designed to meet the specifications of the State Department of Health, and a note attesting to this shall be stated on the plat and signed by a licensed engineer. All sanitary facilities shall be shown on the plat.
5. A copy of any covenants or deed restrictions that are intended to cover all or part of the tract.
6. Any additional information which is deemed necessary by the Planning Board.
7. Any required fees.

#### **Section 425. Preliminary Plat, Major Subdivision**

The following shall be submitted with all applications for approval of a preliminary plat for a major subdivision:

1. Three (3) copies of the plat plan, drawn to scale. The map scale shall be one inch to 100 feet unless otherwise specified by the Planning Board.
2. All information specified under Sections 410 and 415, updated and accurate.
3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading, erosion control and landscaping plans.
5. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
6. The approximate location and size of all proposed water lines, hydrants and sewer lines, showing connection to existing lines.
7. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.

8. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains; the character, width and depths of pavements and subbase; and the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with approximate dimensions and area of each lot.
11. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as used in the surveying industry and shown on the plat.
12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
13. Where the preliminary plat submitted covers only a part of the sub-divider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided portion.
14. Any additional information as deemed necessary by the Planning Board.
15. Any required fees.

#### **Section 430. Final Plat, Major Subdivision**

The following shall be submitted with all applications for approval of a final plat for a major subdivision:

1. One copy of the plat to be submitted to the County Clerk, drawn with ink on Mylar or other material that is acceptable for filing, and clearly marked "Final Plat", plus three (3) paper copies. The map scale shall be one [1] inch to one hundred [100] feet unless otherwise specified by the Planning Board.
2. Proposed subdivision name and the name of the Town and County; the name and address of record owner and sub-divider; the name, address, license number and seal of the licensed land surveyor.
3. Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
4. Data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line, and boundary line, sufficient to allow for the reproduction of such lines on the ground.

5. The length and bearing of all straight lines, radii, length of curves and central angles of all curves. Tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale and true north point.
6. All offers of cession and any covenants governing the maintenance of un-ceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
7. Permanent reference monuments shall be shown at block corners and other points selected by the Planning Board.
8. Approval of the State Health Department of water supply systems and sewage disposal systems proposed or installed.
9. Construction drawings including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, roadside trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, subbase and other facilities.
10. Evidence of legal ownership of property.
11. Existing and proposed deed restrictions, in form for recording.
12. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board.

#### **Section 435. Waiver of Subdivision Requirements**

The Planning Board may waive, when reasonable, any requirements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements are found not to be requisite in the interest of the Public health, safety and general welfare. The reason for such waiver shall be indicated in the minutes of the Planning Board.

#### **ARTICLE 5: Design, Standards and Requirements Improvements**

##### **Section 505. Purpose**

The purpose of a good subdivision is to create a functional and attractive development, to minimize adverse impacts and to ensure a project will be an asset to the community. To promote this purpose, the subdivision shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs. The overall

character and design of the subdivision shall be in conformance with the Town of Glen Comprehensive Plan.

### **Section 510. General Road Standards**

1. The arrangement, width, location and extent of all proposed roads shall conform to and be in harmony with the comprehensive plan and official map of the Town as they may exist or shall conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of the land.
2. Marginal access roads may be required parallel to major highway rights-of-way. Marginal access roads shall be separated from major highways by a distance which allows for an appropriate use of the intervening land. Such distance shall also be determined with regard for requirements of approach grades and future grade separation.
3. Reverse frontage lots may be required along major highway rights-of-way. Screen planting contained in a non-access reservation along the rear property line may be required or such other treatment as may be necessary for adequate protection of residential properties.
4. Stub roads providing access to parcels adjacent to the subdivision may be required. Turnarounds may not be required for stub roads which do not provide access to dwellings within the subdivision.
5. Roads shall intersect at right angles where possible. Roads shall not intersect at angles of less than sixty [60°] degrees. Right-of-way lines at right angled intersections shall be rounded by curves of at least 20 feet in radius. All other intersections shall be rounded by curves suitable to the Planning Board.
6. Road offsets with center line offsets of less than one hundred twenty five [125] feet shall be avoided.
7. Dead end road shall not exceed eight hundred [800] feet in length or twenty [20] dwelling units and shall be provided with a turnaround suitable for snow plowing and the turning of school buses and emergency vehicles.
8. New road names shall not duplicate the names of existing platted roads. Extensions of existing roads shall bear the name of the extended road. Signs bearing road names shall be erected by the sub-divider at all intersections consistent with specifications for existing signage.
9. House numbers shall be consistent with the numbering system currently in effect.



10. Roadside vegetation shall not be planted in such way as to impair snow removal and safe driver visibility at intersections.

11. The Town Highway Superintendent and District Fire Chief shall be consulted by the Planning Board for an advisory opinion prior to the approval of any plan containing a new road or any plat containing lots whose only existing or proposed access to a public road is by easement or right-of-way.

12. Road design standards are as follows:

- a. Minimum width right-of-way:  
Minor roads - 50 feet  
Major roads - 60 feet
- b. Minimum width of pavement:  
Minor roads - 18 feet  
Major road - 24 feet
- c. Minimum width of shoulders: 4 feet
- d. Minimum radius of horizontal curves:  
Minor roads - 150 feet except for road intersection corners  
Major roads - 400 feet
- e. Minimum length of vertical curves:  
Minor roads - shall be such that at least a 100 feet line of sight exists measured three (3) feet above the road surface  
Major roads - 200 feet
- f. Minimum length of tangents between reverse curves:  
Minor roads - 100 feet, except where excessive grades may be reduced to reasonable grades by shortening the tangent  
Major roads - 200 feet
- g. Maximum grade:  
Minor roads - 10% or 14% on short runs  
Major roads - 6% to 8%
- h. Minimum grade - 1%
- i. Minimum braking sight distance:  
Minor roads - 200 feet  
Major roads - 300 feet

The Planning Board may reduce standards for road width if warranted based on the size of the subdivision and anticipated traffic levels.

**Section 515. Road Construction Standards**

1. Road improvements shall be installed by the sub-divider.
2. Road shall be built as follows:
  - a. Remove top soil a minimum of 6" prior to the laying of base material.
  - b. Sub-grade
    - i) Sub-grade shall be rough graded the full width of the road right- of-way. The subbase shall consist of a suitable gravel and stone material approved by the Town Highway Superintendent and compacted the full width of the road right-of-way to a depth of twelve [12] inches.
  - c. Base Course
    - i) Base course of gravel should be minimum of eight [8] inches with a maximum size stone of four [4] inches.
    - ii) Top course of gravel a minimum of four [4] inches with maximum size stone of two [ 2] inches.
  - d. Bituminous Asphalt Concrete
    - i) Base should be a minimum of three [3] inches compacted depth.
    - ii) Top coat to have a minimum of two [2] inches compacted depth.
3. All slopes shall be graded and seeded.
4. Cul-de-sacs are required on dead end roadways with a sufficient turning radius for school buses and emergency vehicles.

The Planning Board may reduce standards for roadway surface based on the size of the subdivision and anticipated traffic levels.

**Section 520. Pedestrian Ways**

1. In order to facilitate safe and convenient pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements of at least twenty [20] feet in width may be required.

2. In areas of heavy vehicular or pedestrian traffic, sidewalks may be required.
3. All required sidewalks shall be installed at the expense of the sub-divider, and shall conform to the specifications of the Planning Board.
4. All required sidewalks shall be of concrete or of a material approved by the Planning Board, and shall have a minimum of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas. Sidewalks shall also have a minimum depth of four (4) inches, with sidewalks in driveway crossings having a minimum depth of six (6) inches.

### **Section 525. Utilities**

Public utility improvements may be required and shall be installed as follows:

1. **Fire Protection:** The Planning Board may require the provision of a supply of water for fire fighting purposes consisting of dry hydrants and a water source. This supply may be provided through fire hydrants connected to a community water supply system or by means of fire ponds. The design, location, and capacity of fire ponds and hydrants shall conform to standards and specifications of the National Fire Protection Association and be acceptable to the chief of the fire department in whose district the subdivision is located. Hydrants to be of size, type and location specified by the Insurance Services Organization.
2. **Street Lighting:** poles, brackets and lights to be of size, type and location approved by the local power company.
3. **Electricity:** Power lines shall be placed underground and shall conform to Public Service Commission Standards.
4. **Utility services:** Shall be located from six to eight feet from the front property line to the center line of the utility service, between the sidewalk and curb line. All telephone and other service lines and cable shall be placed underground.

### **Section 530. Water Supply**

If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the sub-divider to the approval of the Planning Board. The sub-divider shall connect each lot at the property line with the public water supply. If no water supply is required, individual on-site wells shall be designed to meet the specifications of the New York State Department of Health.

### **Section 535. Sewage Disposal**

If, in the opinion of the Planning Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a neighborhood system, the sub-divider shall provide sanitary sewers and laterals for each lot for such service. Where public or neighborhood sanitary sewers are not feasible, the sub-divider shall provide and install an individual system for each lot or a sewage treatment facility adequate for all proposed development within the subdivision, in accordance with State and local requirements.

In case the sub-divider sells lots, rather than lots improved with houses, it shall be the responsibility of the sub-divider to obtain approval of the proposed sewage disposal systems. The installation of the approved individual sewage disposal facilities shall be the responsibility of the purchasers.

In order to determine that the proposed lots are large enough to accommodate future improvements, subdivision plats shall indicate the location of septic tank, leach field, water well, and residence for each proposed lot. The size of the leach field will be based on percolation test results pursuant to State Health Department standards.

### **Section 540. Lot Requirements**

1. Each lot shall directly abut public or approved private road, as required by Town Law Section 280-a. This abutment shall include at least fifteen [15] feet of road frontage suitable for access by emergency vehicles. Easements may be considered for access. A private road constructed to the standards of Section 515 of these regulations may be required.

2. Corner lots shall have sufficient width to allow building setbacks from and orientation to all abutting roads.

3. All lot dimensions and areas shall conform to the Town of Glen's land use regulations, if such exist.

4. Each lot shall have a buildable area, free from development restrictions such as wetlands, flood-plains, steep slopes, rock outcrops and un-buildable soils.

5. Where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provision for septic absorption fields or seepage pit systems as required by the New York State Uniform Building and Fire Code. A percolation test shall be required for each lot. Each lot shall be of sufficient size to accommodate on-site sewage disposal system and well pursuant to the New York State Department standards.

6. One or more off street parking areas may be required at the base of a steep driveway to facilitate parking in inclement weather.

#### **Section 545. Unique and Natural Features**

1. Unique physical features, such as historical landmarks and sites, rock outcrops, desirable natural contours and similar features shall be preserved where possible.
2. All surfaces shall be graded and restored, leaving no unnatural mounds or depressions.
3. Topsoil moved during construction shall be returned and stabilized by seeding and planting. An erosion control plan may be required to prevent soil erosion and sedimentation of surface waters during construction. Erosion control measures shall conform to the guidelines available from the Montgomery County Soil and Water Conservation District.
4. The removal or damage of existing trees and shrubs shall be minimized.

#### **Section 550. Reservation of Parkland**

1. Before the Planning Board approves a subdivision plat containing residential units, such subdivision plat shall show, when required by the Planning Board, a park or parks suitably located for a playground or other recreational purposes.
2. Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring such parkland. Findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based upon projected population growth to which the particular subdivision will contribute.
3. If the Planning Board makes a finding that the proposed subdivision presents a proper case for requiring a park, but that a suitable park or parks of adequate size cannot be located on the subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board.
4. Any monies required by the Planning Board in lieu of land for park, parks, playground or other recreational purposes pursuant to this section, shall be deposited into a trust fund to be used by the Town exclusively for park, park, playground or other recreational purposes, including the acquisition of property.

#### **Section 555. Unsuitable Land For Subdivisions**

As a safety measure for the protection of the health and welfare of the people of the Town, that portion of a proposed lot which is found to be unsuitable for subdivisions due to harmful features (e.g, drainage problems), shall not be included in the subdivision until adequate methods to mitigate adverse impacts are formulated by the sub-divider and approved by the Planning board.

## **Section 560. Cluster Development**

The purpose of this section is to enable and encourage flexibility of design and development of land in such manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands.

### **1. Modification of Land-Use Regulations:**

The Planning Board may modify the provisions of land-use regulations, if such exist, simultaneously with the approval of a subdivision plat, to permit the development of cluster subdivisions. Subdivision plats for cluster developments shall be approved in the same manner and subject to the same procedural requirements as any other subdivision plat.

- a) The sub-divider desiring this modification shall present a sketch plan to the Planning Board consistent with all the criteria established by these regulations and land-use regulations, if such exist. Before modifying these requirements, the Planning Board shall find that such modifications would be consistent with the purpose of these regulations and beneficial to the interests of the Town and the neighborhood in which the subdivision is located.
- b) The planning Board, in reviewing any plat for which modifications are not requested, may determine that the proposed subdivision should be considered as a cluster development pursuant to the design standards and required improvements of these regulations.
- c) The application of this procedure shall result in no more than the number of lots or dwelling units which, in the Planning Board's judgement, could be permitted if the land were subdivided in the conformance with the design standards of these subdivision regulations and with Town of Glen's land-use regulations, if such exist.

### **2. Cluster Developments**

- a) Cluster developments shall result in lands made available for open space. Such land shall be clearly identified and shall be labeled on the subdivision plat and shall be subject to the following requirements for dedications, ownership or maintenance:

#### **i) Dedications**

Any land dedicated for open land space purposes shall be used only for park, recreation, conservation or selective timbering and agricultural purposes. Such land shall be encumbered by appropriate covenants or conservation easements approved by the

Planning Board ensuring that the open space can not be further subdivided; the use of the open space will continue in perpetuity for the stated purpose; and appropriate provisions will be made for maintenance.

Any land dedication for purposes of this section shall be recorded in the County Clerk's Office. Such land shall be clearly identified on a final plat. Such identification shall note use, ownership, and management as well as other Liber and page of relevant filings with the County Clerk's Office.

ii) Ownership

The ownership of land dedicated for park, Recreation, or open space use shall be determined by the property owner or applicant subject to approval by the Planning Board. Ownership shall be with one of the following:

1. the Town;
2. another public jurisdiction or agency subject to their acceptance;
3. a private, non-profit organization incorporated with a purpose consistent with the use and management requirements of the dedicated land;
4. shared, common interest by all property owners in a subdivision;
5. a homeowner, condominium, or cooperative associations or organizations; or
6. private ownership encumbered by a conservation easement pursuant to Section 247 of the General Municipal Law or Sections 49-0301 through 49-0311 of the Environmental Conservation Law.

iii) Maintenance

The person or entity having the right of ownership shall be responsible for its proper maintenance or continued upkeep. Where a homeowner, condominium or cooperative association or organization fails to properly maintain any required open space, the town shall be authorized to enter and repair or maintain such areas and assess such owners for the cost thereof. For the purpose of this subsection, "proper maintenance" may include the removal of brush and weeds, snow removal, mowing of grass, removal of waste, refuse or garbage, or maintenance of workable drainage facilities.

In the case of a residential plat, the dwelling units may be, at the discretion of the Planning Board, in detached, semi-detached, attached or multi-story structures.

- b. The provisions of this section shall not be deemed to authorize a change in the permissible use of land as provided in the land use regulations, if they exist.

appropriate note or reference thereto on the Town Land Use Map, if such exists.

#### **Section 565. Waiver of Standards**

The Planning Board may waive, subject to appropriate conditions, the provision of any or all of such improvements as in its judgement of the special circumstances of a particular plat or plats are not required in the interest of the public health, safety and general welfare, or which in its judgement are inappropriate because of inadequacy or lack on infrastructure adjacent or in proximity to the subdivision.

### **ARTICLE 6. Financial Guarantees For Public Improvements**

#### **Section 605. Purpose**

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

#### **Section 610. Required Public Improvements**

If required by the Planning Board pursuant to Section 365 of these regulations, applicants for subdivision plat approvals shall provide the Town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs, signals and sidewalks and other public improvements.

#### **Section 620. Extension of Time Limit.**

The applicant may request an extension of time to perform required public improvements provided reasonable cause can be shown for the inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months.

#### **Section 615. Time Limit on Installation of Improvements**

The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this Article shall be completed with one [1] year from the date of approval of the subdivision plat or special use. Road improvements shall be made within two [2] years from the date of approval of the subdivision plat. At the end of such time, if the required public improvements are not completed by the Town, the Town may use as much of



the financial security required by this Article to construct and install, maintain or perfect the improvements as necessary to meet all applicable State and Local laws, ordinances, rules and regulations.

#### **Section 625. Phasing of Improvements**

The applicant may request a phasing of required improvements provided reasonable cause can be shown that is directly part of the documenting phasing schedule for a subdivision reviewed by the Planning Board.

#### **Section 630. Inspections of Improvements**

At least five [5] days prior to commencing construction of required public improvements, the applicant shall pay to the Town Clerk the inspection fee required by the municipality and shall notify the Town Board or an official designated by the Town Board, in writing of the time when the construction of such improvements will be commenced so that the Town Board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements and to assure the satisfactory completion of public improvements required by the Planning Board.

#### **Section: 635. Financial Security Options**

Acceptable financial security shall be provided to the Town in one [1] of the following ways:

1. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to these regulations;
2. The applicant shall present to the Town Clerk a certified check in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to these regulations;
3. The applicant shall present to the Town Clerk an irrevocable letter of credit drawn in favor of the Town in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to these regulations.

#### **Section 640. Review of Proposed Financial Security**

All required public improvements shall be shown on the Subdivision Plat and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer and shall be reviewed by the Town Board for financial adequacy as a guarantee of construction and of reasonable performance during a warranty period. The Town

Board and the Town Attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

**Section 645. Schedule of Improvements.**

When a guarantee agreement has been approved by the Town Board and the require surety bond, certified check, or letter of credit has been received by the Town Clerk, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds helped as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

**Section 650. Staged Refunding of Financial Guarantees**

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant, after preparing such statement, shall submit it for review, approval and signature by an engineer acting on behalf of the Town, by the appropriate Municipal inspectors and by the Town fiscal officer. If the statement is approved by the Town fiscal officer, the statement shall be forwarded promptly to the Town Clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the Town Clerk will then direct, in writing, to the surety company or financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

**Section 655. Acceptance of Required Public Improvements**

When the project inspector, following final inspection of the project, certifies to the Planning Board and the Town Board that all required public improvements have been completed in accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

**ARTICLE 7. Miscellaneous Provisions**

**Section 705. Subdivision Compliance**

No permit or certificate of occupancy shall be issued by the Code Enforcement Officer, except upon the authorization by and in conformity with an approved subdivision where required.

### **Section 710. Penalty Provisions**

1. Any person, firm or corporation who commits an offense against, neglects or refuse to comply with or resist the enforcement of any of the provisions of these regulations, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than Three Hundred Fifty [\$350.00] Dollars, or by imprisonment not exceeding twenty [20] days, or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of these regulations.

### **Section 715. Certification and Filing with County**

Upon, adoption, the Town Clerk is hereby directed to file a certified copy of these regulations with the Clerk of Montgomery County.

### **Section 720. Amendments**

The Town Board may, on its own, on petition or on recommendation of the Planning Board, after public notice and hearing, amend these regulations pursuant to all applicable requirements of law.

### **Section 725. Interpretation, Conflict and Separability**

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.

2. Where conditions imposed by any provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of these regulations or any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

3. If any clause, paragraph, section or article of these regulations shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate any other clause.

### **Section 730. Effective Date**

This Local Law shall be effective as of the date of filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19-2001 of the (County)(City)(Town)(Village) of Glen was duly passed by the Town Board on May 23 192001, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19-\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19-\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19-\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*Marieta E. Crane*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Marieta Crane, Town Clerk

(Seal)

Date: May 24, 2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Montgomery

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Robert J. Kruger*

Signature

Robert J. Kruger

Town Attorney

Title

~~County~~  
~~City~~ of  
Town  
~~Village~~

Glen

Date: May 24, 2001