



# Subdivision Regulations

October 28, 2018



Denning Town Hall

## Town of Denning – Subdivision Regulations

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October 28, 2018

This document is a proposed subdivision law with extensive text changes and reorganization (codification) compared with the code that is now in effect; however, this version is a 'clean copy'.

A 'tracked-changes' version that shows the specific proposed edits and deletions is also available for viewing at the Town Hall during normal business hours.

*In part, this document was prepared with funds provided through the New York State Department of State, as well as with resources from the Catskill Watershed Corporation.*

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ARTICLE I ☆ GENERAL PROVISIONS & ADMINISTRATION

§100 – AUTHORITY

By the authority of the resolution of the Town Board of the Town of Denning, adopted on May 7, 1975, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Denning is authorized and empowered to approve Plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the clerk of the county and to conditionally approve preliminary plats, within the Town of Denning. This law, and any amended section or subsection, is effective at the point of enactment (see Derivation Table attached as an appendix). This code is revised and recodified with certain new policies adopted on [x month, x day, 2018](#).

§110 – POLICY

It is declared to be the policy of the Planning Board to consider land subdivisions as part of a plan for the orderly, safe, aesthetic, efficient, and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace. Proper provision shall be made for drainage, water supply, sewerage and other needed improvements; the natural terrain, vegetation, and soil shall be conserved wherever possible; and all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. Furthermore, proposed streets shall compose a convenient system conforming to the Official Map, and shall be properly related to the [Town Comprehensive Plan](#), and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection, and provide access of firefighting equipment to buildings. Proper provision shall also be made for open spaces for parks or playgrounds; it is also a goal to ensure as well as afford adequate facilities for housing and to protect the Town's attractive environment so as to maintain property values. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and may be cited as, "Town of Denning, Land Subdivision Regulations" which have been adopted by the Planning Board on March 19, 1975, approved by the Town Board on May 7, 1975, and as have been re-codified and re-adopted in their entirety [on x month, x day, 2018](#).

§120 - INCONSISTENCY WITH TOWN LAW

By this document, the Town Board hereby declares its intent to supersede those sections of the Town Law, § 276 et seq., pursuant to its Home Rule powers under Municipal Home Rule Law, Article 2, §10, et seq. of the Consolidated Laws of the State of New York. However, only to the extent it concerns public hearings deemed necessary for minor subdivisions and lot line adjustments.

§130 - SEVERABILITY CLAUSE

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

§140 – WAIVERS

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

§150 - BUILDING PERMITS

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

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cost of such improvement. A plat approved by the Planning Board may show adequate access to the site as may be assured through a maintenance and/or development agreement.

### §160 - PLATS STRADDLING MUNICIPAL BOUNDARIES

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

### §170 – RESUBDIVISION

The ‘Town of Denning Subdivision Regulations’ were adopted May 7, 1975. The Original Parcel is the lot existing when the regulation was adopted, or twenty (20) years after the approval of a division or Subdivision of a property, all parcels in that division become original parcels. The Planning Board registers all lot divisions. Proof, such as deed research, can be requested for a determination of the applicable process to divide, or Subdivide, land.

### §180 - LINE REVISION (Adjustment)

While there is a requirement to have a local record of parcel modification, a lot line revision is not a subdivision (see ‘Definitions’). The amending map may be signed after sketch plan review and upon plan submission and lot line revision approval. It is not a requirement that a pre-application meeting occur as part of sketch plan review. The Planning Board may waive any of the requirements of the final plat submission, although the plat shall include the map **and deed** in final form acceptable for filing with Ulster County as prepared by a licensed land surveyor, and the same number and mix of copies shall be provided to the Town as a final plat. All property owners must sign the consent to file note.

### §190 – FEES (Land Development Fees)

Fees are provided in a separate ‘fee schedule’; the Town Board shall, from time to time, by resolution, establish land development fees. As the approval of plats or other activities authorized by this code are at the request of the applicant and must be reviewed by the Planning Board, these fees cover the reasonable costs of administration and technical reviews associated with such applications. The fees associated with a subdivision shall be provided by the applicant to the Town Clerk at the time of application submission along with the applicant’s written basis of the fee calculation, unless otherwise indicated, for each of the following sub-items. Technically, all fees are paid to the Planning Board, although the actual funds are deposited with Town Clerk (two copies of the Town Clerk’s receipt and the fee calculation shall be provided for the Planning Board’s file):

- A. APPLICATION FEE - Paid at the time of submission of an application for subdivision approval, this nonrefundable administrative fee shall be charged on a per-plat or per-lot basis, or both (the cost would be inclusive of any public hearing). A unique form of this fee may also be charged to process lot line adjustments.
- B. REVIEW FEE - Where applicable, a subdivider shall pay to the Town the municipality’s actual costs for technical analysis. Prior to submission of a preliminary and/or final plat, these costs assessed will be paid as special fees apart from any other fee provisions of this chapter. Generally, the protocol is to obtain an initial estimate by the Planning Board’s consultant(s) as to possible cost(s) of review. Such fees are placed in escrow and must be replenished to a reasonable level if more than seventy five percent (75%) is consumed at any point:
  - 1 - Environmental Review Fee. The subdivider shall pay all costs (for professional services and expenses) associated with the State Environmental Quality Review (SEQR) process relating to the proposed subdivision.
  - 2 - Technical Review Fee. Fee to defray costs associated with review of a subdivision by an independent consulting Town engineer, attorney, planner, habitat specialist, or other technical expert, in addition to that associated with any SEQR support.

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3 - Inspection Fees. These cover physical inspections and related facilitation and coordination costs during the buildout of a subdivision and the construction of infrastructure. Prior to certification of any physical improvements or related performance guaranties, the subdivider shall pay all associated inspection and related costs (for professional services and expenses).

C. RECREATION FEE IN LIEU OF PARK LAND DEDICATION - Fee to be charged in cases, particularly major subdivisions, where the Planning Board finds that dedication of park lands would be unreasonable or undesirable (see [§460 B]). This fee shall be charged on a per-lot basis.



**ARTICLE II ☆ PROCEDURE FOR REVIEW & FILING SUBDIVISIONS**

**§200 – APPLICABILITY**

Whenever any subdivision of land is proposed, and before any contracts for the sale of any lots in such subdivision, and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdivider shall apply for approval of such proposed subdivision.

**§210 - GENERAL PROCEDURE**

All applicants for subdivisions shall apply in writing for approval of such proposed subdivision in accordance with the following procedure. ‘Definitions’ are provided in [Article VIII]. (Different procedural steps may apply to minor subdivisions and lot line revisions – see [Article I], [Article III], as well as the design standards [Article IV], and documents to be submitted [Article VI]. Fees shall be paid commensurate with the applicable fee schedule for a particular application. It is strongly recommended for an applicant to become versed in the overall framework for subdivision review:

- 1 - Initial conference with the Planning Board (the applicant generates a basic site resource analysis for this meeting).
- 2 - Sketch Plan showing general concept for the subdivision (In meetings with the applicant the Planning Board reviews a conservation analysis and the notion for the subdivision. SEQR processing is recommended to begin at this stage).
- 3 - Preliminary Plat showing the proposal in more detail.
- 4 - Review by non-Town agencies, including County referral.
- 5 - Public hearing on Preliminary Plat (for certain subdivisions, including ‘major’ subdivisions, a hearing is set once an application is defined as complete).
- 6 - Planning Board action on Preliminary Plat by written resolution.
- 7 - Final Plat submission and review.
- 8 - Public hearing on Final Plat (may be waived).
- 9 - Planning Board action by written resolution.
- 10 - Completion of improvements or posting of bond, certified checks, or suitable alternative surety, plus inspections of work performed.
- 11 - Planning Board signs plat.
- 12 - Plat is filed in County Clerk's Office.

**§220 - INITIAL CONFERENCE PROCEDURE AND CLASSIFICATION.**

Prior to filing a Sketch plan, the applicant shall meet and confer with the Planning Board to acquaint the applicant with these regulations, to determine the necessary requirements, provide a basic resource analysis, and participate in conceptual discussion with the Planning Board. The Planning Board may determine that a separate step to review a ‘resource analysis’ is not required for minor subdivisions.

A. RESOURCE ANALYSIS AND CONCEPTUAL DISCUSSION - The Planning Board shall review the applicant's site resource analysis submittal (See [Article VI]). The applicant will be prepared to discuss possible subdivision concepts, based on the resource analysis, the comprehensive plan and local land use laws. An objective is to provide general consensus regarding areas that are preferably conserved and those areas that are more suitable for and not constrained from development. SEQR classification, meaning identification of the possible class of action, should be discussed with the Planning Board. The idea of this step is to identify concepts regarding the optimal or preferred places to locate development so that it is likely to be in harmony with and enhance community character. The process seeks to explore land use siting concepts prior to extensive investment in environmental review and infrastructure engineering design. The resource analysis and conceptual design discussion form a basis for the design of the subdivision and should be reflected in the sketch plan and preliminary plan.

**B. OTHER CONFERENCES**

- 1 - As the Planning Board works in close conjunction with the Highway Superintendent on many aspects of access and infrastructure design, it is strongly encouraged to involve this official early on in the development process.
- 2 - There is referral of certain subdivisions to the Ulster County Planning Board (by adopted resolution ‘Minor’ subdivisions may be exempted from ‘County referral’ as explained in the Land Use Referral Guide, 2008 by Ulster County Planning Board). Moreover, under certain conditions, the subdivider may also need approval of the Ulster County Board of Health, County Highway agency, the State Department of Environmental Conservation, New York City Board of Water Supply, and others. Therefore, it is strongly encouraged that the proposed subdivision should also be discussed in advance with these agencies and Ulster County Planning Staff.

**§230 - SKETCH PLAN PROCEDURE**

Prior to filing a Preliminary Plat, the subdivider or his duly authorized representative, shall submit a Sketch Plan showing the conservation analysis and a basic proposed subdivision layout and other information required in the documents to be submitted [Article VI].

- A. **AFTER SUBMISSION OF THE SKETCH PLAN** - The Planning Board may schedule a field trip to the site to be accompanied by the subdivider. To facilitate the inspection of the site, the subdivider shall have the center line of any proposed streets or rights of way marked by temporary stakes. With the information on the preferably conserved areas there shall be exploration of possible ways to provide careful access connections to the parts of the site that may be considered more suitable for development.
- B. **SEQR** - It is encouraged for the Planning Board to initiate SEQR at this stage. An applicant may request in writing that the Planning Board hold-off on producing its recommendations concerning a Sketch Plan action during SEQR processing, until there is a determination that an action is Type II, there is negative declaration, or issuance of a findings statement.
- C. **REVIEW OF SKETCH PLAN** - Within sixty-two 62 days of the official date of submission of the Sketch Plan, the Planning Board shall determine whether the proposed submission, or as modified, meets the objectives of these regulations. It shall categorize whether the application should proceed as a ‘minor’ or ‘major’ subdivision. These findings should be generated through a vote of the Board and, at a minimum, be stated in its meeting minutes.

**§240 - PRELIMINARY PLAT PROCEDURE**

A Preliminary Plat shall then be prepared and the required copies submitted showing in more detail how the subdivision is to be designed, details of construction, any proposed covenants and other items required in [Article VI]. Given the highly variable topography of the Town, it is a policy to obtain a variety of details about the proposed form and layout of the subdivision at this stage.

- A. **PUBLIC HEARING AND SEQR** - The provisions pertaining to SEQR, public hearings, notices and decisions shall be followed as provided in §276 of the Town Law.
  - 1 - If SEQR is performed at this stage ‘completeness’ is defined to require either issuance of a negative declaration or a findings statement. Furthermore, this determination should be made based on the receipt of all information required in [Article VI]. Completeness should be defined through a vote of the Board.
  - 2 - A **PUBLIC HEARING** shall be held within sixty-two (62) days after the Preliminary Plat is determined complete by the Planning Board. A hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing. The Planning Board shall act in writing within sixty two (62) days of the close of the hearing to approve, with or without modification, or disapprove the Preliminary Plat. This period may be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to act within sixty two (62) days shall constitute approval.

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- B. COUNTY REFERRAL - Unless a referral is required by the local Planning Board, according to a local resolution adopted by the Planning Board in May 2009 and subsequently confirmed by the Ulster County Planning Board (hereafter UCPB) the referral of 'minor' subdivisions is not subject to the County land use referral process. A formal application is referred to UCPB at the point that an application is considered complete or a public hearing is scheduled. Actions may not proceed until the time minimum set for response to referral has elapsed. Depending on the comments from UCPB, the vote or resolution of the Planning Board may require a supermajority for favorable passage.
- C. OTHER AGENCY REVIEW - Where review is required by other agencies such as the Ulster County Health Department and New York City Board of Water Supply, tentative written recommendations of these agencies shall be filed by the Subdivider with the Planning Board.
- D. STUDY OF PRELIMINARY PLAT - The Planning Board shall study the practicability of the Preliminary Plat taking into consideration the requirements of the community, UCPB comments, and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, access, the relation to the topography of the land; water supply, sewage disposal, and drainage; lot sizes; shape and arrangement; the future development of adjoining lands as yet unsubdivided; and the requirements of the Comprehensive Plan, the Official Map, Zoning Regulations, and other matters enumerated in Section 277 of the Town Law.
- E. RECORD OF ACTION ON PRELIMINARY PLAT - Approval with or without modification shall be by resolution and noted on five (5) copies of written decision attached to the Preliminary Plat and referenced with any statement of conditions. One (1) copy shall be returned to the applicant; one (1) to Town Clerk; one (1) to Building Inspector; one (1) to the Highway Superintendent; and two (2) shall be retained by the Planning Board. The grounds for a modification if any, or the grounds for disapproval, shall also be stated upon the records of the Planning Board. Within five (5) business days of the approval of the Preliminary Plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval, copy filed in said Clerk's office, with the Town Clerk, and a certified copy mailed to the owner(s).
- 1 - The decision should discuss the character of the subdivision and the extent and amount of the required improvements. It shall identify waivers and conditions which have been granted consistent with public health, safety, and welfare. It shall also identify the amount of all surety therefore which it will require as prerequisite to the approval of the subdivision plat.
  - 2 - Conditional approval of a preliminary plat shall not constitute approval of the subdivision plat. Rather, it shall be deemed as an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the next stage plat, which will be submitted for approval of the Planning Board and for recording with the County Clerk upon fulfillment of the requirements of these regulations and any established stipulation provided in the conditional approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

### §250 - FINAL PLAT PROCEDURE

A resolution of approval, or resolution of conditional approval, shall duly authorize and empower an officer of the Planning Board to sign the Plat for recording with the County Clerk. However, a conditional final plat shall not be signed until the subdivider has complied with [Article V] of these regulations concerning the procedure for carrying out required physical improvements. The main point of [Article V] is to ensure that all infrastructure is built as approved, receives sign-offs, performs as expected, and conforms to and satisfies any outstanding stipulations or conditions.

#### A. PROCEDURE TO REVIEW AND CONSIDER FINAL PLAT

- 1 - Within six (6) months after the approval of the Preliminary Plat, the subdivider shall file the Plat in final form with the Planning Board, accompanied by required fees and information required in [Article I]. If the Final Plat and accompanying materials are not submitted within six (6) months, approval of the Preliminary Plat may be revoked by the Planning Board.
- 2 - Within sixty two (62) days of the submission of a complete plat in final form for approval by the Planning Board a hearing shall be held by the Planning Board, which hearing shall be advertised at least two consecutive weeks in a newspaper of general circulation (paper of record) in the town with the

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second notice occurring at least five days (5) before such hearing. If the planning board deems the Final Plat to be in substantial agreement with a Preliminary Plat approved under [§240] and modified in accordance with requirements of such approval and if such Preliminary Plat has been approved with modification, the Planning Board may waive requirement for such public hearing.

- 3 - If such board determines that an Environmental Impact Statement is required, and a public hearing is held on the Draft Environmental Impact Statement, the Final Environmental Impact Statement shall be filed within forty-five (45) days following the close of such public hearing in accordance with the provisions of the SEQR. If no public hearing is held on the Draft Environmental Impact Statement, the Final Environmental Impact Statement shall be filed within forty-five (45) days following the close of the public hearing on the final plat.
- 4 - Within thirty (30) days of the filing of the Final Environmental Impact Statement, the Planning Board shall issue findings on such Final Environmental Impact Statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.
- 5 - If the Planning Board is not lead agency, and if an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the final plat within sixty-two (62) days after the close of the public hearing on such final plat or within thirty (30) days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

### B. PLANNING BOARD ACTION

- 1 - The Planning Board shall by written resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat. The time for action is influenced by SEQR. [Article V] defines the required improvements and procedures for implementing a subdivision.
- 2 - Notwithstanding the foregoing provisions, the time in which a Planning Board must take action on such a plat, may be extended by mutual consent of the owner and the Planning Board. Such extension should be in writing and should be by a vote of the Planning Board reflected in the meeting minutes. In the event a Planning Board fails to take action on a Final Plat within the time prescribed therefore, the plat shall be deemed approved and a certificate of the clerk of the town as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

- C. **CONDITIONAL APPROVAL** - In the event the required improvements according to these regulations or other conditions set forth by the Planning Board are not complete at the time of submission of the Final Plat, the Planning Board may conditionally approve the Final Plat. Upon completion of such requirements the plat shall be signed by the duly authorized officer of the Planning Board as specified in [§530]. Conditional approval of a Final Plat shall expire within one hundred eighty (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as completed. The Planning Board may extend this time up to two additional ninety (90) day periods. The applicant should consider whether the physical improvements necessary to complete a subdivision can reasonably be expected to be completed in the six (6) month period that is available. It shall be incumbent on the applicant to keep the Planning Board abreast of the buildout.

**ARTICLE III ☆ PROCEDURE FOR MINOR SUBDIVISIONS**

**§300 - MINOR SUBDIVISION INTENT**

These procedures and requirements shall apply to minor subdivisions only (see Definitions). Minor subdivisions involve limited construction of new public infrastructure, but may involve the platting of a private, low volume, joint access Right(s)-of-Way (see Zoning Definitions) serving no more than four (4) lots, provided there are adequate on-going controls. When a Minor Subdivision requires a Zoning approval, it is encouraged to allow time for the joint processing of dual reviews, if applicable.

**§310 - REQUIREMENTS FOR MINOR SUBDIVISION**

- A. A sketch plan review is required for a minor subdivision.
- B. The contents of a minor subdivision shall consist of items called for in [Article VI] and the final plat shall be consistent with [§650 B].
- C. An applicant is required to comply with SEQR.
- D. A public hearing may be required for minor subdivisions.
- E. By adopted local resolution, referral to the County Planning Board is not required, particularly if new public infrastructure is not proposed, and site access requirements are reviewed by the Town Planning Board. Likewise, a preliminary plat is not requisite.
- F. The final plat, suitable for filing in the Office of the Ulster County Clerk, and as required by New York State Law, shall be submitted as drawn by a licensed surveyor in the form and number of copies identified in [Article VI]. The applicant shall agree to the standards imposed by the Planning Board, including any linked Zoning approvals, and, as evidence of compliance, shall sign a ‘statement of compliance’. This agreement shall explain the development intent, stipulations, legal restrictions and approvals, and Right-of-Way, if applicable, and shall be notarized and filed with the Planning Board and the Office of the Ulster County Clerk within sixty (60) days of the Planning Board’s Final Approval.

**§320 - REVIEW CRITERIA**

- A. The sketch plan shall be used in determining the number of lots permitted, not exceeding the Minor threshold.
- B. All lots not fronting on an adequately accessible, existing public Highway must have a local Planning Board approved right-of-way for access (See [Zoning Law - Article VII §300 and §300, et al]).
- C. Provisions shall be made for the proper installation of utilities, with the establishment of easements, acceptable to the Planning Board and the utility company having jurisdiction. It is encouraged to situate utilities within the subdivision, and where possible within the minimum fifty-foot (50) right-of-way.
- D. Provision shall be made for the proper installation of sanitary sewers, with documentation as may be required by the New York State Department of Health, New York City Bureau of Water Supply, or Ulster County, as applies, along with a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal.
- E. Provision shall be made for proper drainage design, including as required by DEC and New York City Bureau of Water Supply.

ARTICLE IV ☆ GENERAL REQUIREMENTS & DESIGN STANDARDS

§400 - GENERAL

- A. CHARACTER OF LAND - Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. In Denning there is a high incidence of slopes which have potential to be subject to erosive forces. Rugged topography provides for channelization of stormwater; therefore, the management of stormwater is of paramount concern.
- B. CONFORMITY TO [OFFICIAL MAP AND TOWN COMPREHENSIVE PLAN](#) - Subdivisions shall conform to the Official Maps of the Town and Ulster County and shall be in harmony with the Comprehensive Plan.
- C. PRESERVATION OF NATURAL COVER - Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil. It is preferred for disrupted soils to remain on-site.
- D. PRESERVATION OF EXISTING FEATURES - Existing features which would enhance the attractiveness of the site or the community as a whole, such as watercourses, ponds, historic places and similar irreplaceable assets, and in some cases trees, shall be preserved insofar as possible through harmonious design of the subdivision. The Planning Board should consider guidance in the community comprehensive plan, the sketch plan (if applicable), and regional plans in making this determination.
- E. SPECIFICATIONS FOR STREETS AND REQUIRED IMPROVEMENTS - All streets and other required improvements shall be constructed or installed to conform to Town specifications. See also The Town of Denning Highway, New Road, and Access Standards on file with the Town Clerk.
- F. ACCESS - All lots shall front on a public Highway, or receive access over an approved private right-of-way. Nothing herein shall be construed as limiting the Planning Board from setting conditions upon the layout and development of driveways and joint access rights of ways in the interest of public health and safety (See Zoning).
- G. WATER SUPPLY - There is local interest in water sources and wells. It is requested that for any new lot the subdivider provide data and logs on well location, depth, flow, etc. Furthermore, when any State or regional agency requires well information, on location, flow, etc., for regulated water supplies or systems, all such documentation shall also be submitted to the Town, including for Ulster County-regulated wells in realty subdivisions, or public water systems covered by New York State Public Health Law, or those subject to State Department of Environmental Conservation public water supply withdrawal requirements.
- H. DESIGN GUIDELINES - the Planning Board may adopt recommended standards for the design and buildout of subdivisions.

§410 - STREETS

- A. GENERAL PLANNING STANDARDS - The circulation system shall be coordinated so as to compose a safe and convenient system, suitably located, of sufficient width, and adequately improved to accommodate prospective traffic, drainage, and to afford satisfactory access to police, fire fighting, emergency response, snow removal, and road maintenance equipment.
- B. STREET LAYOUT - [All streets shall be properly related to the Comprehensive Plan and in conformance with the Official Map.](#) The arrangement, character, width, grade and location shall be considered in relation to the proposed uses of the land to be served and the character of the area.
- C. RELATION TO TOPOGRAPHY - Streets width, grade and location shall be logically related and conform insofar as possible to the original topography.



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- 1 - A. Proposed streets (and right-of-ways) shall be arranged to obtain building sites at or above the grade of the street.
  - 2 - A combination of steep grades and sharp curves should be avoided.
- D. NEW STREETS - *New streets should have a location outside of floodplain unless a safe and suitable means of alternative access is available consistent with local and regional policies and hazard plans.* Until the subdivision road is constructed, dedicated to the Town, and accepted by the Town Board prior to final plat approval; or the subdivision road is dedicated to the Town and accepted by the Town Board and conveyed after final inspection and posting of a maintenance bond before the last lot is sold, new road and rights of way remain private and will be owned and maintained in accordance with a plan approved by the Planning Board. *Such road shall be maintained in accordance with the terms of a road maintenance agreement which provides for sharing obligations and costs of repair and maintenance.* This agreement shall be executed by the owners of all lots and properties to which access is obtained by use of said road. The agreement shall run with the land and be binding on the owners, the successors, distributees and assigns and shall be recorded in the office of the County Clerk simultaneously with the filing of the approved subdivision plat. This means that when any road is dedicated to the Town, the subdivision application must address the contingency of the Town Board's refusal to accept and the Planning Board must address that contingency in its decision. The subdivider is responsible for maintenance of all subdivision roads until conveyance to the Town or another entity.
- E. CONTINUATION OF STREETS AND RIGHTS-OF-WAYS INTO ADJACENT PROPERTY - Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for safe and convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the Town Comprehensive Plan and official map.
- 1 - Reserve strips controlling access to streets shall be prohibited except where their control is placed with the Town under conditions approved by the Planning Board.
  - 2 - If adjacent property is undeveloped and the street must temporarily dead-end, the right-of-way shall be extended to the property line. A temporary turnaround shall be provided on all temporary dead-end streets, with a note on the Plat that land outside the normal street right-of-way shall revert to abutting properties.
- F. TREATMENT OF MAJOR & COLLECTOR STREETS
- 1 - In Residential Areas -- Where a subdivision abuts or contains an existing or proposed major street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to separate through and local traffic.
  - 2 - In Business Areas -- In areas zoned or designed for commercial or mixed use, or where a change of zoning is contemplated for these uses, the Planning Board may require that a service road be constructed, to assure the free flow of through traffic, and to provide adequate and safe parking space.
- G. DEAD END STREETS
- 1 - Permanent cul-de-sacs shall normally not exceed seven hundred and fifty (750) feet in length as public streets in order to provide for effective management of Town assets. *No permanent dead-end street may be constructed having more than seven (7) building lots.*
  - 2 - A depth suitable for an adequate building lot may be required to be retained between the terminus of the road and adjoining property.
  - 3 - A turnaround with a minimum right-of-way radius of 50 feet and a pavement radius of (40) fifty feet, shall be provided at the end of permanent dead-end streets.
- H. CONTINUATION OF STREETS (AND UTILITIES) INTO ADJACENT PROPERTY - If an adjacent property has undeveloped buildable area potentially capable of new development and a street is laid out as a temporary dead-end, an adequate width right-of-way reservation shall extend to the property line (and be shown on the plat) plus an adequate temporary turn-around shall be built.

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### I. STREET NAMES & SIGNS

- 1 - All streets shall be named subject to the approval of the Planning Board. Names shall be sufficiently different in sound and spelling from other street names in the Town, Ulster and Sullivan Counties in order to avoid confusion. A continuation of an existing street shall bear the same name. As a general policy, the use of personal names for new roads is discouraged. Historical names or ones appropriate to the particular development or general neighborhood are preferred.
- 2 - Applicants shall install Town standard street signs that identify the range of house numbers accessible from the intersection.

### J. DESIGN SPECIFICATIONS AND STANDARDS FOR STREETS - More detailed standards and street specifications are provided in the 'Town of Denning Highway, New Road & Access Standards'.

### §420 – INTERSECTIONS

- A. DESIGN - Intersections of major streets by other streets shall be at least 800 feet apart. Outside the hamlet areas, cross (four-cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least 250 feet shall be maintained between offset intersections. Within 40 feet of an intersection, streets shall be approximately at right angles, and grades shall be limited to one and a half (1½) percent. Street corners will be rounded by 25-foot radius curves at the property line.
- B. VISIBILITY AT INTERSECTIONS - Within the sight triangle formed at corners by the intersecting street center lines, for a distance of 75 feet from the intersection and diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping shall be permitted to obstruct such visibility. An easement for the enforcement of this provision shall be granted to the owner of the street and notation to this effect made on the Subdivision Plat. (See also 'definitions').

### §430 - BLOCKS AND LOTS

- A. PROVISION FOR FUTURE RESUBDIVISION - Where a tract is subdivided into lots with buildable area substantially larger than the minimum required in the zoning district, the Planning Board may require the streets and lots to be laid out so as to permit logical future subdivision and/or road and appurtenant infrastructure improvements.
- B. BLOCKS - Block dimensions shall generally be 400 to 1,200 feet. In general block width should not be less than twice the normal lot depth.
- C. BUILDABLE LOTS - The lot size, width, depth, shape and arrangement shall be appropriate for the type of development, zone, and use contemplated, and shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build in compliance with the Zoning Ordinance, or in providing access to buildings on such lot(s) from an approved street. In all areas, but particularly in hamlets, there should be confirmation that there is adequate soils capabilities and separation for sanitary waste disposal and drinking water supply.
- D. LOT GEOMETRY - While lots with uniform geometry and layout may be desirable, it is contemplated that irregularly shaped lots may be configured to aid the retention of undisturbed, or minimally disturbed open space, while still considered buildable and conforming with zoning. Generally, lots shall be of a depth as not to encourage the later creation (subdivision) of a second building lot at the front or rear in a major subdivision. The intent for large remainder areas should be discussed with the Board during review.
- E. DOUBLE FRONTAGE LOT - Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both street right of ways.
- F. SIDE LOT LINES - Side lot lines should be at right angles to street lines unless a variation from this rule will give in the opinion of the Planning Board a better street, lot, or open space plan. Lot lines shall coincide with municipal boundaries.



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- G. **RIGHT OF WAY VIS-A-VIS LOT LINE** - Where extra width has been dedicated for widening an existing street or right-of-way, lot lines shall begin at such extra width (new proposed outer edge).
- H. **OPEN SPACE DEDICATIONS** - A final plat may designate a perpetual open space lot provided the plat filed with the County Clerk is clearly labeled.
- I. **PROHIBITION ON FUTURE RESUBDIVISION** - When a variance or significant flexibility (defined as the grant of multiple substantial waivers) in lot arrangement is allowed in order to achieve a buildable lot, there should be a note on the plat indicating that future subdivision is prohibited.

### §440 - ACCESS

- A. **ACCESS FROM MAJOR STREETS** - Lots shall generally not have their vehicular access from a new major street (in order to ensure traffic safety). Where driveway access from an existing major street may be necessary for several new adjoining lots, the Planning Board may require that such lots be served by a combined joint access right-of-way in order to limit possible traffic hazard on such street.
- B. **ACCESS ACROSS A WATERCOURSE** - Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Engineer. New York City DEP approvals are also likely to be required.
- C. **WIDENING OR REALIGNMENT OF EXISTING STREETS** - Where the subdivision borders an existing street and additional land is required for realignment or widening of such street as indicated on the Official Map, or Town Development Plan, or if there is an identified need based on a consultation with the Highway Superintendent, the Planning Board may require that such areas be indicated on the Plat and marked "Reserved for Street realignment (or Widening) Purposes."

### §450 - WATER BODIES

If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the Sustained ownership of the water body among the fees of the adjacent lots. The Planning Board may approve an alternate plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a Town responsibility. The Town does not intend to own water features. Dams in subdivisions must be permitted and inspected to confirm structural integrity, with any designs by a licensed engineer. Maintenance of water bodies/ water courses usually requires a DEP permit. As provided in Zoning Law, there are limits on the minimum lot area that may be satisfied by wetland or land under water.

### §460 - RESERVATIONS AND EASEMENTS

- A. **GENERAL** - In accordance with Section 277 of the Town Law, the Planning Board may require either the reservation of land for park or recreational purpose or payment of a fee to a trust fund to be used for recreation purposes.
- B. **PARKS & RECREATION**
  - 1 - **RESERVATION OF LAND** - The Planning Board may require the reservation of land for a park or recreational purposes to be reserved on the Plat, but in no case to be more than fifteen (15) percent of the gross area of the subdivision. The location of such reservation shall be in accordance with the Town Development Plan or Official Map, if such exist, or otherwise where the Planning Board shall deem such reservation to be appropriate. In general, such reservations should have an area of at least two (2) acres and be afforded adequate access. The responsibility for maintenance shall be fixed and agreed upon by both the subdivider and the Planning Board.
  - 2 - **PAYMENT OF MONEY IN LIEU OF LAND** - Unless the Planning Board determines that a suitable park or parks of adequate size should be properly located in any such Plat, the Planning Board may waive the requirement of land reservation, on the condition that the subdivider deposit a cash payment with the Town Clerk in lieu of land reservation. Such payment shall be placed in a trust fund to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds, or other

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recreational purposes. The amount of such payment shall be set in the fee schedule periodically adopted by the Town Board.

- C. **EASEMENTS FOR UTILITIES, DRAINAGE, & MAINTENANCE OF SLOPES** - Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within the street right-of-way, a minimum perpetual unobstructed easement of at least twenty-five (25) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access along its length to the street. Such easements should be centered on rear or side lot lines. The dimensions and characteristics of such easements shall be shown on the final plat and where recommended by the Planning Board pins or other suitable markers should be set to define the location.
- D. **RESPONSIBILITY FOR OWNERSHIP OF RESERVATIONS** - Title to all reservations, meaning a piece or strip of land set aside for Town, multiple party control, or for future provision of an easement, if vested in interests other than the subdivider, shall be clearly indicated on the plat.

### §470 – IMPROVEMENTS

- A. **MONUMENTS AND MARKERS** - Permanent monuments shall be placed at all block corners, angle points, points of curvature and points of tangency in streets, and at intermediate or other points as required by the Town Engineer. In no case shall there be less than four (4) permanent monuments per block. Monuments shall be set so as to prevent movement by frost upheaval and other pressures. Markers of a material, size, and depth suitable to the Town Engineer shall be placed at all points where road and joint access right of way lines intersect plat boundaries and at all lot corners.
- B. **OTHER STREET IMPROVEMENTS** - Existing highways may need to be improved with adequate access and capacity, and there is a need for year-round fire water supplies scattered around town, such as at crossroads within the Town, which minor and major subdivisions should augment and bolster. Except where waivers may be requested, after conferring with the Highway Superintendent, and the Town Board where appropriate, the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and general welfare or may result in unnecessary hardship. If underground utilities are required by the Planning Board, they should be placed between the paved roadway and street right-of-way line, where possible, to simplify location and repair of the lines. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Such design, grading and improvements shall be approved as to design and specifications by the Town Engineer, who shall require that all pertinent Town standards and specifications be met.

### §480 - FACILITIES & INFRASTRUCTURE

- A. **WATER SUPPLY AND FACILITIES** - Facilities for water shall be provided in each new subdivision in accordance with the requirements of the appropriate agency having jurisdiction over the planning and installation of these in the area of the subdivision; however, the following minimum requirements of the Town shall be met:
  - 1 - Central water supply systems shall be designed with adequate pressures, mains and fire hydrants, such as to meet Association of Fire Underwriters specifications for a class C protected area and all water mains shall be at least six (6) inches in diameter.
  - 2 - Any major subdivision contiguous to an existing water district or contiguous to or within a planned expansion of an existing water district shall explore with the planning board whether it is in the public interest to make application to become a part of or to be serviced by the existing district.
- B. **SANITARY WASTE** - A general Town policy is for individual on-site sanitary sewer (septic) Systems within new subdivisions. The potential for public health impacts to public drinking water supplies is a reason to consider shared systems. Facilities for individual septic systems or sewerage treatment shall be provided in each new subdivision in accordance with the requirements of the appropriate agency having jurisdiction; however, the following minimum requirements of the Town shall be met:

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- 1 - If there is a central sewerage system it shall provide a four (4) inch minimum size connection to each lot.
- 2 - Any Major subdivision contiguous to an existing sewer district or contiguous to or within a planned expansion of an existing sewer district shall explore with the Planning Board whether it is in the public interest to make application to become part of or be serviced by such district.

### C. STORM DRAINAGE FACILITIES & IMPROVEMENTS

- 1 - Storm drainage facilities shall provide a clear and protected channel fully adequate to handle runoff from a twenty-five (25) year storm and designed so that heavy runoffs which exceed the capacity of the channels can be handled with least possible damage to improvements, structures, and minimal erosion. Storm drainage facilities shall be designed consistent with Zoning and any applicable State, County, regional, or local laws and regulations. New York City DEP watershed regulations establish thresholds and protocols for stormwater management applicable to many land uses, including subdivisions – see for instance, Section 18-39 'Stormwater Pollution Prevention Plans and Impervious Surfaces' within DEP's Final Regulations. Furthermore, drainage designs should emphasize open drainage design meaning that it is preferred to minimize the utilization of pipes and mechanical structures and rather maximize the potential for overland flow, infiltration, and stormwater diffusion rather than concentration. The Planning Board may require that the subdivider make adequate provision of storm or flood water runoff, diffusion, channels, basins and facilities. Care must be taken to size, design and structure these facilities so that they are likely to withstand major wet weather events.
- 2 - The Planning Board shall promote a net zero increase in off-site peak flow of runoff over pre-development conditions. This standard should apply to all drainage basins and sub-basins on the site, meaning that the water drainage balance shall generally conform to predevelopment conditions. For major subdivisions, design computations and facilities computations shall be submitted to the Planning Board as part of the preliminary stage review of the plat and shall be reviewed by the designated Town Engineer for compliance (who shall consult with the Highway Superintendent).
- 3 - Where an existing storm drain system is reasonably accessible, defined as being situated within two hundred and fifty (250) feet of the external boundaries of the site or parcel, the subdivider shall make connection thereto (there may be reasonable exceptions based on existing land use conditions and topography). If it is anticipated that increased runoff incident or attributable to a change brought about by a subdivision will overload an existing downstream drainage facility during a twenty-five (25) year storm, the Planning Board shall not approve the plat until provision has been made for the improvement of said condition. Care should be taken by the applicant to document and define the assumptions regarding the amount of rainfall associated with a 25-year storm event -- rainfall during severe weather events in the Catskills is shown to be higher than in adjacent surrounding areas.
- 4 - Subdividers are required to install all necessary storm drains at their expense with structures of a design and specification approved by the designated Town Engineer (who shall consult with the Highway Superintendent). 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 Planning Board or Town Highway Superintendent, which shall be a minimum of twenty-five (25) feet in width.
- 5 - If driveway culverts and related facilities are required after a road has been accepted by the Town, installation thereof shall be the responsibility of and the cost shall be paid for by the party making the request, or the owner of the abutting property to be served by such driveway. The Town shall not be responsible for the installation of, or payment for, said culverts.

- D. OTHER UTILITIES - The preference is for public utilities situated within right(s) of ways. It is a goal to have adequate space for essential infrastructure within the preferred road cross-section, including the main travel way, shoulder, side slope, storm drainage and utilities without conflicts and with preservation of natural character. With a reasonable basis there may be provision of utility lines outside of or not adjacent to the right of way, in which case an area twenty-five (25) feet wide shall be permanently set aside coincident with the cross-county utility in order to provide for ongoing access and maintenance. If slopes or other natural constraints provide that this width is insufficient, a wider area may be required. The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the

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installations necessary for the furnishing of its services within a specified time, in accordance with the approved Subdivision Plat.

### E. FIRE SUPPRESSION & EMERGENCY ACCESS

- 1 - For major subdivisions, the installation of easily accessible, year-round dry hydrant(s) and/or a cistern may be required by the Planning Board. Standards in the New York State Building code, of the National Fire Protection Association (NFPA), and/or the Association of Fire Underwriters shall be used for defining the required specification(s).
- 2 - Fire district review. The applicable district chief shall review and provide a recommendation to the Planning Board concerning road and driveway widths, the locations of driveways and parking lots, and the area immediately adjacent to the building envelope for suitability for fire protection and emergency access.

### §490 - OTHER REQUIREMENTS

- A. SOIL PRESERVATION AND FINAL GRADING - Trees and topsoil should not be removed from natural positions except where necessary to the improvement of lots and the construction of roads and related facilities in accordance with the approved plan. Disturbed areas not occupied by buildings or structures or within a road, drainage or utility bed shall be properly graded and seeded.
- B. OTHER IMPROVEMENTS DEEMED APPROPRIATE - The Planning Board may require school bus pickup areas, water mains, sanitary sewers, storm drains, and other utilities, including the provision of adequate water supply and pressure for the purposes of fighting a structural fire on the site.
- C. SOLAR ACCESS/ ENERGY EFFICIENCY - A basis for Planning Board approval of irregularly shaped lots is the maximization of solar access and energy conservation. Moreover, the Planning Board shall not endorse plats containing stipulations that prohibit the use of solar energy systems.

**ARTICLE V ☆ REQUIRED IMPROVEMENTS AND PROCEDURE**

**§500 - GENERAL INTENT**

After adoption of a resolution conditionally approving a subdivision plat the applicant shall be required to complete, in accordance with the Planning Board's decision, all road, drainage and other improvements specified in the resolution approving said plat (or it shall file with the Town Board a bond in an amount fixed by the Planning Board as sufficient to secure to the town the satisfactory construction and installation of the incomplete portion of the required improvements). This section sets forth the requirements for any surety, it discusses approaches to development of the plat in stages, and it reiterates that all required improvements shall be completed as specified by the Planning Board and signed off by the Town's agent(s). All required improvements shall be made by the applicant, at their own expense, without reimbursement by the town or any district therein. In carrying out this section, the town may employ an inspector to act as agent of the Planning Board and/or Town Board for the purposes of assuring the satisfactory completion of improvements required, and shall determine an amount sufficient to defray costs of inspection.

**§510 - REQUIRED IMPROVEMENTS**

- A. SCHEDULE - The subdivider shall meet with an Engineer or other designated agent representing the Town to develop a schedule, so that at the time each improvement is installed and upon its completion, adequate inspections can be made. While it may be approximate, the schedule will be submitted in writing to said town agent and the planning board.
- B. "AS BUILT" DRAWINGS NECESSARY - The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Engineer (and the Highway Superintendent) and a map satisfactory to the Planning Board has been submitted indicating the actual location of all required improvements and monuments marking all utilities as actually installed. If the subdivider completes all required improvements according to [§520 A.2], then said map shall be submitted prior to endorsement of the Plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond, certified check or other surety satisfactory to the Town Board, for all required improvements as specified in [§520 A.1], such surety shall not be released until such map is submitted.

**§520 - PROCEDURE**

- A. IMPROVEMENTS OR PERFORMANCE BOND - Before the Planning Board Chairman or other authorized person may sign the Final Plat, the subdivider shall either post a bond or certified check, bank passbook or other surety satisfactory to the Town Board, in an amount sufficient to construct required improvements OR shall complete the required improvements to the satisfaction of the Town Engineer or other authorized persons. The required improvements shall be implemented consistent with the Planning Board's decision and these regulations.
  - 1 - WHEN BOND OR CERTIFIED CHECK OR OTHER SURETY IS POSTED - The subdivider shall either file with the Town Clerk a bond or certified check, bank passbook, or other surety to cover the full cost of the required improvements. Any such bond shall comply with the requirements of section 277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency, manner of execution and surety. A period of one year, or such other period as the Planning Board may determine appropriate, but not to exceed three (3) years, shall be set forth in the bond within which required improvements must be completed. Organization should be such that it is not incumbent on the Town Board to renew a bond during the allowed period of construction. Furthermore, it is preferable for a Bond to run sufficiently longer than the period established for the construction in case action against the bond becomes necessary.
  - 2 - WHEN NO BOND IS POSTED - When no bond, certified check, bank passbook or other surety satisfactory to the Town Board is posted the subdivider shall complete all required improvements to the satisfaction of the Town Engineer who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. Caution should be used in issuing a certificate of occupancy for a dwelling prior to the completion of associated improvements.

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3 - WHEN EXTENSION OF BOND - The time period specified for the completion of all required improvements, as set forth in the bond, may be extended only by resolution of the Planning Board upon request in writing by the applicant and with the consent of the Town Board. Such request shall be submitted at least three months before the set expiration of said bond and a copy provided to Town Clerk. It shall set forth in detail the amount of work completed, reasons for failure to complete the remainder of the work within the specified period, the maximum estimated time required to complete the remainder of the work and the time period extension which is requested. If there has been a release of any portion of the bond, then there should be indication of the amount remaining and whether such resources are adequate to complete the work remaining.

### §530 - DIVISION OF SUBDIVISION PLAT INTO TWO OR MORE 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 in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the board, shall be granted concurrently with conditional or final approval of the Plat. Any section shall encompass at least ten (10) percent of the total number of lots shown on the plat.

### §540 - INSPECTIONS AND FIELD CHANGES

- A. INSPECTION OF IMPROVEMENTS AND FEES - At least five (5) days prior to commencing construction of required improvements the subdivider shall pay the Town Clerk the required inspection fee. At the same point the subdivider shall notify the Planning Board and the Town Board in writing of the time when applicant 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.
- 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 by a previously delegated member of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to a waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.
- C. 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, Town Engineer shall so report this to the Town Board and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the Bond. No Plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plat.

### §550 - FILING OF APPROVED FINAL PLAT

Upon completion of the requirements of [§250 and §560], the Final Plat shall be signed by the Chairman of the Planning Board, or Secretary in the Chairman's absence, and may be filed by the subdivider in the office of the County Clerk. Any Plat not so filed or recorded within sixty two (62) 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.

- A. DISTRIBUTION OF SIGNED PLAT - After filing the plat with the County Clerk, the subdivider shall enter the county file number and date of filing on a signed mylar print of the approved plat and provide it to the Planning Board along with nine signed prints. The mylar and two copies shall be retained by the



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Planning Board. It shall then present two prints to Town Clerk and one print each to the: Assessor, Building Inspector, Highway Superintendent, applicable Fire District, and the school district in which the subdivision is located.

- B. **PLAT VOID IF REVISED AFTER APPROVAL** - No changes, erasures, modifications, or revisions shall be made in any Final Plat after approval has been given by the Planning Board and endorsed in writing on the Plat unless the said Plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same may be considered null and void, and the Board may institute proceedings to have the Plat stricken from the records of the County Clerk and shall have the right to take such further steps, if any, as they consider appropriate to redress the violation.

### §560 - STATUS OF STREETS, PARKS, EASEMENTS

- A. **OFFERS OF CESSION** - In accordance with section 278 of the Town Law, the subdivider may add a notation of the Final Plat that no offer of “cession” of streets, parks, or easements, shown on the Plat is made to the public (Generally cession is provided for in New York State Town Law and an offer of cession may be made by a subdivider to the local public sector for streets and appurtenant infrastructure. If the offer is formally accepted by the Town Board, such public facilities would be owned and managed by the local government). Failure to make such notation will constitute a continuing offer of cession to the Town, which may be accepted by the Town Board at any time prior to revocation of said offer by the owner of the land or his agent. Formal offers of cession to the public of all streets, parks, and easements, shall be filed with the Planning Board prior to approval of the plat.
- B. **ACCEPTANCE BY TOWN** - Acceptance of any such offer of cession shall rest with the Town Board. In the event the applicant shall elect not to file the Subdivision Plat in the Office of the County Clerk, such offer of cession shall be deemed to be void. The approval by the Planning Board of a Final Plat shall not be deemed to constitute or imply the acceptance by the Town Board of any street, park, easement, or open space shown on said Plat. The Planning Board may require said Plat to be endorsed with an appropriate note to this effect.
- C. **MAINTENANCE OF ROADS AND OTHER FACILITIES** - In those cases where no offer of cession to the public is made for the roads, parks and required easements shown on the Plat, there shall be submitted with the Plat copies of agreements or other documents providing for and fixing responsibility for their suitable maintenance and ownership, and statements of all rights which exist with respect to the use of such property or properties. Such Documents shall be reviewed by the Town Attorney for legal adequacy and competency.
- D. **MAINTENANCE GUARANTEE** - A Maintenance guarantee is a legal assurance of facilities or site work to ensure the correction of any failures of any improvements required provided according to this law, or to maintain the same. Where improvements are being dedicated to the Town, the subdivider shall comply with the applicable requirements of any other Town Laws governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to assure maintenance and repair of those improvements for eighteen (18) months from the date of dedication. The maintenance bond shall generally be a maximum of fifteen (15%) percent of the costs of improvements, subject to approval of the Town Board. Similar maintenance agreements may be required for private streets although nothing herein shall be deemed to require acceptance of dedication by the Town under any circumstances.
- E. **ALTERATION OF BOND**
- 1 - An applicant may request in writing that the Planning Board authorize a reduction in the amount of the bond. Such request shall itemize the extent of required improvements remaining to be completed and the bond reduction requested. It is preferred that for each stage of a subdivision there be no more than one request for reduction. The request shall be prepared by a professional engineer. Upon approval of the Town Board, the Planning Board may, if it determines that sufficient required improvements have been installed to warrant such action, reduce the face amount of the bond by an appropriate amount so that the new amount will cover the full cost of all required improvements remaining to be completed

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plus a ten (10%) percent reserve, and any security deposited with the bond may be reduced proportionately.

- 2 - If the Planning Board shall decide at any time during the term of the performance bond or security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security, the Planning Board may modify its requirements for any or all such improvements.
- 3 - In the event that any required improvements have not been installed within the term of such security agreement, the Town Board may thereupon declare said performance bond or security agreement to be in default and collect the sum remaining payable thereunder. Upon the receipt of the proceeds thereof, the Town shall define the highest priority improvements remaining and install these as are covered by such security commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.



ARTICLE VI ☆ DOCUMENTS TO BE SUBMITTED

§600 - SUBMISSION REQUIREMENTS BY STAGE

At each step in the process to review a subdivision there are basic submission requirements. This [Article] identifies information, data and criteria that will be compiled and provided by the applicant at each stage or step. The sections are akin to checklists. The following sections identify the minimum information required at each point of subdivision review. The Planning Board is empowered to show discretion and waive a submission requirement; however, such request shall be in writing by the applicant pursuant to waiver procedure in [§140].

§610 - RESOURCE ANALYSIS

This part of the pre-application stage conceptual analysis is used to establish site context and conditions. It should be feasible to compile this information with the assistance of a land planner, natural resource specialist, landscape architect, surveyor or engineer. The reason for compiling this site snapshot is that it is essential for the Planning Board to understand existing context on and around an area proposed for development. The resource analysis allows them an initial scan of opportunities and limitations, and when plans are conceptual, it is easier to familiarize the applicant with the review process and explore alternative arrangements, if necessary.

Descriptive information, including ground-level photographs, are used by the applicant and Board members to identify and discuss the assets and constraints of a site, evaluate possible issues, and discuss the potential locations of suitable building sites and the roads/driveways that access them. Three (3) copies are required and shall contain:

- A. The proposed subdivision name or identifying title, and the words “Site Resource Analysis Submitted to the Town Planning Board”.
- B. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
- C. An aerial map (image) at a scale of approximately one inch equals four hundred feet (1” = 400’), showing the location of the proposed parcel(s) with respect to all streets and lots within one thousand (1,000) feet of the site. Superimposed on the aerial photo will be ten (10) foot contours (gross-scale topographic lines that show changes in elevations), and resource features and land use constraints shall also be shown, using data available from Ulster County, New York State and other available secondary sources. The other features inventoried and shown will include:
  - 1 - DEC wetlands and National Wetland Inventory (NWI) wetlands and 100-foot buffers to such wetlands (extending from the top of the bank of such wetlands);
  - 2 - Perennial and intermittent streams and areas extending fifty (50) feet from the top of the bank of such streams;
  - 3 - Floodplain;
  - 4 - Water bodies and areas extending fifty (50) feet from the top of the bank of such water bodies;
  - 5 - Concentrations of Slopes twenty-five (25%) percent or greater;
  - 6 - Cemeteries;
  - 7 - Indications of the approximate location of existing restrictions on the use of land, including rights of ways, easements, covenants, or land use permit restrictions running with the land; and
  - 8 - Public lands and public land reservations.
- D. List or notation of natural and special ‘heritage’ features known to exist on the parcel such as: potential archeologically sensitive areas; historic buildings (one hundred (100) years or older); stone walls; major geological features; significant trees or stands of trees, such as specimen or old growth trees; critical wildlife habitat, such as identified in a community plan or local law; and important community viewsheds defined as conservation priorities in a local plan or inventory. This list is a preliminary step in defining natural, cultural and historic character and features of a site and is subject to modification and interpretation of the reviewing bodies.

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- E. General information necessary to explain and/or supplement the aerial Map, including the aforementioned photos from different vantages; and generalized soils data from a secondary source, such as the US Natural Resource Conservation Service (NRCS).

### §620 - SKETCH PLAN

A freehand sketch made on a general topographic map showing the general notion of a subdivision in relation to existing conditions. This map shall be separate from but builds-upon the 'resource analysis'. The map shall be used as a basis for conceptual consideration by the Town, it shall be used in the Planning Board's site inspection, and it provides for understanding on the potential lot yield. Sketch Plan sheets shall not be larger than 36 by 48 inches and at least five (5) copies shall be delivered to the Planning Board Clerk at least fourteen (14) days before the next regularly scheduled Planning Board meeting.

#### A. DETAILS REQUIRED

- 1 - One sheet of the Sketch Plat should be at a scale sufficient to show the entire tract subject to the subdivision application on one sheet.
- 2 - A location map at 2,000 feet to the inch showing sufficient information to enable the locating of the tract with respect to surrounding properties and community facilities such as roads, parks, public facilities and other public lands within 250 feet of the site. Such map shall identify all property in the vicinity held by the subdivider.
- 3 - Sheet(s) showing the conservation analysis combined with a sketch of the subdivision and associated infrastructure layout at a scale of no more than 100 feet to the inch (see below).
- 4 - The date of preparation of the each sheet, a title along with a sub-title "Sketch Plan", and graphic scale.
- 5 - The road name and address of the proposed subdivision along with all tax map and lot numbers for the subject parcel(s).
- 6 - The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner, the proposed name of the subdivision, the Town of Denning, and Ulster County. The proposed subdivision title shall not duplicate in spelling or pronunciation any recorded subdivision within Ulster or Sullivan County.
- 7 - The applicable zoning and all zoning and street lines.
- 8 - The name of all adjoining property owners as disclosed by the most recent tax records.
- 9 - Conservation Analysis – investigation by the applicant identifying lands with high conservation value on the parcel and within 250 feet of its boundaries, in an attempt to highlight areas that may be preferably conserved, plus identification of areas that may be more suitable for building and road development. Such analysis will identify:
  - a) Constrained lands - these are places with severe physical or legal impediments to receiving new building development. These represent 'resource analysis' as items 710 c.1.-9.
  - b) Preferably conserved lands - these are places containing natural or cultural resources that appear to have high conservation value according to the comprehensive plan. Identifying special, unprotected environmental and scenic resources promotes awareness of the potential to steer development away from these resources thereby conserving them while simultaneously providing for physical development that inevitably accompanies land subdivision. Later in subdivision review, flexible lot arrangements, and/or waivers, may be considered, if they aid the protection of significant resources.
    - (1) Lands within one hundred (100) feet of public conservation lands or nature preserves, including lands of the DEC and existing or proposed recreational trail corridors;
    - (2) Unique geological features, such as springs, seeps, caves, cliffs, or very large boulders;
    - (3) Scenic views, particularly regional panoramas from public roads or the main trails on public lands;
    - (4) Key habitat and wildlife corridors, such as identified in State, County, or local ecological conservation plans;
    - (5) Sites identified as historic on any federal, state, or local register of historic places;
    - (6) Buffer areas necessary for screening new development from adjoining residential parcels;
    - (7) Stone walls;

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- (8) Other spots identified as having prime scenic, historic, ecological, water resource, archaeological or other open space significance in the comprehensive plan or a local or regional plan.
- c) Areas suitable for development - areas that may be preferred locations for development which are potentially more suitable for development because they are not 'constrained' or 'preferably conserved', especially those lands that have been previously disturbed (e.g. by mining, prior development, or forestry).
- 10 - A sketch plan showing in simple form the proposed layout of roads, lots, and other infrastructure features. This conceptual development plan shall be on sheet(s) separate from the 'conservation analysis'. It shall be overlaid upon topographic information, such as on a ten-foot contour base map, and it shall also be overlain on a simplified/ standardized graphic representation of the conservation analysis, while also showing the proposed area to be subdivided and all contiguous property owned or optioned by the subdivider. This sketch would show the tentative layout of the tract and any open space contrasted with the features of the conservation analysis.

### §630 - PRELIMINARY PLAT

- A. NUMBER OF COPIES - At least five (5) copies shall be delivered to the Planning Board.
- B. DETAILS REQUIRED - The Preliminary Plat should be consistent with concepts emphasized in sketch plan review. It shall show or be accompanied by the following information, except where requirements have been waived. It is preferred that potential waivers be discussed during sketch plan review:
  - 1 - A completed preliminary plat application, signed by the owner.
  - 2 - All data required for a 'sketch plan', except it shall be on a plan clearly labeled "Preliminary Plat" with the signature of the owner.
  - 3 - The location, bearings and distances of the tract's boundaries prepared by a licensed surveyor, including seal and number.
  - 4 - Actual topography, if topographic conditions are significant, as determined by the Planning Board (this should be discussed during sketch plan review).
  - 5 - Names of all adjoining property owners of record, lines showing where adjacent property lines intersect, and the names of adjacent developments.
  - 6 - The location and dimensions of all existing adjacent public properties, street lines, and all easements, zoning boundaries, or restrictions on the property, including any official map prescriptions (intended reservations).
  - 7 - Location of existing electric power and transmission lines, gas lines, sewers, water mains, leaching fields, culverts, and storm drains including pipe size and type, grades, direction of flow, and ownership. For subdivisions, Global Positioning System (GPS) reference data will be provided for the stormwater system outfalls in relation to public ways. For major subdivisions there will also be reference data provided for stormwater permanent structures and outfalls built in accordance with the latest version of the State Stormwater Management Design Manual.
  - 8 - The location, width and approximate grade of all proposed streets with the approximate elevations shown at the beginning and end of each street, at street intersections, and all points where there is a decided change in slope or direction. Detailed landscaping plans for such public improvements or common areas as may require new landscaping.
  - 9 - The area of the land included in the subdivision in acres and square feet
  - 10 - The approximate location, dimensions, and area of all proposed or existing lots. The suggested location of buildings and driveways on lots will also be shown. All lots shall be numbered.
  - 11 - Proposed provision of water supply, fire protection, sanitary waste disposal, electric power and transmission lines, gas lines, leaching fields, stormwater drainage including pipe size and type, grades, direction of flow, pressure and ownership, street trees, fixtures, signs, sidewalks, and easements. Letters from each utility servicing the area shall indicate that the utility company is aware of and will provide service to the proposed subdivision.
  - 12 - Evidence of available water supply.

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- a) It is requested that for any new lot, the subdivider provide data and logs on well location, depth, flow, etc. When any State or regional agency requires well information, on location, flow, etc., for regulated water supplies or systems, all such documentation shall also be submitted to the Town, including for Ulster County-regulated wells in realty subdivisions, public water systems covered by New York State Public Health Law, or those subject to State Department of Environmental Conservation public water supply withdrawal requirements.
  - b) Major subdivisions covered by New York State Public Health Law shall be provided with a standard, easily identifiable, note on the plat "All lot sales shall be contingent upon a contract addendum for the location of water, flow, capacity and potability in compliance with New York State Health Department Standards".
- 13 - Documentation as may be required by the New York State Department of Health, the New York City DEP, or the Planning Board, along with a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal.
  - 14 - Approximate final grades in areas of cut or fill shall be shown.
  - 15 - The location, dimensions, and status of all covenants, deed restrictors or easements proposed by the applicant.
  - 16 - A storm water management plan prepared in accord with the requirements hereof and New York City DEP and State DEC guidelines and standards
  - 17 - An erosion and sedimentation control plan indicating measures to be employed during construction and as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of water courses or impoundments.
  - 18 - The locations and dimensions of lands to be set aside for recreation and public purposes, and any preserved open space, easements, and other significant existing site features.
  - 19 - The Seal of the licensed professional engineer who prepared the Plat.
  - 20 - Completed applications to the Town or County, as the case may be, for curb cut or highway occupancy permits.
  - 21 - Planning Board signature block.
  - 22 - A notes section.
  - 23 - Other data which may influence the design of the proposed subdivision and the health, safety, and welfare of future residents.

### §640 - MAJOR SUBDIVISION PLAT

All subdivision plats shall be clearly drawn on a transparent permanent material, such as mylar, suitable for reproduction. Such plat shall be at a convenient scale of no more than 100 feet to the inch, shall be submitted on uniform sheets not larger than 34 by 44 inches, and display data as required for the Preliminary Plat. Where more than one sheet is required, a scale map showing the entire subdivision on one sheet shall be submitted with match lines shown. In addition to providing compliance with Town subdivision plat standards, the final plat must be consistent with the County Clerk's subdivision map requirements.

- A. **COPIES REQUIRED** - The subdivider shall submit to the Planning Board five (5) paper copies and two (2) permanent copies as required in [§530], one of which will be filed with the County Clerk when endorsed.
- B. **DETAILS REQUIRED** - The subdivision plat shall show or be accompanied by the following information except where requirements have been formally waived:
  - 1 - Name of the subdivision; name address and signature of the owner; subdivider; seal and number of the licensed professional engineer or land surveyor who prepared the Plat; the Town of Denning, and Ulster County.
  - 2 - A map of the location of the tract with respect to surrounding properties and community facilities such as roads, parks, and schools, at a scale of either 800 or 2,000 feet to the inch.
  - 3 - Date of preparation, graphic scale, approximate true north point, bearings and distances of tract's boundaries.

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- 4 - To the extent possible, current names of all adjoining property owners of record shall be indicated on the Plat. Stamped envelopes, addressed to each owner of record of property, abutting or across the street or stream from the tract, shall be submitted to the Planning Board.
- 5 - The location and dimension of all public properties, streets, plus any easements, building lines, or restrictions on the tract.
- 6 - The location of existing and proposed sewers, water mains, culverts, and storm drains including pipe size and type, grades direction of flow.
- 7 - The location, width, grade, names of all proposed streets with elevations shown at the beginning and the end of each street, at street intersections, at all points where there is a decided change in slope or direction.
- 8 - Statement from subdivider's engineer giving estimated cost of construction of roads and other improvements to meet the requirements of these regulations, together with quantities and unit costs used in making the estimate.
- 9 - Radii of all curves and lengths of arcs.
- 10 - Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets, within 100 feet of the intersection, shall be shown.
- 11 - The Planning Board may require a cross-section where steep slopes exist, showing present elevations of all proposed streets every 100 feet at five points on a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points 30 feet inside each property line.
- 12 - Plans and profiles showing the location and a typical cross-section of street pavements, including curbs and gutters, sidewalks, manholes and catch-basins; the location of street trees, street lighting and street signs; the location size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants; and the exact location and size of all water, gas or other underground utilities or structures.
- 13 - The area of the land included in the subdivision and the location dimensions, and area (in square feet) of all existing or proposed lots and land to be set aside for recreation or public purposes. All lots shall be numbered for identification.
- 14 - The location of all existing water bodies, swamps, or streams that will be retained or relocated or intended to be developed. Existing buildings which shall be retained or removed shall be so identified.
- 15 - Sufficient data acceptable to the Town Engineer, to readily determine the location, bearing, and length of all lines and to reproduce such lines on the ground.
- 16 - The location of all existing and proposed monuments and markers.
- 17 - Offers of cession, in a form satisfactory to the Town Board, of all land offered, or to be offered, for dedication for streets, highways, easements, parks or other public facilities.
- 18 - Covenants, deed restrictions, and easements proposed by the applicant and such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in the enforcement of these regulations.
- 19 - The following notations shall be shown on the Plat:
  - a) Stipulations and Endorsements:

*“Endorsement by the Ulster County Health Department and New York City Board of Water Supply when applicable, and any stipulations of those agencies (only tentative written endorsement is necessary before the public hearing, but final endorsement on the plat is needed before filing with the County Clerk)”.*
  - b) Explanation or Drainage Easements as follows:

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

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*as said holder of fee title may deem necessary to adequately drain the highway and surrounding area."*

c) Explanation of Sight Easements as follows:

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

d) Explanation of Reservations as follows:

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

e) Explanation of Slope Easements, as follows:

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

f) Endorsement of Owner as follows:

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

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

§650 - MINOR SUBDIVISION PLAT

- A. APPLICATION - Any person proposing a minor subdivision shall submit along with the requisite sketch plans, five (5) copies of an application for minor subdivision in letter form and shall be accompanied by:
  - 1 - The name, address and telephone number of the property owner of record and the subdivider. An original consent to file shall be signed by the owner.
  - 2 - The name or number of the road where the proposed subdivision is located.
  - 3 - The name, address and phone of surveyor or engineer preparing the plans.
  - 4 - The name and address of each adjoining property owner.
  - 5 - A copy of the most recent deed to the subject property.
  - 6 - A clear description of the type of access existing and proposed to each individual lot, including explanation of whether there will be new rights of ways created and the proposed characteristics.
  - 7 - The type of water supply proposed.
  - 8 - The type of sewer system proposed.
  - 9 - The receipt for the required fee from the Planning Board Clerk.
  - 10 - A completed Environmental Assessment as required by SEQR.
  
- B. FINAL MINOR SUBDIVISION PLAT - The subdivider shall submit five (5) copies with the notation "Final Plat" at a scale of no more than eighty (80) feet to the inch along with required supplementary data labeled on the plat. This plat shall be prepared by a Professional Engineer or Surveyor and shall show all lots proposed to be created. The final plat shall basically show all of the information that is shown on a preliminary plat, consistent with the County Clerk's subdivision map regulations, and provide for the following requirements on a standard size sheet (24 by 36 inch preferred):
  - 1 - The names of all abutting property owners and the size of any remaining acreages in the tract from which lots are being taken, based on existing surveys where adequate, shall be shown.
  - 2 - The name of the municipality, name of the owner of record, authorized applicant, north point, graphic scale, and date.
  - 3 - Soil tests and approved sewage disposal system for each lot, with documentation as may be required by the New York State Department of Health, Ulster County, or the New York City DEP, along with a



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soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal. This shall include soil types found on the site according to applicable Natural resource Conservation Service/ Soil Conservation Service classifications.

- 4 - A typical lot layout diagram, clearly labeled as such, will be provided on the plat indicating the locations of the water supply (well) and the individual sanitary waste disposal (septic) system, with reference to structures and proximate lot lines and the typical separation between features, including as measured from the edge of any required septic reserve area.
- 5 - Curb Cut Permits. A completed application to the Highway Superintendent, or County Public Works, as the case may be, for a public street connection.
- 6 - Existing public roads shall be identified by traffic route numbers and private roads by their posted names and numbers.
- 7 - Proposed lot or parcel lines drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in acres and square feet. The plat shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider, and show adjacent lots already taken from the parcel, with the location of existing and proposed boundaries.
- 8 - Any other accompanying documentation required by the Planning Board, such as approval of other involved regulatory agencies; utility easements; maintenance agreements; improvement performance bonds; and proof of payment of any required fees, if applicable.

ARTICLE VII ☆ VIOLATIONS & ENFORCEMENT

§700 - ENFORCEMENT INTENT

Pursuant to Section 130 and Section 268 of the Town Law, the Town Board does hereby ordain and enact enforcement procedures for the Land Subdivision Regulations. The intent of this chapter is to protect the public health, welfare and safety of the residents and to provide for the orderly, efficient aesthetic and economical development of the Town by providing a uniform means of enforcing the Subdivision Rules and Regulations of the Town of Denning. No subdivider shall offer to sell or offer to convey, or offer to transfer or offer to lease any subdivision or resubdivision or lot, block, site or part of a subdivision or resubdivision without having fully complied with the Town Land Subdivision Regulations, Article 16 of Town Law, and without having obtained approval of the Planning Board. This chapter shall be enforced by the person designated by the Town Board as the "Code Enforcement Officer" or by any other employee of the Town of Denning hereinafter designated by Resolution of the Town Board. The Code Enforcement Officer shall not issue any certificate of occupancy to a property which is subject to a violation off the provisions of this Code.

- A. STANDING - For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.
- B. TOWN LAW -This chapter shall not be deemed to be the exclusive remedy for the Town against violators of the Town's Subdivision "Rules and Regulations". It is not the intent of this chapter to in any way restrict or limit the proper local authorities of the Town, or taxpayers of the Town, from availing themselves of the remedies available to them pursuant to Section 268(2) of the Town Law.

§710 - VIOLATIONS

- A. DENIAL OF APPLICATIONS - Applications for a building or zoning permit, certificate of occupancy, subdivision, special permit, site plan, use or area variance, or zoning amendment shall be denied by any Town official or board for any parcel that is in violation of this chapter (see also [§§610 and §620]).
- B. PENALTIES FOR OFFENSES - Each violation of any section of this chapter shall be deemed to be an offense. A violation of any section of this chapter shall be punishable by a fine not exceeding an amount set by the Town Board or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to criminal and civil penalties, to the offender and may be recovered in a civil court of appropriate jurisdiction or may be chargeable on the next tax bill issued against the premises in those instances where the municipality has the right to do so under the law.

§720 - RIGHT OF ENTRY FOR INSPECTIONS

The Building Inspector, their deputies and assistants, the Town Engineer, and authorized agents of the Town Board or Planning Board shall have the right and authority, at any reasonable hour, to enter any structure, premises, lot or land, whether already erected or put into use or in the course of being erected and put into use, for the purpose of determining whether or not the provisions of this chapter are being complied with.



ARTICLE VIII ☆ TERMINOLOGY

§800 – WORDS AND TERMS DEFINED

Except where specifically defined herein, all words used in this Law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

The word "shall" is always mandatory. The words "may" and should are permissive. "Building" or "structure" includes any part thereof. A "building" includes all other structures of every description except fences and walls, regardless of dissimilarity to conventional building forms. The word "lot" includes the word "plot" or "parcel". The word "person" includes a corporation as well as an individual. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

§810 - DEFINITIONS

**Applicant** - The owner of the land proposed to be subdivided or their duly appointed representative. Written consent shall be required from the legal owner when a representative makes application.

**Building Inspector** - The Code Enforcement Officer of the Town of Denning, or duly authorized representative.

**Certificate of Occupancy** - a document issued (signed) by the proper authority allowing the habitation or use of a building and certifying that the structure and supporting infrastructure has been constructed in compliance with all applicable municipal, regional and state approvals, codes, and ordinances.

**Clerk of Planning Board** – the Town of Denning Town Clerk (hereafter Clerk), or another official duly designated by the Planning Board, such as a paid staff. Materials and fees to be placed before the Planning Board must be received in the office of the Clerk at least seven (7) days prior to a regular Planning Board meeting, unless a greater period is required in accordance with this code. Town Hall is open limited hours; thus, submissions must be provided adequate lead time. Planning Board rules of procedure may more fully elaborate on the role of the Clerk. While the Clerk receives submissions and acts as custodian of Planning Board records, the official date of submission is the date the Planning Board determines at a regular meeting that materials were received or a submission is complete. While the Town Clerk is a Town-wide keeper of records, this official does not provide extraordinary administration, staffing, or staff supervision for the Planning Board. The Building Inspector is hereby designated to support the duties of the Clerk.

**Collector Street** - A street which serves or is designed to connect minor streets within the major street system/main grid.

**Comprehensive Plan** (or Town Development Plan) - A comprehensive master plan for the development of the Town prepared by the Planning Board, pursuant to section 272-a of the Town Law. It may indicate the general locations recommended for various public works and reservations, and the general physical development of the Town, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

**Conservation Analysis** – inventories, descriptions of land, analysis, and maps of the natural, ecologic, scenic, and cultural features of a site which accompany a sketch plan. These enable some familiarity with a site and a scanning of its qualities and characteristics.

**Cul De Sac** (Dead End Street) – a new public road, no more than seven hundred and fifty (750) feet in length. Such length shall be measured from the centerline of the intersecting road to the outside end of the right of way. The maximum number of homes served by cul-de-sacs should be seven. An alternative to a dead-end street is one with two access points, thereby providing connected streets. While private low volume roads can dead-end, these are not cul-de-sacs that are part of the public highway network.

**Curb Cut** – the specific place where driveway(s) or private roads exit onto a public street /right of way affording vehicular access. Curb cuts on local public roads require Highway Superintendent Approval. Those on County Roads require the approval of the appropriate County jurisdiction.

**Driveway** - a route adequately accessible by a motor vehicle between a building and a public or private road to provide ingress and egress.

**Driveway, Shared** (also known as common driveway, combined access drive or residential shared drive) – a formal, legally codified arrangement where up to three lots may be accessed (served) by a single driveway stem. Standards for driveways are defined in zoning with additional requirements for laying out and maintaining shared driveways in the subdivision code (see also private road). Final plat approval involving shared drives shall include maintenance agreements recorded with the County Clerk, plus identifying and reference notation on the plans.

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

**Environmental Assessment Form (EAF)** - a three part form used in the State Environmental Quality Review (SEQR) process to assist in determining the environmental significance or non-significance of an action (project). Unless otherwise indicated EAF means the three-part form.

**Environmental Impact Statement (EIS)** - a written document, that may be required for a Type I or an Unlisted Action, which the Planning Board uses to determine if an action may have a significant effect on the environment. In most cases an EIS should be required for a major subdivision. Pursuant to a 2005 amendment to SEQR any EIS shall be posted on a publicly accessible internet web site.

**Erosion and Sediment Control Plan** – measures to be employed during construction to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of water courses or impoundments (see “New York State Standards and Specifications for Erosion and Sediment Control” and protocols of the New York City DEP). This is a standard requirement within a Stormwater Pollution Prevention Plan. Examples of erosion control measures include limited cuts, silt fences and landscaping fabrics.

**Escrow** - A deposit of cash with the Town. The purpose of which may be to stand in lieu of an amount required on a performance or maintenance bond, or to underwrite the cost of an independent review by technical consultants or specialists working on behalf of the Planning Board. The amount in escrow will be held in an interest-bearing account, with the funds segregated for each individual project (application).

**Final Plat** - The final drawings and attachments of a subdivision submitted to the Planning Board as prescribed in these regulations which, if approved, and subsequently signed by an authorized officer of the Planning Board may be duly filed in the Office of the County Clerk.

**Habitat/Natural Resource Specialist** – a technician trained and/or experienced in biology, physical or natural resources sciences that undertakes ecological investigation and surveys of important plant and animal habitat (typically of rare, threatened, endangered or special concern species). Applying assessment methodologies may provide for the identification of specially valued and sensitive habitat features. It can promote optimal approaches to the layout of development and identify ways to minimize or mitigate its potential affects on wildlife.

**Lot, Double Frontage** (also known as through or reverse frontage lot) - a lot having frontage on two or more streets other than a corner lot, such as when the lot runs through a block and abuts two parallel streets (see Lot Types diagram ‘type C’).

**Lot Line Revision** - The adjustment of the property line between two adjoining parcels which does not result in the creation of a new buildable lot, but is intended to be used in conjunction with and as a part of an existing lot. In no case shall approval be granted for a lot line revision between adjoining parcels which results in the creation of a nonconforming lot under the Zoning Law. (The creation of a new buildable/ habitable non open space lot is a subdivision.)

**Major Street** – A public street that is designed to be part of the Highway network; in the local street hierarchy, these collect traffic and connect areas, and are larger facilities that handle higher volumes.

**Minor Street** - A street intended to primarily provide access to abutting property.

**New York City Bureau of Water Supply** – the official name of the New York City Department of Environmental Protection (NYC DEP).

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**Notice Requirement** – Any section within local law or state statute, which provides for specific notice to be given to the public by means of letter, public hearing and/or posting of a description of a potential action at a subject property, and other public places, as a requirement for a municipal land use permit. In the absence of a defining local law, a hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing. In addition, an applicant shall cause notification to be mailed by certified mail, return receipt requested, to owners of neighboring property within two hundred (200) feet of the subject premises, with such notices mailed at least seven days before a hearing, using the names and addresses of said neighboring property owners taken as they appear on the last completed tax roll of the Town. The proof of mailing will be provided to the Planning Board at the time of the hearing. Additional mailings may be required by the Planning Board to be made, as they may deem advisable, such as for applications that do not involve a hearing. The notice for posting in public places shall be provided on paper and in an electronic version in rich text format on a CD-ROM.

**Official Date Of Submission** - The dates when a Sketch Plan, Preliminary Plat, or Final Plat shall be considered submitted to the Planning Board, hereby defined to be the date of the regular monthly meeting of the Planning Board at least fourteen (14) days prior to which all required surveys, plans, data, and fees are filed with the clerk or other authorized person of the Planning Board (this compares with the formal 'date of completion' as defined by the Planning Board).

**Official Map** - A map adopted by the Town Board through a resolution that shows local existing public streets and public facilities and proposed streets, street improvements, public facilities, parks and public areas and drainage rights of way.

**Open Space** – undeveloped areas (meaning spaces generally free from buildings, roads, structures or man made impervious surfaces) greater than 20,000 square feet. Contrasted with Denning's forested landscape, other types of open space include: meadows, preserves, fields with few trees, heaths, lawns, or recreation areas.

**Pavement** - The wearing or exposed surface of the roadway used by vehicular traffic.

**Plan View** - aspects of a resource or conservation analysis, sketch plan, preliminary plan, or final plan submission, including a drawing, diagram or chart plotting the subdivision from above, such as from a 'bird's eye' view

**Planning Board** - The Planning Board of the Town of Denning.

**Preliminary Plat** - A drawing or drawings clearly marked "Preliminary Plat", showing the layout of a proposed subdivision including but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as prescribed in these regulations.

**Private Road** – a right of way, that is formally recognized as private, serving a certain number of lots, through a legally codified arrangement. New private roads shall be low volume facilities according to performance characteristics in this subdivision code and in Zoning. The number of lots and residences that may be served by the joint access private way is limited. New private roads must have a legally codified arrangement. Final plat approval involving private roads shall include maintenance agreements recorded with the County Clerk, which are also referenced on the subdivision plan.

**Profile** - An outline or analysis (often in graphical form) from the side. Typically it consists of a plotted line which indicates grades and distances (such as depths of cut and/or elevations of fill) for excavation and grading work. Constructors of roadways and drainage systems are often requested to chart the profile along the centerline. A profile can also indicate the vertical slope(s) (changes in elevation) in a pipeline or other infrastructure.

**Resource Analysis** - An early-stage process of identifying environmental, visual and historically important features of a potential subdivision site and adjacent areas. As embodied in 'open space design' or 'conservation subdivisions', it involves presentation of information on site context and identification of how various factors may influence the conceptual design of roads, access and building sites. The purpose is to promote layouts which reinforce community character and public well-being.

**Resubdivision** - Any change in the plat of a subdivision which has previously been filed in the Office of the County Clerk.

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**Service Road** – a vehicular access (passage way) that comes off a main thoroughfare which provides secondary or service access to the rear or sides of buildings, particularly non-residential uses. The actual road surface is constructed relatively narrow with design speeds of fifteen (15) miles per hour and similar to a lane, the access provided is to a maximum of two abutting properties.

**Sewer, Community Facility** – means other than an individual subsurface sewage (septic) treatment system, including pipe lines and treatment systems.

**Sight Triangle** – As described in the design standards, a triangle shaped area of unobstructed vision at a street intersection (by a corner lot). The sight triangle at a driveway shall be formed horizontally, by measuring 10 feet into the lot as measured from the property line and 20 feet along the property line parallel to the street, vertically three feet above grade and by connection those points, likewise with nothing erected, placed, or allowed to grow within the sight triangle in such a manner as to significantly impede vision.

**Sketch Plan** - A basic diagram showing the general features of a proposed subdivision as prescribed in [Article VI - §620] of these Regulations.

**Slope** - determination of the steepness or grade of an area based upon 10-foot contour intervals, unless it is otherwise specified that the slope shall be calculated using smaller contour intervals.

**State Environmental Quality Review (SEQRA)** - The State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and companion Implementing Regulations contained in NYCRR Part 617, as amended from time to time.

**Statement of Compliance** - an agreement between an applicant and the Town that clearly establishes the applicant's responsibility regarding project development, phasing, the provision of public and/or private facilities, and improvements, and any other mutually agreed to terms and requirements. The agreement is intended to provide assurance that that an approved project will contain elements and components that are in the interest of the Town consistent with public safety and welfare. The agreement provides an applicant assurance that a project may proceed subject to certain conditions or criteria as detailed in the agreement.

**Stormwater Pollution Prevention Plan** - Analysis and mitigation as required by "New York State Standards and Specifications for Erosion and Sediment Control" and/or Section 18-39 of the 'Rules and Regulations for the Protection From Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources'.

**Street** - A right-of-way for vehicular traffic, including road, avenue, lane, highway, or other right of way that serves or is intended to serve multiple lots, including as shown upon a subdivision plat approved by the Planning Board as provided by law on a plat duly filed and recorded in the Office of the County Clerk after the adoption of the subdivision law in 1975.

**Subdivider** - Any person, firm, corporation, partnership, or association, who shall layout any subdivision or part thereof as defined herein, either for himself or others.

**Subdivision, Duration** – A subdivision is complete when all the definitive conditions set forth by the Planning Board are met following the signing of the final plat by the Planning Board Chairman.

**Subdivision, Minor** – The division of any parcel into three (3) to four (4) parcels or lots, blocks, or sites (including the original lot or lots within this count, and including resubdivision). A subdivision involving the utilization of central sewage disposal systems or water supplies, or the construction of new public streets should be considered a Major Subdivision. If a new private road/joint access right of way is proposed, a maintenance agreement should be a project component.

**Subdivision, Major** - The division of any parcel into more than four (4) parcels or lots, with or without streets and highways, and includes resubdivision. Generally, a major subdivision is a Type I action under SEQR within the Town of Denning.

**Subsurface Sewage Treatment System** - (also known as a septic system, on-site sewage disposal system, or individual subsurface sewage treatment system) means any underground system used for collecting, treating, and disposing of sewage into the ground on an individual lot with a treatment process utilizing a septic tank followed by subsurface disposal on-site without the admixture of industrial wastes or other wastes, as defined in the Environmental Conservation Law Section 17-0701, in quantities of less than 1,000 gallons per day.

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**Town Board** - The Town Board of the Town of Denning.

**Town Engineer** - The person duly designated engineer of the Town on a permanent or consultant basis.

**Town Law** – The New York State ‘Town Law’ which governs the operation of Towns in New York State, and which is an enabling law for local planning codes.

**Watercourse** -- means a visible path through which surface water travels on a regular basis, including an intermittent stream. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snowmelt shall not be considered a watercourse.

**Water Body** – Water above ground surface including any natural or artificial pond or dam.

**Well** (in cases also known as on-site water supply) - A hole or shaft sunk into the earth to tap an underground supply of potable water within the boundaries of an individual lot.

**Wildland-Development Fire Interface Area** – An area on a building lot surrounding the habitable structures that is developed and managed in such a way as to protect public health and property in the event of a wildfire conflagration. This buffer represents the provision of a minimal defensible space in the case of a forest fire. In that space, fuels including structures with significant potential to allow a fire to spread unchecked between dwellings or habitable buildings and the undeveloped wildland vegetation fuels have been managed, cleared, modified, and/or provided with material specifications so as to slow the rate and intensity of advancing wildfire. National Fire Protection Association (NFPA) Standard 1144 Standard for Reducing Structure Ignition Hazards from Wildland Fire, 2008 Edition is a guide for planning subdivisions and site development. See also Site Plan Review standards within the Zoning law.

**Work Envelope** (or site envelope) – the part of a lot where building/ construction disturbance will take place. Areas beyond the defined envelope need not be disturbed; compared with the work envelope the building envelope specifies a footprint where a structure will be located.

**Ulster County Planning Board** (also referenced as UCPB) - the agency referred certain subdivision plats and other development applications for review and comment pursuant to Town Law, including 276.10, et al., and the Ulster County Charter. By local resolution certain minor subdivisions may be exempt from ‘County referral’.

**Zoning Ordinance** - The officially adopted zoning law of the Town, together with any and all amendments thereto, in accordance with Article 16 of the Town Law.

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**APPENDIX A ~ SAMPLE APPENDIX (to be filled in as needed)**

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