

SUBDIVISION REGULATIONS
DESIGN AND CONSTRUCTION STANDARDS

PLANNING BOARD
TOWN OF CHARLTON

EFFECTIVE DATE: August 10, 1976
REVISED: February 1989
February 1993
February 1995

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SUBDIVISION REGULATIONS
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PLANNING BOARD
TOWN OF CHARLTON
NEW YORK

SECTION I - RESOLUTION

By a resolution adopted by the Town Board on the 6th day of December, 1956, pursuant to the provisions of Article 16 of the Town Law, the Planning Board of the Town of Charlton has the power and authority to approve plats for subdivision within the Town of Charlton.

It is the declared policy and duty of the Planning Board to:

- 1) Consider land subdivision plats as part of a plan for safe, orderly, and efficient use of land and/or development of the town.
- 2) Offer assistance and guidance to the applicant as to the requirements of the regulations and general policies of the Board.
- 3) Guide the applicant through the process as timely and economically as possible.
- 4) Provide for the possibility of open space area within the town.
- 5) Protect the natural resources of the town.
- 6) Preserve the rural character of the Town of Charlton.
- 7) Perform environmental quality reviews pursuant to Article 8 of the New York State Environmental Conservation Law (SEQRA).
- 8) Provide all proper written agreements concerning approved subdivision plats to the Zoning Administrative Officer of the Town of Charlton.

SECTION II - DEFINITIONS

Except as specifically included in Appendix 1, attached hereto, the definitions listed in Appendix C, of the most recent revision of the Zoning Ordinance of the Town of Charlton, will be applied to these regulations (Attached).

SECTION III - STEP BY STEP PROCEDURE

Following flow chart provides a brief summary of the steps which shall be followed to accomplish the approval of a subdivision development. In later sections of these regulations each step will be described in greater detail.

1. File application for approval, with Sketch Plan.
2. Preapplication Review by Planning Board
 - a. Classification
 1. Exempt Subdivision
 2. Minor Subdivision
 3. Major Subdivision
3. Procedure as described in FLOW CHART

SECTION IV - PROCEDURE BY DEVELOPER

A. ZONING ORDINANCE

Before making application for approval of plans for subdivision or re-subdivision, the subdivider shall comply with the requirements of the Zoning Ordinance of the Town of Charlton in the most recently revised form and/or as modified by Article 16, Section 278 of the New York State Town Law Enabling Legislation regarding modification of the Zoning Ordinance rules for "clustering " development. Copies of the Zoning Ordinance and Section 278 may be obtained for a fee from the Zoning Administrative Officer or the Town Clerk.

B. PREAPPLICATION CONFERENCE

The subdivider, or his legally authorized representative, shall attend a meeting of the Planning Board to discuss the requirements of these regulations prior to formal application. As a minimum, the applicant shall provide a sketch plan of the proposed subdivision.

The applicant should be advised that while a subdivision is under Planning Board consideration no alteration, modification or development of the land shall take place without prior Planning Board approval and that a statement of intent for the proposed plat is required.

C. APPLICATION

Whenever a subdivision is proposed to be made, and before any contract for the sale of, or any offer to sell, any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his legally authorized agent shall apply in writing for each approval of such proposed subdivision in accordance with these regulations. (See the attached flow chart)

1. Subdivision Application Procedure

- a. Submit Preliminary Application for Planning Board Review ten (10) days prior to the next regularly scheduled Planning Board meeting for inclusion on meeting agenda.
- b. Planning Board Review of application. Planning Board determines if project is an exempt subdivision, minor subdivision or major

subdivision. Planning Board determines if application is complete, if additional information is required or if the application is denied.

- 1) If the action is a exempt subdivision and no additional information is required on the application, the application process is complete. The Planning Board will approve, deny, or require a public hearing on the exempt subdivision within a maximum of 31 days. Approval means that the Planning Board by resolution will authorize the Chairman to sign the exempt subdivision survey map, subsequent to completion of any conditions of approval.
 - 2) If the action is a minor subdivision and application is complete Planning Board will schedule a public hearing within 62 days of determination of completed application.
 - 3) If the action is a major subdivision and application is complete Planning Board will schedule a public hearing within 62 days of determination of completed application.
 - 4) If application is not complete no further action will occur on the application until additional information is supplied and accepted by the Planning Board.
- c. Subsequent to the public hearing the Planning Board will act on preliminary submission of application. For a minor subdivision this may constitute approval, approval with conditions, or application denial. For major subdivision this constitutes approval, approval with conditions or denial of preliminary plat plans.
- d. For major subdivisions the applicant must meet conditions specified within 6 months of planning board issuance. If the preliminary plan is approved without condition the developer must submit final plat plan within 6 months of the preliminary plat approval is revoked.
- e. For major subdivisions the Planning Board will review final plat plans within 62 days. If the plat plan is in substantial agreement with the preliminary plat plan and will either: request additional information, provide approval, provide approval with modifications, provide approval with

conditions, or deny application approval. If the final plat is not in substantial agreement with the preliminary plat plan than the planning board shall schedule a public hearing within 62 days of receipt of the final plat. Within 62 days of the public hearing the Planning Board will either: request additional information, provide approval, provide approval with modifications, provide approval with conditions, or deny application approval.

2. Required Contents of Application

All applications to the Planning Board shall contain the following items as a minimum.

- a. Sketch Plan/Brief Project Description (See Section D and Section XII)
- b. Completed SEQRA form
- c. Statement of Intent (Minor and Major Subdivisions only)

The subdivider shall submit with his application for a major subdivision a document declaring the intended use of the land during the subdivision review process. This declaration shall include statements regarding the number of plots, mining, logging, mowing, farming, fill, grading, road bed preparation, etc., of the lands to be developed and those lands which may be turned over to the town or otherwise "conserved". This statement will be reviewed by the Planning Board with the developer in the pre-application conference. The developer is legally bound to comply with the statement of intent as approved by the Planning Board. The statement of intent may be modified by the developer or the Planning Board subsequent to both parties reviewing and concurring to the proposed changes at a Planning Board meeting.

3. Items Resulting in Termination of the Application Process

- a. Six months of applicant inaction, as determined by the Planning Board, will result in termination of the application.

4. Items resulting in the Revocation of an Approved Subdivision. The term revocation in this section means denial of building permits.

- a. Final Plat conditions shall be met within 6 months or approval of the final plat is revoked. If

conditions are met, building permits may be issued. The Planning Board may grant extensions as it deems necessary. The conditions of the final plat approval must still be met to the satisfaction of the Planning Board subsequent to the revocation of approval.

- b. The approval of a major subdivision, is revoked if no building permits are issued for any 3 year period unless the Planning Board has received a request for and granted an extension. All conditions and agreements of subdivision approval must still be met to the satisfaction of the Planning Board, subsequent to approval revocation. Once revoked, the previously approved major subdivision may be reinstated at the discretion of the Planning Board, subsequent to Planning Board review of the subdivision for conformance to current subdivision regulations.

5. Final Subdivision Plat Approval Expiration

- a. If the applicant fails to file an approved subdivision map in the Saratoga County Clerk's office within 62 days from the day the map is approved by the Planning Board, the approval of the subdivision expires.

6. Application for Extension

- a. The periods of time identified in section C.5 above may be increased, at the discretion of the Planning Board, with a request for extension formally submitted to the Planning Board.

D. SUBMISSION OF SKETCH PLAN

Any owner of land applying for a subdivision land, shall submit to the Chairman of the Planning Board, at least 10 days before the regular scheduled monthly meeting of the Planning Board, five copies of Sketch Plans of the proposed subdivision. Two subdivision plans will be required for all major subdivision applications:

- 1) A standard plan complying with the Zoning Ordinance and
- 2) A cluster subdivision plan as defined in Article 16, Section 278 of NYS Town Law.

The elements to be considered in the cluster plan must include: a) Areas of open, or undeveloped land areas or lots within the subdivision, b) Areas to be farmed, c)

A reduction in housing lot size (minimum of 1/2 acre per housing lot) to accommodate the open space land, d) the maintenance of the overall density of the subdivision (i.e. houses per acre) such that the density of the cluster subdivision does not exceed the number of approved building lots that could be pursued if the subdivision were to be developed in strict accordance with the density requirements of the zoning ordinance without clustering or zoning variances, taking into consideration such restrictive density factors as wetlands, ground percolation, environmental factors, etc, e) the maintenance of the permissible land use of the area consistent with the zoning ordinance.

The applicant may petition the Planning Board to waive the requirement for submission of a cluster plan if in the applicants opinion, the site cannot technically support such a plan. Final determination of such a waiver will be made by the Planning Board based on the technical information required by the Board for the waiver evaluation and a review for consistency with those policies and duties contained in Section I. A copy of all materials submitted to the Planning Board will be sent to the Town Clerk or the chairman of the Planning Board, Town of Charlton, prior to meeting with the Planning Board.

E. CLASSIFICATION

At the first meeting with the subdivider at which an adequate and/or acceptable Sketch Plan is available for discussion, a Classification shall be made as to whether the proposed subdivision is Minor or Major as defined by these regulations. After Classification the subdivider may proceed as described in the pertinent section of these regulations relating to that Classification.

F. ADEQUACY OF SKETCH PLAN

The subdivider shall be advised whether the Sketch Plan meets the requirements of these regulations, and if necessary, shall receive in writing, specific recommendations as to changes or additions to be incorporated in the next submission to the Planning Board.

SECTION V - SUBDIVISION APPROVAL

Within six months after classification of the proposed subdivision, the subdivider shall submit an application for approval of the proposed subdivision in final form. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for re-classification. The final submission shall conform to the arrangement shown on the Sketch Plan and include recommendations of the Planning Board.

SECTION VI - FEES

All applications for approval of a Subdivision shall be accompanied by fees as stated in the fee schedule. A copy of the fee schedule is available from the town clerk.

SECTION VII - DRAWINGS AND DOCUMENTS

A. DRAWINGS

1. General

All drawings shall be provided with a "Revision Block" with space for Revision No., Date, and Description of the Change. Entries shall be made in this block of all changes in the drawing after the original date.

2. Sketch Plan

Sketch Plans initially submitted shall be based on tax map information, or similarly accurate base map, at a scale to enable the entire tract to be shown on one sheet.

A scale of not less than 200 feet to the inch is preferred. The Sketch Plan shall show the following information.

- a. The location of that portion which is to be subdivided in relation to the entire tract.
- b. Distances to the nearest existing street and street intersections.
- c. All existing structures, wooded areas, streams, and other significant physical features, within the proposed subdivision and for a distance of 200 feet outside the area.
- d. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten feet.
- e. The name of the owner (Specific Individual and Title) of the land included within the proposed subdivision, and the names of the owners of all adjoining property, as listed in the most recent municipal tax records.
- f. The tax map sheet, block and lot numbers, if available.
- g. All available utilities.
- h. All streets, proposed, mapped, or built.
- i. The proposed pattern of lots, including lot width and depth, street layout, recreation areas, and systems of drainage, sewerage and water supply within the proposed subdivision area.

- j. All existing restrictions on the use of the land, including easements, covenants, or zoning lines.

3. Preliminary Plat

The Preliminary Plat shall be clearly marked "Preliminary Plat". It shall show the salient features of the proposed subdivision in sufficient detail to apprise the Planning Board of the layout. It shall be prepared at a scale of not less than fifty or more than one hundred feet to the inch. It shall include the following information:

- a. Proposed subdivision name, name of Town and County, date, true north point, scale, name and address of record owner, subdivider, and engineer or surveyor, including license number and seal.
- b. The names of all subdivisions immediately adjacent, and the names of the owners of record of all adjacent property.
- c. The Zoning District, including exact boundary lines of district, if more than one district.
- d. All parcels of land proposed to be dedicated to public use, and the conditions of such dedication.
- e. Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more as measured three feet above the base of the trunk, and other significant existing features of the proposed subdivision and adjacent property.
- f. Location of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades and direction of flow.
- g. Contours with intervals of five feet or less as required by the Board, including elevations on existing roads. Approximate grading plan shall be shown if natural contours are to be changed more than two feet.
- h. The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and profiles of all streets or public ways proposed by the developer.
- i. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines and fire alarm

boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law shall be shown. Also profiles of all proposed water and sewer lines.

- j. Storm drainage plan indicating the approximate location, size of proposed lines and their profiles and means of disposal. Also connection to existing lines and alternate means of disposal.
- k. Plans and cross sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, and the size and type thereof. Also the character, width and depth of pavements and sub-base, and the location of manholes, basins and underground conduits.
- l. Preliminary designs of any bridges or culverts which may be required.
- m. The proposed lot lines with approximate dimensions and area of each lot.
- n. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the boundaries of the proposed permanent easements over or under private property shall be shown. Such permanent easements shall not be less than twenty feet in width and shall provide satisfactory access to public highways or public open space shown on the subdivision map or official map.
- o. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor shall be submitted. The corners of the tract shall be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer. These shall be referenced and shown on the Plat.
- p. If the application covers only a part of the subdividers entire holding, a map of the entire tract, drawn at a scale of not less than four hundred feet to the inch shall be submitted. The proposed subdivision will be considered in the light of the entire tract. This map shall show an outline of the proposed subdivision with proposed and probable future street and drainage systems in the entire tract.

4. Final Plat

The Final Plat shall show the proposed subdivision in final form. It shall contain all information and detail required by law and by these regulations. It shall be presented to the Planning Board for approval, and if approved, shall be filed or recorded by the applicant in the office of the County Clerk or Register.

The Plat to be filed with the County Clerk or Register shall be clearly drawn with India Ink on Mylar. The size of the sheets shall be 8-1/2 inches by 14 inches minimum and/or 30 inches by 42 inches maximum, including a margin of two inches for binding, outside the border along the remaining sides. The Plat shall be drawn at a scale of no more than one hundred feet to the inch. It shall be oriented with the north at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Final Plat shall include the following information:

- a. All information previously listed under "Preliminary Plat".
- b. Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, and boundary line, to enable him to reproduce such lines on the ground. Where applicable, these lines should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
- c. The length and bearing of all straight lines, radii, length of curves and central angle of all curves. Tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall be shown in feet and decimals of a foot.

- d. All public open spaces for which deeds are included, and those spaces to which title is reserved by the developer.
- e. Lots and blocks within the subdivision shall be numbered, and lettered in alphabetical order in accordance with prevailing Town practice.
- f. Permanent reference monuments shall be constructed in accordance with specifications of the Town Engineer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced on the Plat.
- g. All lot corner markers shall be permanently located to the satisfaction of the Town Engineer. They shall be at least three-quarter ($3/4$) inches (if metal) in diameter, and at least twenty four (24) inches in length. They shall be placed in the ground to existing grade.
- h. Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all points of curves, street lines, and such intermediate points as shall be required by the Town Engineer.
- i. Construction drawings, including plans, profiles, and typical cross-sections, shall be submitted as required. These shall show size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers, storm drains, pavements, sub-bases, manholes, catch basins and other facilities.

B. DOCUMENTS

All applications for approval of proposed subdivisions shall be accompanied by the following:

- a. Copies of such covenants of deed restrictions as are intended to cover all or part of the tract to be subdivided.
- b. All offers of cession or covenants governing the maintenance of uncaded open spaces shall bear the certificate of approval of the Town Attorney as to legal sufficiency.

SECTION VIII - PROCEDURE BY BOARD

A. REGULAR MONTHLY MEETINGS

The Planning Board shall establish a time and place for its regular monthly meetings. These may not be changed except by amendment of the By-Laws.

B. SPECIAL MEETINGS

Special meetings may be called by the Chairman, but members should be notified in writing at least ten days before the meeting.

C. OFFICIAL SUBMITTAL

The time of submittal of applications for approval at each step of the procedure shall be the date of the regular monthly meeting of the Board, following by at least ten days the receipt of the application by the Chairman of the Board, complete with all required data and accompanied by the required fee.

D. CLASSIFICATION

It shall be the responsibility of the Board to determine the classification of the proposed subdivision as defined by these regulations. The subdivider will be advised in writing of the classification within 15 days of said classification.

E. PUBLIC HEARINGS

The public hearing shall be held by the Board within thirty one days from the time of submittal of application for approval. A notice of the public hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing. When the Board deems the Final Plat to be in substantial agreement with the Preliminary Plat which has been approved, or modified in accordance with an approval with modification, the Board may waive the requirement of a public hearing.

Legal counsel to the Board should be obtained if it is determined that a second hearing should be held or changes in the subdivision are required after the public hearing in connection with approval of the Final Plat.

F. REFERRAL OF APPLICATION TO COUNTY PLANNING AGENCY

The Chairman of the Planning Board, upon receipt of application for final approval of such subdivision plat shall so notify the County Planning Agency within 30 days of the receipt of such notification. The County Planning Board shall report to the municipality on its approval, disapproval, or, on its approval subject to stated conditions of the subdivision plat.

G. ACTION BY PLANNING BOARD

The Board shall approve, with or without modification, or disapprove, an application for approval within 62 days from the date of the public hearing. In the event that the public hearing is waived, the Board shall act within 62 days from the date of the submittal of the application for approval. Timing for other actions is as presented in the attached flow chart.

The reason for any modification required, or the reason for disapproval shall be stated in the records of the Board, with a copy to the subdivider. The Town Clerk should also be notified in writing.

SECTION IX - REQUIRED IMPROVEMENTS

A. IMPROVEMENTS AND PERFORMANCE BOND

Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either sub-paragraph (1) OR sub-paragraph (2) below:

1. In an amount set by the Planning Board the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements OR the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further, shall be satisfactory to the Town Attorney and to the Town Board as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
2. The subdivider shall complete all required improvements to the satisfaction of the Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.
3. The required improvements shall not be considered to be completed until the installation of the improvements has

been approved by the Town Engineer and a map satisfactory to the Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to sub-paragraph (2) then said map shall be submitted prior to endorsement of the plat by the Planning Board. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in sub-paragraph (I.), such bond shall not be released until such a map is submitted.

B. MODIFICATION OF DESIGN OF IMPROVEMENTS

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

C. INSPECTION OF IMPROVEMENTS

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

D. PROPER INSTALLATION OF IMPROVEMENTS

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

SECTION X - GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for subdivisions of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements.

A. STATE, COUNTY, AND TOWN AGENCIES

1. All on-site sanitation and water supply facilities shall be designed to meet the specified requirements of all appropriate State and County Agencies, and all appropriate Town laws, ordinances, rules and regulations,
2. Drawings shall include a statement that sanitation and water supply facilities have been designed to meet the specifications of the State Department of Health and certification thereto shall be signed by a licensed engineer.
3. Applications for approval of plans for sanitation and water supply facilities will be filed by the subdivider with all necessary Town, County and State Agencies.
4. Endorsement and Approval of Plans by the State Department of Health shall be secured by the subdivider before official submission of Subdivision Plans to the Planning Board.
5. Endorsement and Approval of Plans shall be secured by the subdivider from all appropriate State, County and Town Agencies.
6. Where new or additional community water systems are contemplated, the Board of Fire Commissioners of the affected fire district will be notified by the Planning Board.

B. GENERAL

1. 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.

2. Conformity to Official Map and Master Plan

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the, Master Plan, if such exists.

3. Specifications for Required Improvements

All required improvements shall be constructed or installed to conform to Town specifications where available, which may be obtained from the Town Engineer, or in accordance with specifications prepared by the developer for approval by the Town Engineer.

C. STREET LAYOUT

1. Width, Location and Construction

Streets shall be of sufficient width suitably located, and adequately constructed to conform with the Master Plan, if such exists, and to the current local laws pertaining to highway construction, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

2. Arrangement

The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection movement of traffic and the construction of extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

3. Minor Streets

Minor streets shall be so laid out that their use by through traffic will be discouraged.

4. Special Treatment Along Major Arterial Streets

When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation, along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate

protection of residential properties and to afford separation of through and local traffic.

5. Provision for Future Resubdivision

Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, or there is excess land in the subdivision, or if subdivision of adjacent land may occur, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

Where such subdivision occurs along an existing road or highway and excess land large enough for further subdivision remains without access to the road or highway, a 60' right-of-way shall be retained to assure access to this remaining portion.

6. Dead-End Streets

Dead end streets and cul de sacs are prohibited unless specifically approved by the planning board.

7. Entrance and Exit Streets

Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

8. Block Size

Blocks generally shall not be less than 400 feet nor more than 1200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 30' wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4' wide paved foot path be included. Fire hydrant placement should be taken into consideration with regard to Underwriters requirements.

9. Intersections with Collector or Major Arterial Roads
Minor or secondary street openings into such roads shall, in general, be at least 500' apart.

10. Street Jogs

Street jogs with center line offsets of less than 230' shall be avoided.

11. Angle of Intersection

In general, all streets shall join each other so that for a distance of at least 100' the street is approximately at right angles to the street it joins.

12. Relation to Topography

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

13. Other Required Streets

Where a subdivision borders on or contains an arterial street or highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

D. STREET DESIGN

1. General

Street design and construction shall meet the requirements of the current local laws and ordinances pertaining to streets.

2. Widths of Rights-Of-Way

Streets shall have a minimum right-of-way, width of 60' or as specified in the Town highway ordinance and local laws, whichever provides for the greater width.

3. Improvements

Streets shall be graded and improved with pavements, signs, gutters and storm drainage facilities. Provisions shall be made for curbs, sidewalks, water mains, sewers, street lights, street trees, and fire hydrants where required. Pedestrian easements shall be improved as required by the Town Engineer. Such grading and improvements shall be approved as to design and specifications by the Town Engineer.

(a) Fire hydrants

Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York, and with the specifications of Charlton Water District #1.

(b) Street Lighting Facilities

Lighting facilities shall be in conformance with the lighting system of the Town. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Town electrical inspector.

4. Utilities in Streets

The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

5. Utility Easements

Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20' in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

6. Grades

Grades of all streets shall conform in general to the terrain, and shall not be less than one-half ($1/2$) nor more than seven (7%) percent, but in no case more than three (3%) percent within 100' of any intersection.

7. Changes in Grade

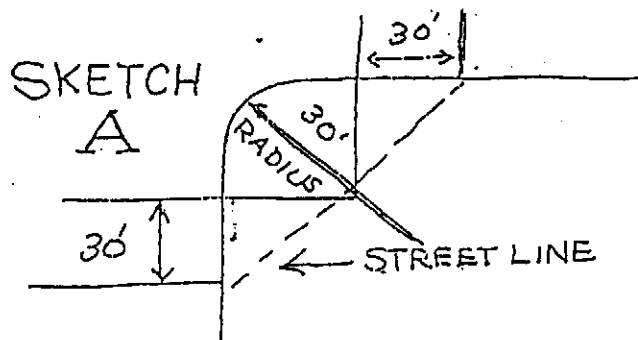
All changes in grade of more than one (1%) percent shall be connected by vertical curves of such length and radius as meet with the approval of the Town Engineer so that clear visibility shall be provided for a safe distance.

8. Curve Radii at Street Intersections

All street right-of-way lines at intersections shall be rounded by curves of at least 30' radius.

9. Steep Grades and Curves; Visibility of Intersections

A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) which is shown shaded on Sketch A shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.



10. Watercourses

Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as

required by the Town Engineer, and in no case less than 30' in width.

11. Curve Radii

In general, street lines within a block, deflecting from each other at any one point by more than 10 degrees, shall be corrected with a curve, the radius of which for the centerline of street shall not be less than 400' on major streets, 200' on collector streets and 100' on minor streets.

12. Service Streets or Loading Space in Commercial Developments

Paved rear service streets of not less than 30' in width, or in lieu thereof, adequate off-street loading space, suitably surfaced shall be provided in connection with lots designed for commercial use.

13. Free Flow of Vehicular Traffic Abutting Commercial Developments

In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board 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 or business district.

E. STREET NAMES

1. Type of Name

All street names shown on a Preliminary Plat or Sub-division Plat shall be approved by the Planning Board. Streets shall have names and not numbers or letters.

2. Names To Be Substantially Different

Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90 degrees without a change in street name.

3. Street Name Assemblies

Each assembly shall consist of two view or four view or six view embossed sign plates and necessary fixtures and hardware for assembling and mounting on a steel post so as to be readable from all approaches. Sign plates shall have embossed letters and border. These signs shall be acceptable to the Town Highway Superintendent.

F. LOTS

1. Lots To Be Buildable

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.

2. Side Lines

All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

3. Corner Lots

In general, corner lots shall be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

4. Driveway Access

Driveway access and grades shall conform to specifications of the Town Highway Ordinances or Local Laws, if specified. Driveway grades between the street and the setback line shall not exceed 10 percent.

G. DRAINAGE IMPROVEMENTS

1. Removal of Spring and Surface Water

The subdivider shall be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

2. Drainage Structure to Accommodate Potential Development Upstream

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on anticipated run-off from a two year, ten year and 25 year 24 hour storm considered individually, and provide for safe overland conveyance of flow of a 100 year 24 hours storm under conditions of total potential development permitted by the Zoning Ordinance in the watershed.

3. Responsibility from Drainage Downstream

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a twenty-five year 24 hours storm, or a 100 year 24 hours storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the correction of said condition, by the subdivider.

4. Land Subject to Flooding

Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

5. Control of Erosion and Sediment

The control of erosion and sediment shall be a continuous process undertaken as necessary prior to, during, and after site preparation and construction.

6. Integrated Drainage System

Prior to, during, and after site preparation and construction, an integrated drainage system shall be

provided which, at all times, minimizes erosion, sediment, hazards of slope instability, and adverse effects on neighboring property owners and water courses and does not increase existing drainage flows downstream of the development.

7. Natural Drainage Preservation

The natural drainage system shall generally be preserved in preference to modifications of this system, excepting where such modifications are necessary to reduce levels of erosion and sediment and adverse effects on neighboring property owners and water courses. Where such modifications are deemed to be necessary, engineering justification supporting both the need and the proposed design shall be provided.

8. Site Preparation and Construction

Site preparation and construction shall not adversely effect the free flow of water by encroaching on, blocking, or restricting water courses.

9. Retention of Natural Vegetation

Wherever feasible, natural vegetation shall be retained and protected.

10. Area of Land Exposed During Construction

The smallest practical area of land should be exposed at any time during construction. When land is exposed during construction, the exposure should be kept to the shortest practical period of time. All top soil which is excavated from a site shall be stockpiled and used for restoration of the site, and such stockpiles, where necessary, shall be seeded or otherwise treated to minimize the effects of erosion.

H. PARKS, OPEN SPACES, AND NATURAL FEATURES

1. Recreation Areas Shown on Town Plan

Where a proposed park, playground or open space shown on the Town Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph (3) below. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication.

2. Parks and Playgrounds Not Shown on Town Plan

Where population density permits, the Planning Board may, require that the Plat show sites of a character extent, and location suitable for the development of a park, playground, or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the Plat.

The Board shall require that not less than 3 acres of recreation space be provided per 100 dwelling units shown on the plat. However, in no case shall the amount be more than 10 percent of the total area of the subdivision. Such area or areas may, be dedicated to the Town by the subdivider if the Town Board approves such dedication. Appropriate legal measures should be taken to assure that such land can never be developed for other than recreational purposes.

In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the Plat show land for such purposes. The Board shall then require as a condition to approval of the Plat a payment to the Town of a reasonable amount based on the value of the land to be determined at that time which otherwise would have been acceptable as a recreation site as defined herein. Such amount shall be paid to the Town Board at the time of final Plat approval, and no Plat shall be approved by the Planning Board until such payment is made.

3. Information To Be Submitted

In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board, three prints (on mylar) drawn in ink showing, at a scale of not less than thirty (30) feet to the inch, such area and the following features thereof:

- a. The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.
- b. Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.

- c. Existing, and if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.
4. Waiver Of Plat Designation Of Area For Parks And Playgrounds

In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, or, if in the opinion of the Board it is not desirable, the Board may waive the requirement that the Plat show land for such purposes.

5. Reserve Strips Prohibited

Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Board.

SECTION XI - FILING OF APPROVED SUBDIVISION PLAT

A. FINAL APPROVAL AND FILING

Upon completion of the requirements in paragraphs previously described and notation to that effect upon the Subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the appropriate officer of the Planning Board (Chairman or Acting Chairman) and may be filed by the applicant in the Office of the County Clerk. Any Subdivision Plat not so filed or recorded within ninety (90) days of the date upon which such Plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days, each.

B. PLAT VOID IF REVISED AFTER APPROVAL

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

SECTION XII - VARIANCES AND WAIVERS

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from the strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan, or the Zoning Ordinance, if such exists.
- B. Where the Planning Board finds that, due to the special circumstances of a particular Plat, the provisions of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
- C. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

SECTION XIII - SEPARABILITY

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

APPENDIX

COLLECTOR STREET

Collector street means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

CUL-DE-SAC

A minor street that is not and will not be a through street open for access only at one end having a permanent court or turn around at one end. The Cul-de-sac length should not exceed 900'. The turn around should have a pavement radius of at least 60", the right-of-way radius shall be at least 75'.

DEAD-END STREET OR CUL-DE-SAC

Dead-end street or cul-de-sac means a street or a portion of a street with only one vehicular traffic outlet.

DEAD-END STREET

A minor or collector street which by indication and planning will in the future be extended to other lands of the subdivision owner or into lands of an adjoining property owner.

EASEMENT

Easement means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER

Engineer or licensed professional engineer means a person licensed as a professional engineer by the State of New York. This engineer shall be proficient in the field of civil engineering.

EXEMPT SUBDIVISION

A category of subdivision requiring Town Planning Board review applying to any simple division of an existing parcel of land into two parcels.

MAJOR STREET

Major street means a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

MAJOR SUBDIVISION

Major subdivision means any subdivision not classified as an Exempt or Minor Subdivision, or any size subdivision requiring any new street or extension of municipal facilities.

MASTER OR COMPREHENSIVE PLAN

Master or comprehensive plan means a comprehensive plan, prepared by the Planning Board pursuant to Section 272-a of the Town Law which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

MINOR STREET

Minor street means a street intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION

Minor subdivision means any subdivision containing three or 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, Official Map, or Zoning Ordinance, if such exists, or these regulations.

Any lot created from a previously subdivided parcel, within any consecutive fifteen-year period shall be included toward the three lot total. When the third lot is created the provisions of these regulations shall apply to all such lots thereof, including the first two, regardless of whether said lots have been sold, rented or offered for sale or lease singly or collectively, except for the subdivision fee which shall apply only to the third and subsequent lots. The fifteen-year period shall commence when the first lot is created from the original parcel.

OFFICIAL MAP

Official Map means the map established by the Town Board pursuant to Section 270 of the Town Law, showing streets, highways, and parks and drainage, both existing and proposed.

PLANNING BOARD OR BOARD

Planning Board or Board means the Planning Board of the Town.

PRELIMINARY PLAT

A preliminary plat is a drawing prepared in a manner prescribed by local regulation, showing the layout of a proposed subdivision including but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

SHALL

The word "shall" is mandatory and not directory. Words used in the present tense shall include the future.

SKETCH PLAN

Sketch plan means a sketch of a proposed subdivision showing the information specified in Article V, Section 1 of these regulations to enable the subdivider 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.

STREET

Public way including roads, avenues, lanes, or other traffic ways, between right-of-way lines which afford principal means of access to abutting property.

STREET PAVEMENT

Street pavement means the wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

Street width means the width of right-of-way, measured at right angles to the center line of the street.

SUBDIVIDER

Subdivider means 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

A subdivision is the division of any parcel of land into two or more lots, plots, sites or other parcels of land for the purposes of immediate or future sale, transfer of ownership, or development. The term "subdivision" shall include any alteration of lot lines or

dimensions of any lots or sites shown on a plot previously approved by the Town Planning Board and/or filed in the Office of the County Clerk.

SUBDIVISION PLAT OR FINAL PLAT

A final plat is a drawing prepared in a manner prescribed by local regulation, showing a proposed subdivision, containing in such additional detail as shall be provided by local regulation all information required to appear on a preliminary plat and the modifications if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been so approved.

SURVEYOR

Surveyor means a person licensed as a land surveyor by the State of New York.

TOWN ENGINEER

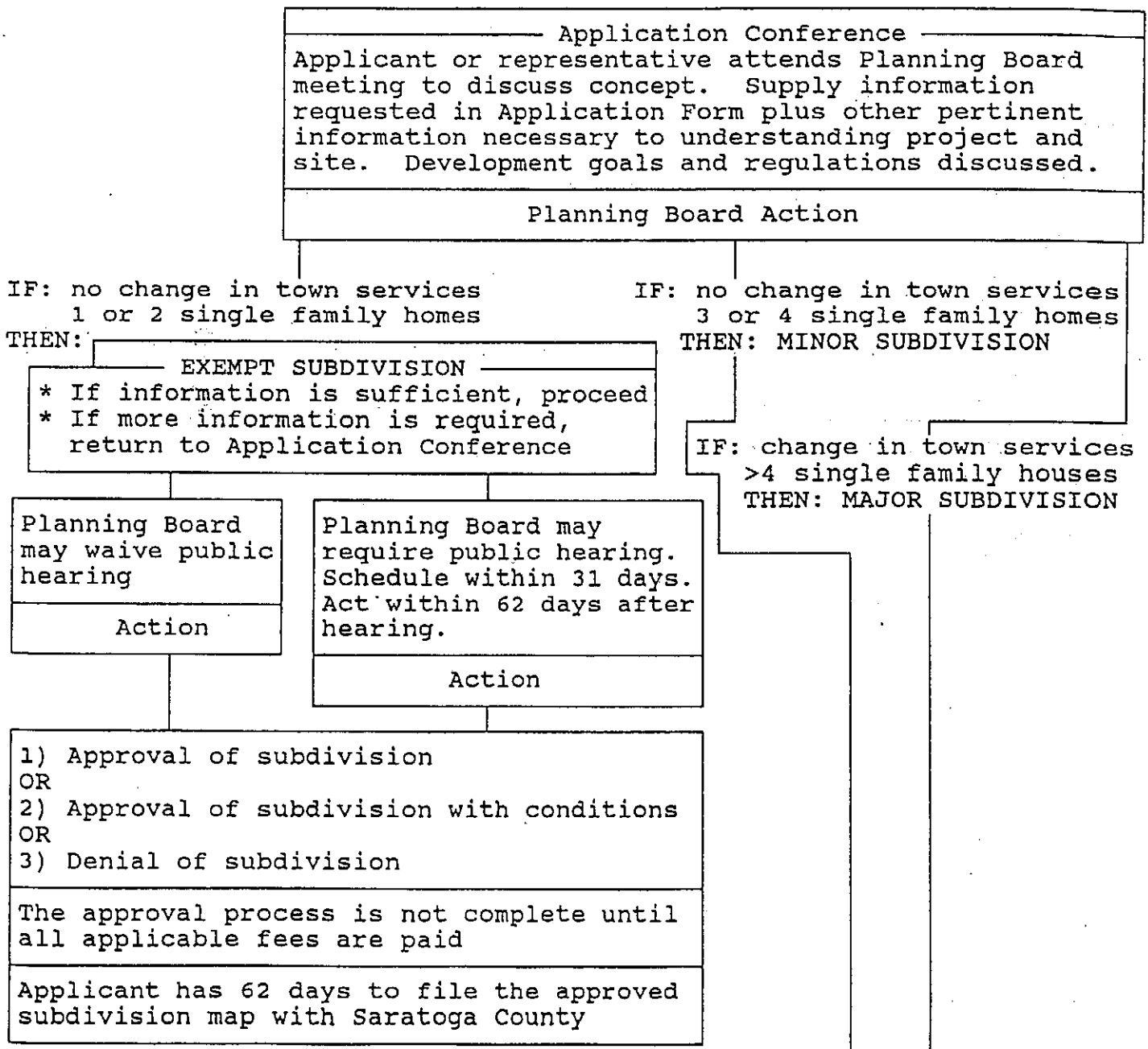
Town Engineer means the duly designated engineer of the Town, or an engineer or engineering firm retained by the Town in lieu of a town engineer with qualifications as defined under "engineer or licensed professional engineer".

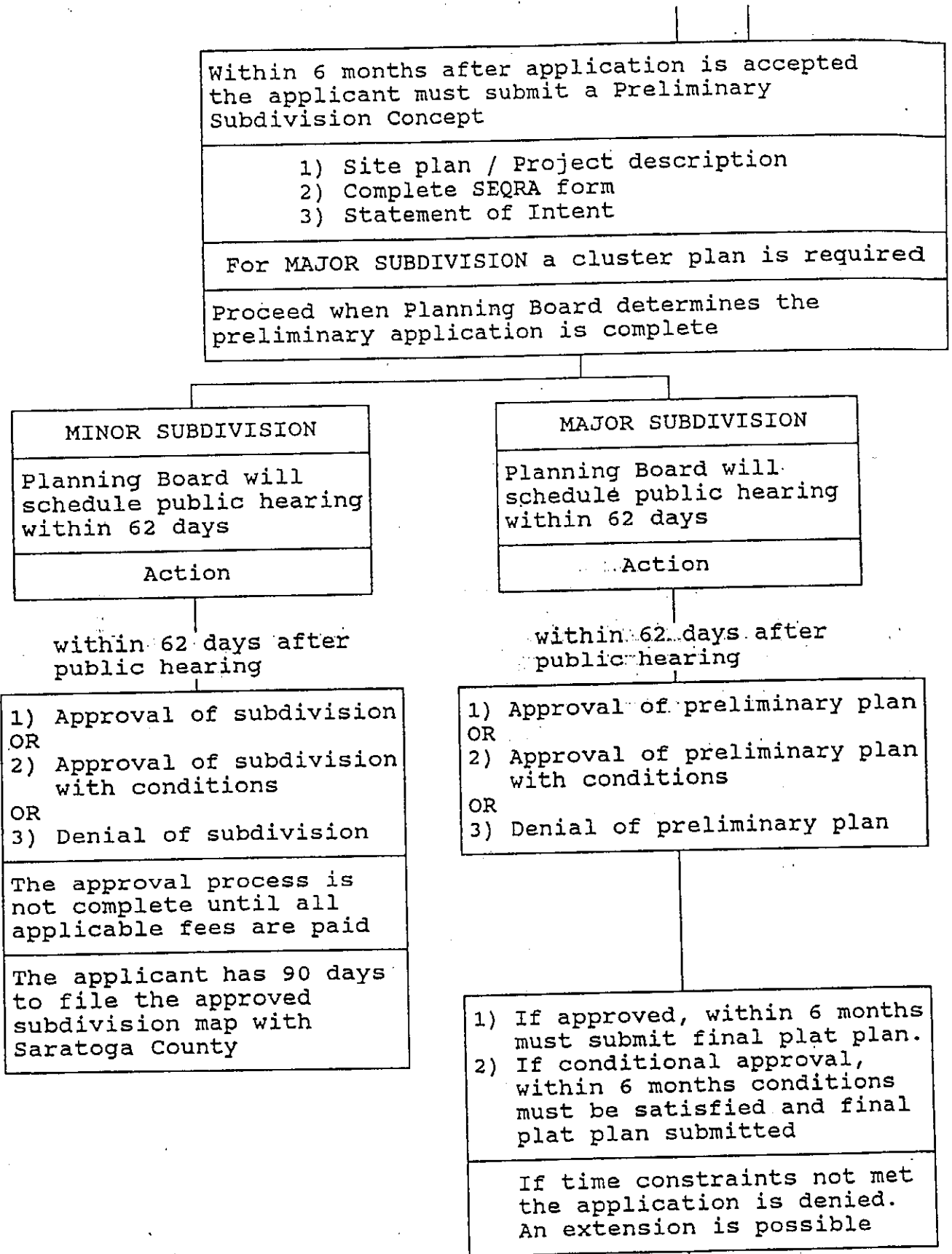
TOWN OF CHARLTON
SUBDIVISION PROCEDURES

The following flow chart gives a summary of the steps necessary to obtain a subdivision of land within the Town of Charlton. Detailed information is found in the SUBDIVISION REGULATIONS adopted by the Town Board

All Applicants

Notify zoning officer or town clerk at least ten days before a regularly scheduled Planning Board meeting of intent to appear.
Obtain and complete the Town of Charlton Subdivision Application Form.





within 62 days the Planning Board
will review the final plat plan

If final plan is substantially
the same as the preliminary,
action by the Planning Board
will be

If significant difference exists
between the preliminary and final
plans

- 1) Approval of final plan
OR
2) Approval with modifications
OR
3) Request more information.
Restarts Planning Board
review of the final plat
plan
OR
4) Denial of subdivision

Schedule public hearing within
62 days (see page 2 - MAJOR
SUBDIVISION)
Repeat all subsequent steps

The approval process is not
complete until all applicable
fees are paid

Applicant has 90 days to file
the approved subdivision map
with Saratoga County