

## Chapter 192

### SUBDIVISION OF LAND

**[HISTORY: Adopted the Planning Board of the Town of Union Vale 1-20-1988, approved by the Town Board 2-24-1988 (Ch. 79 of the 1983 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Land Use Boards — See Ch. 51.

Building construction and fire prevention — See Ch. 105.

Environmental quality review — See Ch. 120.

Right to farm — See Ch. 124.

Land use fees — See Ch. 128.

Flood damage prevention — See Ch. 135.

Grading, filling and erosion control — See Ch. 143.

Zoning — See Ch. 210.

Street specifications — See Ch. A215.



**ARTICLE I General Provisions**

## § 192-1. Statutory authority.

- A. By resolution adopted on September 4, 1962, by the Town Board of the Town of Union Vale, Dutchess County, New York, the Planning Board of the Town of Union Vale has the authority to approve, approve with conditions and disapprove plats for subdivision within the Town of Union Vale and to assume all other powers and duties as prescribed by the Town Law, Chapter 62 of the Consolidated Laws of the State of New York. All subdivision plats hereinafter submitted to the Planning Board for approval shall be governed by and subject to the provisions of these regulations.
- B. A comprehensive amendment of these regulations was adopted by the Planning Board of the Town of Union Vale on January 20, 1988, and approved by the Town Board on February 24, 1988.
- C. A further amendment of these regulations was adopted by the Town Board upon recommendation of the Planning Board concurrent with the Town's comprehensive amendment of the Town's Zoning Law, Town Code Chapter 210, on November 7, 2002. **[Added 11-7-2002 by L.L. No. 7-2002]**

## § 192-2. Declaration of policy; objectives.

- A. It is declared to be the policy of the Town of Union Vale Planning Board to consider land subdivision plats as part of a plan for the orderly, economic and efficient future growth and development of the Town consistent with its rural character and the continuing needs of its people for enjoyable open space.
- B. The following objectives shall guide the Planning Board's decisions as related to the public health, safety and welfare:
  - (1) Land to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
  - (2) Proper provision shall be made for water supply, drainage, sewage and other needed improvements and utilities.
  - (3) All proposed development shall be so designed as to be in harmony with the development pattern of adjacent and neighboring properties.
  - (4) Proposed streets shall compose a convenient system conforming to the Town Master Plan and shall be of such width, grade and location as to accommodate present and prospective traffic.
  - (5) All development shall be designed to facilitate adequate fire and emergency protection and provide access for firefighting and related equipment.
  - (6) Proper provision shall be made for permanent reservations of open spaces for parks and playgrounds and for the protection of natural drainage and significant historical and environmental features.

- (7) Future development shall bear a fair share of the capital costs to the Town for public improvements necessary to service such new development.
- (8) All development and related reservations of land shall be in harmony with the Town Master Plan and Dutchess County land use policies as reflected in Directions and Greenway Connections. **[Added 11-7-2002 by L.L. No. 7-2002]**
- (9) All review under this chapter shall be coordinated, to the extent practicable, with involved agencies at the county, state and federal levels and with other local officials, boards and committees to ensure consistent, well-informed decision-making. **[Added 11-7-2002 by L.L. No. 7-2002]**

§ 192-3. Definitions.

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

CLERK OF THE PLANNING BOARD — That representative or those representatives of the Planning Board, either member, employee or consultant, who shall be designated to perform the duties of the Clerk of the Planning Board for purposes of these regulations.

CONSERVATION SUBDIVISION- A residential subdivision where the number of dwelling units that would be yielded by a conventional subdivision plan are allowed to be placed on the parcel to be subdivided in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed and where a minimum of 50% of the remaining land is left in its natural open space condition in perpetuity. Conservation development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of open lands.

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CONSERVATION EASEMENT — An easement, covenant, restriction or other interest in real property created under the provisions of § 247 of the General Municipal Law and/or the provisions of Article 49, §§ 49-0301 through 49-0311 of the Environmental Conservation Law, which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural or natural condition, character, significance or amenities of the real property. Any such conservation easement shall provide that the Town of Union Vale, if not the grantee, shall be the contingent holder and third party enforcer of the easement should default occur by the initial holder of the easement.**[Added 11-7-2002 by L.L. No. 7-2002]**

DAY or DAYS — Consecutive calendar days unless otherwise specified.**[Added 11-7-2002 by L.L. No. 7-2002]**

DESIGNATED TOWN ENGINEER — That licensed professional engineer, either employee or consultant, who shall be chosen by the Planning Board to perform the duties of the designated Town Engineer for purposes of these regulations.

DRIVEWAY — A private way situated within a lot for vehicular traffic, providing access from a street to a single dwelling or a commercial premises. "Common

driveway" is the term employed to identify a like facility which provides shared access to two or more such dwellings or commercial premises.[Added 11-7-2002 by L.L. No. 7-2002]

EASEMENT — An acquired right of use on the property of another, for a specified purpose on a designated part of that property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER — A person licensed as a professional engineer by the State of New York.

ENVIRONMENTAL CONSERVATION LAW — The Environmental Conservation Law of the State of New York, Chapter 43-B of the Consolidated Laws.[Added 11-7-2002 by L.L. No. 7-2002]

IMPROVEMENTS — A physical change to the land or installation of certain services necessary to produce usable and desirable lots or sites from raw acreage, including but not limited to water and sewers, recreation and open space areas, grading, pavement curbs, gutters, storm sewers and drains and betterments to existing watercourses, sidewalks and other pedestrianways, street signs, shade trees, sodding or seeding and monuments, whether such improvement is intended to be dedicated and maintained by the public or held in private ownership.

MASTER OR COMPREHENSIVE PLAN — A comprehensive plan for the general physical development of the Town of Union Vale, Dutchess County, New York, as adopted by the Town Board in October 2001 pursuant to § 272-a of the Town Law, and as may from time to time be amended.[Amended 11-7-2002 by L.L. No. 7-2002]

OFFICIAL MAP — The map which may be established by the Town Board under § 270 of the Town Law showing streets, highways and parks and drainage theretofore laid out, adopted and established by law, and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

PLANNING BOARD — The Planning Board of the Town of Union Vale, Dutchess County, New York.

PLANNING CONSULTANT or TOWN PLANNING CONSULTANT — That professional planning consultant, who shall be a member of the American Institute of Certified Planners, and who shall be chosen by the Town Board upon recommendation of the Planning Board to assist in the review of project-specific applications and advise on the administration of this chapter and related requirements, including those set forth under either Chapter 210, Zoning, of the Code of the Town of Union Vale or SEQRA.[Added 11-7-2002 by L.L. No. 7-2002]

PLAT — The map of a subdivision showing the location, boundaries and proposed ownership of both individual and common properties and associated supporting improvements.[Added 11-7-2002 by L.L. No. 7-2002]

PRELIMINARY PLAT — The maps, drawings and other data showing the layout of a proposed subdivision, as specified in § 192-22 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout and improvements within such proposed subdivision.

REGULAR MEETING — A meeting of the Town Planning Board, generally held on a monthly basis, as set forth on an annual calendar adopted by the Planning Board and posted in the manner required under the Open Meetings Law,<sup>1</sup> which calendar may be supplemented from time to time by individually noticed special meetings.[Added

**11-7-2002 by L.L. No. 7-2002]**

**RESIDENTIAL SUBDIVISION OR OTHER LAND DEVELOPMENT TECHNIQUE** — A designation provided within Article III, § 210-10, of Chapter 210, Zoning, which determines on the basis of platting procedure, lot configuration and/or intended use whether a proposed subdivision under this chapter is a permitted, special permitted or prohibited use under Chapter 210, Zoning.[**Added 11-7-2002 by L.L. No. 7-2002]**

**RESUBDIVISION** — Any change in the plat of a subdivision which has been previously filed in the Dutchess County Clerk's office, which change affects any street layout shown on such plat, affects any area reserved thereon for public use or open space purposes, or diminishes the area of any lot shown thereon.[**Amended 11-7-2002 by L.L. No. 7-2002]**

**SIGHT DISTANCE** — The distance an object 18 inches above the pavement, e.g., a taillight, is visible from an eye level 54 inches above the pavement, i.e., an average seated driver's eye level.[**Added 11-7-2002 by L.L. No. 7-2002]**

**SKETCH PLAT** — A sketch of a proposed subdivision showing the information required by these regulations, to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and the objectives of these regulations. A sketch plat shall be drawn to scale but need not have the accuracy of an engineering drawing.

**STREET** — A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, artery, avenue, boulevard, lane, place, drive or however otherwise designated, which is an existing public way or a way shown upon a subdivision plat approved by the Town Planning Board as provided by these regulations, or on a plat duly filed and recorded in the office of the Dutchess County Clerk. For characterization of specific street types, please refer to Chapter A215 of the Code of the Town of Union Vale.

**STREET PAVEMENT** — The wearing or exposed surface of the roadway used by vehicular traffic, i.e., the traveled way.

**STREET WIDTH** — The width of the right-of-way or the distance between property lines on opposite sides of a street, measured at right angles to the center line of such street.

**SUBDIVIDER** — Any person, firm, corporation, partnership or association which shall lay out for the purpose of development, sale or lease any subdivision as defined herein, either for himself, itself or for others.

**SUBDIVISION** — [Amended 11-7-2002 by L.L. No. 7-2002; 1-8-2004 by L.L. No. 1-2004; 2-4-2010 by L.L. No. 10-2010]

- A. For purposes of this chapter, and consistent with the provisions of Town Code Chapter 210, Zoning, the term "subdivision" shall include any of the following actions:
- (1) The division of any parcel of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of lot line alteration, transfer of ownership, lease for other than recreation, conservation or agricultural purposes, or building development.
  - (2) The resubdivision of any parcel of land for which an approved plat has already been filed in the Dutchess County Clerk's office and which is entirely or partially undeveloped.

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- (3) Reinstatement of any subdivision approval that may have expired for reasons including but not limited to the imposition of a "sunset" or like provision by either the Planning Board or the Dutchess County Health Department or the failure of the subdivider to complete required improvements in a manner pursuant to, and consistent with, the terms of the Planning Board's approval and pertinent provisions of Town Law related to either project phasing, i.e., filing of a plat in sections, or posting and satisfaction of performance guaranties.
- B. For the purposes set forth herein, any such subdivision shall be classified as to scale and nature of improvements as either a "minor subdivision" or a "major subdivision" as set forth below and as to "residential subdivision or other land development technique" pursuant to Town Code Chapter 210, Zoning.
- (1) **LOT CONSOLIDATION** — A type of minor subdivision resulting in the merger in their entirety of two or more lots as depicted on a filed subdivision plat or otherwise set forth on the Town real property tax map. The effect of lot consolidation might be considered "reverse subdivision."
  - (2) **LOT LINE ALTERATION** — A type of minor subdivision resulting in any other modification in either the boundary of an existing, legally established lot or in deeded easement providing for driveway access to the lot access which neither results in the creation of any new lot nor either creates or increases any noncomplying condition with respect to any area and bulk or other dimensional requirement established by Chapter 210, Zoning, or other regulations administered by the Dutchess County Health Department, the New York State Uniform Fire Prevention and Building Code, or other pertinent law, rule or regulation.
  - (3) **MINOR SUBDIVISION** — Any subdivision containing not more than four lots, each of at least the minimum lot area and dimension required by Chapter 210, Zoning, each fronting on an existing street or road and gaining access from such existing street or road via an individual driveway demonstrated to be in conformance with the design standards referenced at § 210-25 of the Town Zoning Code and set forth within Town Code Chapter 111, Driveways, not involving any new public or private street or road or the extension of any Town or other municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties and not in conflict with any provision or portion of the Master Plan, the Official Map, Chapter 210, Zoning, or this chapter.
  - (4) **MAJOR SUBDIVISION** — Any subdivision not classified as lot consolidation, lot line alteration or a minor subdivision, including but not limited to subdivisions of five or more lots, or any subdivision including a common driveway, requiring any new street or road or extension thereof, whether intended to be public or private, or any extension of any other Town or other municipal facilities.

**SUBDIVISION PLAT or FINAL PLAT** — The final maps, drawings and charts on which the subdivider's plan of subdivision containing all information or detail required by law and by these regulations is presented to the Planning Board for approval, and which, if approved, shall be submitted to the Dutchess County Clerk for filing or recording in order to complete the subdivision approval process.

**SUPERINTENDENT OF HIGHWAYS** — The duly elected Town Superintendent of Highways.

**SURVEYOR, LAND** — A person licensed as a professional land surveyor by the State of New York.

**TOWN BOARD** — The Town Board of the Town of Union Vale, Dutchess County, New York.

**TOWN LAW** — The Town Law of the State of New York, Chapter 62 of the Consolidated Laws.**[Added 11-7-2002 by L.L. No. 7-2002]**

**TOWN STREET AND HIGHWAY SPECIFICATIONS** — Chapter A215, Street Specifications, of the Code of the Town of Union Vale.**[Added 11-7-2002 by L.L. No. 7-2002]**

**YEAR** — A period of time marked by the passage of any 12 consecutive calendar months.**[Added 11-7-2002 by L.L. No. 7-2002]**

**ZONING LAW** — The officially adopted Zoning Law of the Town of Union Vale, together with any and all amendments thereto, in accordance with Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Law, which Zoning Law is set forth as Chapter 210 of the Code of the Town of Union Vale.**[Amended 11-7-2002 by L.L. No. 7-2002]**



**ARTICLE II Procedures****§ 192-4. Approval required.**

Whenever any subdivision of land is proposed, and before any contract for the sale or lease of or any offer to sell or lease any lots in such subdivision or any part thereof is made, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply for approval of such proposed subdivision in accordance with the following procedures.

**§ 192-5. Preapplication conference.**

[Amended 11-7-2002 by L.L. No. 7-2002; 6-12-2003 by L.L. No. 4-2003]

- A. The property owner, or his duly authorized representative, shall initially schedule an appointment with the Secretary of the Planning Board to informally discuss the proposed subdivision and become familiar with the requirements of these regulations, Chapter 210, Zoning, of the Code of the Town of Union Vale and other laws, ordinances, rules, regulations or policies of the Town of Union Vale, County of Dutchess, or State of New York that may be pertinent to the proposed subdivision.
- B. The Planning Board consultant shall be present at the preapplication conference. Discussion at the preapplication conference shall include review of both procedural and submission requirements and the technical application standards provided within the regulations as related to lot layout and required improvements.

**§ 192-6. Sketch plat review and classification.**

[Amended 11-7-2002 by L.L. No. 7-2002]

- A. Submission of sketch plat. The property owner, or his duly authorized representative, shall submit to the Clerk of the Planning Board at least 21 days prior to the next regular meeting of the Planning Board a sketch plat application, including both the required fee in accordance with the fee schedule established by the Town Board<sup>2</sup> and 15 copies of a sketch plat for the proposed subdivision for purposes of classification and preliminary discussion. If the proposed subdivision includes five or more lots, the sketch plan shall conform to the requirements listed at § 192-21 of this chapter. **[Amended 10-9-2014 by L.L. No. 5-2014]**
- B. Designation under Chapter 210, Zoning.
  - (1) The Planning Board shall consider the sketch plat application and first designate the proposed subdivision on the basis of "residential subdivision or other land development technique" within one of the following categories consistent with the definitions found within Article XII, § 210-86, of Chapter 210, Zoning:
    - (a) Conventional subdivision.
    - (b) Residential cluster subdivision.

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- (c) Conservation density subdivision.
  - (d) Average density subdivision.
  - (e) Airport residential subdivision.
  - (f) Open area development.
  - (g) Planned mixed use development.
- (2) The Planning Board shall then determine in accordance with the District Schedule of Use Regulations established under Article III, § 210-10, of Chapter 210, Zoning, and with input as may be required from the Town's Code Enforcement Officer whether such residential subdivision or other land development technique is a permitted use, a special permit use or a prohibited use at the location and scale of the intended subdivision and proceed accordingly in the manner set forth below:
- (a) If a permitted use, proceed with classification and processing of the sketch plan application under this chapter, including consideration of sketch plat endorsement
  - (b) If a special permit use, require the applicant to proceed under Chapter 210, Zoning, with the required application for Planning Board consideration of a special use permit in accordance with the pertinent standards set forth within Article VI, § 210-54, of Chapter 210, Zoning, before proceeding with classification and processing of the sketch plat application under this chapter.
  - (c) If a prohibited use, so advise the applicant of this circumstance and reject the sketch plat.
- C. Classification under this chapter.
- (1) When applicable subsequent to the above designation procedure, the Planning Board shall classify the subdivision depicted on the sketch plat as either a minor subdivision or major subdivision as defined within this chapter. The Planning Board shall make a notation regarding such classification directly on the sketch plat. The Planning Board will retain a copy for its files and provide a copy to the applicant.
  - (2) If the sketch plat is classified as a minor subdivision, the applicant shall then comply with the procedure outlined in § 192-7 of this chapter if it is classified as a major subdivision, the applicant shall then comply with the procedures outlined in §§ 192-8 and 192-9. The above notwithstanding the Planning Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements otherwise specified for major subdivisions.
  - (3) The Planning Board shall, based upon input provided by the applicant, also designate at the sketch plat stage the name by which the subdivision shall be known.

## § 192-7. Minor subdivision plat approval.

- A. Application and fee. Within six months of the classification by the Planning Board of the sketch plat of a proposed subdivision as a minor subdivision, the property owner, or his duly authorized representative, shall submit an application for approval of a minor subdivision plat. The plat shall conform to the layout shown on the sketch plat plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in § 192-20 of these regulations. Any application for plat approval for a minor subdivision shall be accompanied by the applicable fee in accordance with the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board.<sup>3</sup> A copy of said fee schedule shall be available from the Clerk of the Planning Board.
- B. Number of copies. The application for approval of a minor subdivision plat, complete with 14 copies, consisting of three full-scale prints of the subdivision plat and all further required data specified within § 192-20, shall be filed with the Clerk of the Planning Board at least 21 days prior to the regular meeting of the Planning Board at which time it shall be introduced and considered officially received by the Planning Board for purposes of these regulations. **[Amended 10-9-2014 by L.L. No. 5-2014]**
- C. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the minor subdivision plat.
- D. Approval procedure.
- (1) Within 62 days of the receipt of the complete subdivision plat application by the Planning Board, the Planning Board shall hold a public hearing on such plat. The above notwithstanding, the Planning Board is empowered to waive the requirement for conduct of a public hearing and proceed immediately to decision upon receipt of a complete application in the case of a matter classified as "lot consolidation" as defined within § 192-3 of these regulations. **[Amended 1-8-2004 by L.L. No. 1-2004; 2-4-2010 by L.L. No. 10-2010]**
- (2) Notice. Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing. The Secretary of the Planning Board shall additionally provide notice of the public hearing and data concerning the substance of the application to the owners of all property abutting or directly opposite that held by the applicant and involved in such application and to the Town Clerk of adjacent municipalities to the extent required by § 265-a of the Town Law. Notice shall be mailed at least 10 calendar days prior to the hearing, with compliance with the notification procedure certified to by the Secretary. **[Amended 4-5-1990 by L.L. No. 3-1990; 4-13-1992 by L.L. No. 4-1992; 2-4-2010 by L.L. No. 10-2010]**
- (a) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town.

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3. Editor's Note: See Ch. 128, Fees, Land Use.

- (b) Provided that there has been substantial compliance with this provision, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with the application.
- (3) Posting. A conspicuous sign shall be posted along the road frontage of any parcel which is the subject of a pending subdivision plat proceeding before the Planning Board for a period of not less than five calendar days prior to the public hearing and in such manner as otherwise specified by the Planning Board at the time of acceptance of the application for subdivision plat approval. **[Added 2-4-2010 by L.L. No. 10-2010<sup>4</sup>]**
- (4) Within 62 days from the date of such public hearing, the Planning Board shall act by resolution on the subdivision plat. The Planning Board shall either approve, conditionally approve with or without modification, or disapprove the plat. The Board shall specify in writing its reasons for any such disapproval. In the event that the hearing is not held, or if the Board fails to disapprove the subdivision plat within the 62 days prescribed above, the plat shall be deemed approved. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. **[Amended 1-8-2004 by L.L. No. 1-2004]**
- (5) Upon a resolution of approval, a Mylar and eight copies of the subdivision plat shall be provided by the applicant and properly signed by the Chairperson of the Planning Board. The subdivision plat may then be filed by the applicant in the office of the Dutchess County Clerk. Any minor subdivision plat not so filed or recorded within 60 days of the date upon which such plat is approved, or considered approved by reason of the failure of the Planning Board to act, shall become null and void. If conditional approval is granted, the Planning Board shall empower the Chairperson of the Planning Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board as conditionally approved, a copy filed in the Planning Board office, and a copy so certified mailed to the subdivider. The copy mailed to the subdivider shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. Upon specific written request of the applicant, the Planning Board may, however, extend for one or more periods the Planning Board deem reasonable the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted. **[Amended 11-7-2002 by L.L. No. 7-2002; 11-18-2010 by L.L. No. 14-2010]**

#### § 192-8. Major subdivision preliminary plat approval.

##### A. Application and fees.

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4. Editor's Note: This local law also redesignated former Subsection D(3) and (4) as Subsection D(4) and (5), respectively.

- (1) Prior to the filing of an application for the approval of a major subdivision plat, and within six months of the classification by the Planning Board of the sketch plat of a proposed subdivision as a major subdivision, the property owner, or his duly authorized representative, shall file an application for consideration with a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form and include all the data prescribed by § 192-22 hereof. The preliminary plat shall, in all respects, comply with the requirements of §§ 276 and 277 of the Town Law and these regulations, except where a waiver of any specific requirement may be specifically requested from, and authorized by, the Planning Board.
- (2) Payment of a fee shall accompany all applications for approval of a preliminary plat for a major subdivision. Said application fee shall be in accordance with the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board.<sup>5</sup> A copy of said fee schedule shall be available from the Clerk of the Planning Board.

B. Purpose.

- (1) The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board, and later one copy shall become the official record of the Town Clerk. The preliminary plat and supporting documents shall show the layout of the subdivision and its public improvements, so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the final engineering design and detailing of the public improvements and utilities, is completed. Approval of the preliminary plat does not constitute an approval of the final plat nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics.
- (2) The preliminary layout shall additionally serve as a key map to subdivisions subsequently laid out in sections or phases on final plats.

C. Number of copies. The application for approval of the preliminary plat, complete with 14 copies, consisting of three full-scale prints and 11 half-scale prints, and a portable document format (PDF) file of the preliminary plat shall be filed with the Clerk of the Planning Board at least 21 days prior to the regular meeting of the Planning Board at which time it shall be introduced and considered officially received by the Planning Board for purposes of these regulations. A proposed submission which does not include all the required drawings and documents specified within § 192-22 of these regulations shall not be accepted by the Clerk of the Planning Board. **[Amended 11-7-2002 by L.L. No. 7-2002; 10-9-2014 by L.L. No. 5-2014]**

D. Subdivider to attend Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.

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5. Editor's Note: See Ch. 128, Fees, Land Use.

- E. Study of preliminary plat. The Planning Board shall study the practicality of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relationship to the topography of the land, water supply, sewage disposal, drainage, lot sizes and configuration, the future development of lands as yet unsubdivided, and the requirement of the Master Plan, Official Map, if one exists, and Chapter 210, Zoning.
- F. Approval procedure.
- (1) Within 62 days of receipt of the complete preliminary plat application by the Planning Board, the Planning Board shall hold a public hearing on such preliminary plat. **[Amended 1-8-2004 by L.L. No. 1-2004]**
  - (2) Notice. Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing. The Secretary of the Planning Board shall additionally provide notice of the public hearing and data concerning the substance of the application to the owners of all property abutting or directly opposite that held by the applicant and involved in such application and to the Town Clerk of adjacent municipalities to the extent required by § 265-a of the Town Law. Notice shall be mailed at least 10 calendar days prior to the hearing, with compliance with the notification procedure certified to by the Secretary. **[Amended 4-5-1990 by L.L. No. 3-1990; 4-13-1992 by L.L. No. 4-1992; 2-4-2010 by L.L. No. 10-2010 ]**
    - (a) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town.
    - (b) Provided that there has been substantial compliance with the provision, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with the application.
  - (3) Posting. A conspicuous sign shall be posted along the road frontage of any parcel which is the subject of a pending subdivision plat proceeding before the Planning Board for a period of not less than five calendar days prior to the public hearing and in such manner as otherwise specified by the Planning Board at the time of acceptance of the application for subdivision plat approval. **[Added 2-4-2010 by L.L. No. 10-2010<sup>6</sup>]**
  - (4) Action.
    - (a) Within 62 days from the date of such public hearing, the Planning Board shall act by resolution on the preliminary plat. The Planning Board shall either approve, with or without modifications, or disapprove the preliminary plat. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to take action on a preliminary plat within the time prescribed therefor shall be deemed approval of the plat.

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6. Editor's Note: This local law also redesignated former Subsection F(3) as Subsection F(4).

[Amended 1-8-2004 by L.L. No. 1-2004]

- (b) When approving a preliminary plat the Planning Board shall state in writing the modifications, if any, it deems necessary for submission of the plat in final form with respect to the specific changes which it will require in the preliminary plat; the extent of waivers which may have been specifically requested and which in the Planning Board's opinion may be authorized without jeopardy to the public health, safety and general welfare; and the categories of improvement and the estimated amount of all bonds or similar performance guaranties which the Planning Board shall require as a requisite to approval of the final plat. The action of the Planning Board plus any conditions attached thereto shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, one copy shall be retained by the Planning Board and one copy shall be forwarded to the Town Board, through the Town Clerk. Prior to the approval of the final 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 the public hearing.

#### § 192-9. Major subdivision final plat approval.

- A. Application and fee.
- (1) Following approval, with or without modifications, of the preliminary plat, the property owner, or his duly authorized representative, shall prepare a final plat, together with all other supplementary documents, in accordance with § 192-23 of these regulations. The application for final plat approval for a major subdivision, or any section thereof, shall be accompanied by a processing fee in accordance with the Town's subdivision fee schedule.<sup>7</sup>
  - (2) The final plat and other supplementary documents shall be filed with the Clerk of the Planning Board, together with a written application for final approval, within 180 days after approval, with or without modifications, of the preliminary plat, unless such time limit is extended by mutual consent of the applicant and the Planning Board.
- B. Purpose. The final plat and the supporting documents for a proposed subdivision constitute the complete development of the subdivision proposal. After public hearing, as required, and approval by the Planning Board, this complete submission along with the applicable performance guaranty and the general liability insurance policy, as approved by the Town Board, becomes the basis for the development of the subdivision, the installation of required improvements and the applicable inspection services by the Planning Board, the designated Town Engineer or other delegated Town officials.
- C. Number of copies. The application for approval of the final plat, complete with 14 copies, consisting of three full-scale prints and 11 half-scale prints, and a portable document format (PDF) file of the final plat, shall be filed with the Clerk of the Planning Board at least 21 days prior to the regular meeting of the Planning Board,

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7. Editor's Note: See Ch. 128, Fees, Land Use.

at which time it shall be introduced and considered officially received by the Planning Board for purposes of these regulations. **[Amended 10-9-2014 by L.L. No. 5-2014]**

D. Approval procedure.

(1) Within 62 days of the receipt of the final plat by the Planning Board, the Planning Board shall hold a public hearing, if required, on such final plat. Such hearing shall be advertised at least once in a newspaper of general circulation of the Town, the parcel conspicuously posted, individual notice to contiguous property owners issued and notice to the clerks of adjacent municipalities provided as may be required in accordance with § 192-8 of this article; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with the preliminary plat approved under § 192-8 of this article and modified in strict accordance with requirements of such approval, if such preliminary plat has been approved with modifications, the Planning Board may waive by resolution the requirement for such public hearing. **[Amended 4-13-1992 by L.L. No. 4-1992; 1-8-2004 by L.L. No. 1-2004; 2-4-2010 by L.L. No. 10-2010]**

(2) Action.

(a) Within 62 days from the date of such public hearing, or from the date of receipt of the application by the Clerk of the Planning Board if no such hearing is held, the Planning Board shall act by resolution on the final plat. The Planning Board shall either approve, conditionally approve with or without modification, or disapprove the final plat. The time in which the Planning Board must take action may only be extended by mutual consent of the owner and the Planning Board. Failure of the Planning Board to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat. **[Amended 1-8-2004 by L.L. No. 1-2004]**

(b) If conditional approval is granted, the Planning Board shall empower the Chairperson of the Planning Board to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be so certified by the Clerk of the Planning Board as conditionally approved, a copy filed in the Planning Board office, and a certified copy mailed to the subdivider which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval, unless the requirements have been certified as completed within that time. Upon specific written request of the applicant, the Planning Board may, however, extend for one or more periods the Planning Board deem reasonable the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted. **[Amended 11-7-2002 by L.L. No. 7-2002; 11-18-2010 by L.L. No. 14-2010]**



- E. Final approval and filing. Upon completion of the requirements in this section and §§ 192-12 and 192-13 and notation to that effect upon the subdivision plat, the subdivision plat shall be deemed to warrant final approval. A Mylar and eight copies, as provided by the applicant, shall be properly signed by the Chairperson of the Planning Board upon receipt of notification that the required performance guaranty and insurance, as may be requested, have had the approval of the Town Attorney. The final plat may then be filed by the applicant in the office of the Dutchess County Clerk. Planning Board approval of a final plat shall not be deemed an acceptance by the Town of any street, or other land, shown as offered for cession to public use. **[Amended 11-7-2002 by L.L. No. 7-2002]**
- F. Expiration of approval.
- (1) The approval of a final plat shall expire within 60 days after the date of the Planning Board resolution authorizing the Chairperson of the Planning Board to sign the drawings, unless filing of the plat or a section thereof, as may be authorized by the Planning Board, is accomplished within that time period in the office of the Dutchess County Clerk in accordance with § 278 of the Town Law. **[Amended 11-7-2002 by L.L. No. 7-2002]**
  - (2) Expiration of an approval shall mean that any further action shall require submission of a new application, payment of a new filing fee and Planning Board review of all previous findings. On and after such expiration of plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.
- G. Filing in sections. At the time of final plat approval, the Planning Board may permit the plat to be divided into two or more sections subject to any conditions the Board deems necessary to ensure the orderly development of the plat. In accordance with § 267 of the Town Law, the applicant may file a section of the approved plat with the County Clerk, which section shall consist of not fewer than 10 lots nor less than 10% of the total number of lots shown on the approved plat. In this circumstance, plat approval on the remaining sections of the plat shall continue in effect for a period of three years from the filing date of the first section with the County Clerk. When a plat is filed by section with the County Clerk, the applicant shall, within 30 days, file with the Town Clerk the entire approved preliminary plat. The subdivider shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the Dutchess County Clerk and the required improvements have been installed and approved in such section or a satisfactory performance guaranty covering the cost of such improvements has been posted. **[Amended 11-7-2002 by L.L. No. 7-2002]**

§ 192-10. Building permits and certificates of occupancy.

- A. Upon the posting of a satisfactory performance guaranty or upon certification of the completion or installation of all required improvements to the satisfaction of the Town Board, in accordance with § 192-13 of these regulations, and upon Planning Board approval of the final plat, the subdivider, or his successor in title, may be issued building permits for the construction of buildings in accordance with the approved subdivision plat, Chapter 210, Zoning, and other applicable laws, rules and regulations.

- B.** In instances where building permits have been authorized upon the posting of a satisfactory performance guaranty, the subdivider or his successor in title may not be subsequently issued certificates of occupancy for any buildings constructed in the subdivision until completion of all required improvements to Town standards and upon certification of such as required in § 192-13 of these regulations. A note to this effect shall be specifically included on the final plat submitted for signature by the Planning Board Chairperson and for subsequent filing in the Dutchess County Clerk's office. **[Amended 11-7-2002 by L.L. No. 7-2002]**

### **ARTICLE III Required Improvements and Performance Guaranties for Major Subdivisions**

#### § 192-11. Compliance required.

Any subdivider who proposes to develop a major subdivision in the Town -of Union Vale shall comply with the regulations provided in this article regarding the posting of performance guaranties and the provision or installation of utilities and other required improvements. Further, all major subdivisions shall have a lot layout and design pursuant to §210-32 of the Town of Union Vale Zoning Law.

#### § 192-12. Required improvements.

In making determinations regarding the necessity and extent of the provision and installation of required subdivision improvements, the Planning Board shall take into consideration the prospective character, density and uses within the proposed subdivision, whether residential, commercial or industrial.

- A.** Required improvements. The Planning Board shall require the provision and installation of the following improvements in accordance with the Town Law, unless it shall specifically waive in writing any such improvements as provided in § 192-25 of these regulations:

- (1) Parks, playgrounds or other public open spaces of adequate size and location for recreational purposes.
- (2) Paved streets and roadways, common driveways and driveway aprons built to driveway and highway standards (Chapter 111 and Chapter A215).

[Amended 11-7-2002 by L.L. No. 7-2002]

- (3) Street signs and posts.
- (4) Pedestrian ways, to be construed to include links within trail systems for hikers, bicyclists and those riding on horseback. **[Amended 11-7-2002 by L.L. No. 7-2002]**
- (5) Streetlighting that meet dark-sky standards.
- (6) Curbs or gutters.
- (7) Street trees and treatment of buffer areas and other required landscaping using native plant species. [Amended 11-7-2002 by L.L. No. 7-2002]

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- (8) Water supply and fire protection facilities. **[Amended 11-7-2002 by L.L. No. 7-2002]**
  - (9) Sanitary sewage disposal facilities.
  - (10) Storm drainage facilities.
  - (11) Seeding and other means of erosion control for all lands within the subdivision tract, including all lots, common areas and rights-of-way. **[Amended 11-7-2002 by L.L. No. 7-2002]**
  - (12) Monuments or other acceptable markers suitably placed and installed to define the location and boundaries of lots, common areas, rights-of-way, easements, and significant protected environmental features and/or maximum development envelopes, as may be indicated by the Planning Board, within the subdivision. **[Amended 2-4-2010 by L.L. No. 10-2010]**
- B. Standards for installation. All improvements required by the Planning Board shall be installed in accordance with standards, specifications and procedures acceptable to the appropriate Town departments or as provided in these regulations.
- C. Modification of the design of improvements shown on the approved plat. If at any time before or during construction of the required improvements shown on the approved plat it is demonstrated to the designated Town Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the designated Town Engineer may, upon concurrence of the Chairperson of the Planning Board, authorize minor modifications which are within the spirit and intent of the Planning Board's approval and do not extend to constitute the waiver or substantial alteration of the function of any of the improvements required by the Planning Board. The designated Town Engineer shall issue any such authorization under this provision in writing and shall transmit a copy of such authorization to the Clerk of the Planning Board for report to the Planning Board at its next regular meeting. **[Amended 11-7-2002 by L.L. No. 7-2002]**
- D. Inspection of improvements.
- (1) At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause such 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 as required by the Planning Board. The inspection fee shall provide reimbursement to the Town for actual direct cost incurred for such engineering services, not to exceed 2% of the cost of the improvements.
  - (2) In order to facilitate inspection of required improvements during construction, the applicant shall notify the designated Town Engineer at least three working days before reaching each of the following stages of construction:
    - (a) Rough grading complete.
    - (b) Drainage and other underground facilities installed, but prior to

backfilling.

- (c) After gravel base is spread and compacted.
  - (d) When each pavement course is being applied.
  - (e) After completion of all improvements.
- (3) The applicant shall not proceed to work on any stage subsequent to the first stage until the work of the previous stage has been inspected and approved by the designated Town Engineer, or his duly authorized representative. In the case of any other improvements, the designated Town Engineer shall inspect the work at such progressive stages as he shall specify. The designated Town Engineer shall certify to the Planning Board that the work was inspected by him and was found to be in accordance with the approved plans and specifications.
- E. Proper installation of improvements. If the designated Town Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance guaranty, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, the Building Inspector and the Planning Board. The Town Board shall then notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the performance guaranty. No plat shall be approved by the Planning Board as long as the subdivider is in performance default on any previously approved plat within the Town of Union Vale.

#### § 192-13. Performance guaranties.

A performance bond or equivalent security shall be delivered to the Town to guarantee thereby to the Town that the subdivider shall faithfully cause to be constructed and completed within a reasonable time the required improvements and convey the required lands and improvements, where applicable, to the Town free and clear of all encumbrances.

- A. Procedure. Before the Planning Board grants final approval of the final subdivision plat, the subdivider shall provide to the Clerk of the Planning Board a detailed engineer's cost estimate for all required improvements for review and concurrence by the designated Town Engineer and shall subsequently follow the procedure set forth in either Subsection A(1) or (2) herein:

- (1) Filing; reduction or increase in amount.
  - (a) In any amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Town Clerk a performance guaranty to cover the full cost of the required improvements. Any such performance bond or equivalent security shall comply with the requirements of § 277 of the Town Law and, further, shall be satisfactory to the Town Board and Town Attorney 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 exceeding three years, shall be set forth in the bond or equivalent security as the period within which the required improvements must be completed. The subdivider shall additionally file a copy of said certified check or other performance

guaranty with the Clerk of the Planning Board.

- (b) If the Planning Board shall decide at any time during the term of the performance guaranty that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance guaranty, or that required improvements have been installed as provided in this article and by the Planning Board in sufficient amount to warrant reduction in the face amount of said bond, or that the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of such bond or equivalent security, the Planning Board may modify its requirements for any or all such improvements, and the face value of such performance guaranty shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced or increased proportionately.

- (2) The subdivider shall complete all required improvements to the satisfaction of the designated Town Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements, in addition to the cost of satisfactorily installing any improvements not approved by the designated Town Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. The subdivider shall additionally file a copy of said certified check or other performance guaranty with the Clerk of the Planning Board.

**B.** As-built drawing required. No required improvements shall be considered to be completed until the installation of the improvements has been approved by the designated Town Engineer and a map satisfactory to the Planning Board has been submitted indicating the specific location of all underground utilities as actually installed. If the subdivider completes all required improvements according to provisions of Subsection A(2) above, then said map shall be submitted prior to endorsement of the final plat by the Planning Board Chairperson. However, if the subdivider elects to provide a performance guaranty for all required improvements as specified in Subsection A(1) above, such bond or equivalent security shall not be released until such map is submitted and deemed satisfactory by the Planning Board. **[Amended 11-7-2002 by L.L. No. 7-2002]**

#### § 192-14. Maintenance bonds.

[Amended 2-4-2010 by L.L. No. 10-2010]

The subdivider shall file with the Town Board a maintenance bond in an amount not less than 20% of the cost estimate for installation of required improvements and which shall be adequate to assure the satisfactory condition and operation of the initial public improvements for a period of not less than two calendar years following their completion and acceptance, where applicable, by the Town Board. Such maintenance bond shall be satisfactory to the Town Attorney as to form, manner of execution and surety and in an amount satisfactory to the designated Town Engineer. The subdivider shall additionally file a copy of said certified check or other performance guaranty with the Clerk of the Planning Board.

§ 192-15. General liability insurance.

- A. Filing requirement The subdivider shall file with the Town Attorney a general liability insurance policy at the same time that he files his performance guaranty. The Town Board shall approve the policy as to form. The policy shall be in force during the term of the performance guaranty and shall be extended in conformance with any extension of the performance guaranty. The subdivider shall additionally file a copy of said certified check or other performance guaranty with the Clerk of the Planning Board.
- B. Limits of coverage. The policy shall ensure the Town and the subdivider and shall cover all operations in the development involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have limits of liability of \$100,000 for bodily injury to each person and \$300,000 liability on the aggregate for each accident and property damage liability of \$10,000 for each accident and \$50,000 aggregate property damage liability or such higher limits as the Planning Board may require, upon recommendation of the designated Town Engineer.

§ 192-16. Public franchise utilities.

- A. Service connections. When public franchise utilities are to be installed, the subdivider shall submit to the Planning Board written assurance from each public utility company that such company will make the necessary installations within a time limit and according to specifications satisfactory to the Planning Board.
- B. Easements or other releases. The final plat shall include statements by the owner granting all necessary easements or other releases where required for the installation of public franchise utilities.

## ARTICLE IV General Requirements and Design Standards

### § 192-17. General requirements.

Any subdivider who proposes to develop a subdivision in the Town of Union Vale shall observe all general requirements for land subdivision as herein provided.

- A. Character of land. Land to be subdivided shall be of such character that, in the opinion of the Planning Board, it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and with a minimum of detrimental effects on the environment.
- B. Preservation of any significant existing features. The Planning Board may require in the subdivision design and through the subsequent dedication of conservation easements or provision of similarly acceptable legal mechanisms the preservation of natural or man-made features which add value to residential developments and the community, such as mature trees or wooded areas, watercourse and waterfalls, historic or archaeological features, stone walls and similar irreplaceable assets. Information on natural resources from the local sources such as but not limited to the Town of Union Vale Master Plan and the Natural Resource Inventory, County and State data shall be reviewed and pertinent natural features found on the site included on all plats and in plat notes. [Amended 11-7-2002 by L.L. No. 7-2002]
- C. Conformance with Master Plan, and Town Zoning Law, Town Code Chapter 210. Subdivision plats and improvements shall both conform to Town Code Chapter 210, Zoning, and be in harmony with Town and county land use policies as enunciated within the Town Master Plan, Dutchess County Directions, and Greenway Connections. In addition, as an extension of the Master Plan, the subdivision plat shall be consistent with the intent, objectives and regulations of not only the underlying residential or commercial zoning district classification of the subdivision parcel, as such terms are defined under Chapter 210, Zoning, but additionally the intent, objectives and regulations of the complementary Environmental Resource Overlay (ER-O), Scenic Corridor Overlay (SC-O), Flood-Fringe Overlay (FF-O) and Airport Overlay (A-O) Districts established under Chapter 210, Zoning. [Amended 11-7-2002 by L.L. No. 7-2002]
- D. Minimum lot area. No lot in a subdivision shall have less than the minimum lot area and other minimum lot dimensions required by Chapter 210, Zoning, for the district in which it is located unless otherwise specifically provided for therein in the case of an average density subdivision or a conservation subdivision or residential cluster subdivision ~~or development~~. [Amended 11-7-2002 by L.L. No. 7-2002]
- E. Plats with access through other municipalities. Whenever access to a subdivision is by crossing land in another municipality, the Planning Board may require assurance from said municipality that such access is adequately improved or that a legally adequate performance guaranty has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.
- F. Resubdivision. Resubdivision of all or part of land covered by an existing plat laid out prior to compulsory subdivision plat review, approval and filing shall comply with this chapter as now required. The resubdivision of such an early plat, as well as any resubdivision that may occur of a more recent Planning Board approved plat, shall include any change that affects any street layout shown on the plat, area shown

thereon reserved for public use or open spaces purposes or the area or configuration of any lot or parcel shown thereon. [Amended 11-7-2002 by L.L. No. 7-2002]

- G. Preservation of topsoil. No topsoil shall be removed from any land in the Town, except that in areas over which heavy equipment will be operated, the topsoil shall be stripped and stockpiled on the property. When final grades have been established and construction activities have been completed, the entire property shall be suitably graded and to the extent practicable, recovered with topsoil to a depth of at least six inches after rolling, except that portion of the site covered by buildings or included in the roads. Removal of topsoil and subsequent management of ground surfaces shall use best management practices for erosion and stormwater control. All New York State Stormwater Pollution Prevention Plan requirements shall be met when applicable to the subdivision.
- H. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by culverts or other permanent drainage structures. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way not less than 30 feet in width. All such structures and rights-of-way shall be of design and specification approved by the designated Town Engineer and the Town Highway Superintendent.
- I. Floodplains.<sup>8</sup> If any portion of the land within the subdivision is subject to periodic inundation or flood hazard caused by stormwater, this portion shall be clearly indicated on any submissions required by these regulations. In cases of doubt, the Planning Board may require the submission of a flood hazard study delineating the limits of the one-hundred-year floodplain. Such study shall be conducted by a licensed professional engineer.
- (1) Land subject to flooding, and land deemed by the Planning Board to ~~be~~ otherwise uninhabitable, shall not be platted for residential occupancy nor for any such other use that may increase danger to health, life or property or aggravate the flood hazard.
  - (2) Any subdivision, including all proposed improvements and construction, must comply with all further applicable provisions of the National Flood Insurance Act of 1968, including all amendments thereto.
  - ~~(3)~~ The riparian buffer area along a stream shall be protected from development to the maximum extent feasible.

#### § 192-18. Design standards.

The subdivider shall additionally conform to all subdivision design standards as herein provided. These standards shall be considered minimum standards and shall be modified or waived by the Planning Board only as provided for in § 192-25 and 192-26 or these regulations.

##### A. Lots.

- (1) Lots to be buildable. The lot arrangement shall be such that in constructing a building in compliance with Chapter 210, Zoning, there will be no foreseeable prohibitions to development based upon soils, topography or other natural



conditions, including the presence of wetlands, streams, steep slopes, or floodplain areas, or other critical natural resources such as, but not limited to critical habitats and significant biodiversity areas.

- (2) Corner lots. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line on both streets, as well as side yard requirements, for the zoning district in which the lot is located.
- (3) Minimum lot dimensions. **[Amended 11-7-2002 by L.L. No. 7-2002; 2-4-2010 by L.L. No. 10-2010]**
  - (a) Except as provided for in Chapter 210, Zoning, in the case of an average density subdivision or a conservation subdivision or residential cluster subdivision ~~or development~~, each lot shall be no smaller than the minimum lot area, lot frontage and lot width required by Chapter 210, Zoning, for the district in which the lot is located, including the further provisions that not less than 75% of the minimum lot area within any zoning district must be fulfilled by land which is outside either any wetland designated by the New York State Department of Environmental Conservation or any other wetland area subject to jurisdiction by the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Clean Waters Act, or a one-hundred-year floodplain designated by the Federal Emergency Management Agency (FEMA) and that the entirety of the minimum lot area within any zoning district be achieved by any authorized flag lot beyond the line at which minimum lot width first occurs and continues to be maintained to at least the minimum building setback line.
  - (b) In addition, the following regulations shall apply to the extent of contiguous dry upland area within each lot:
    - [1] In the RD-10 District, not less than 50% of the required minimum lot area for the zoning district shall be provided through contiguous dry upland area.
    - [2] In all other zoning districts, not less than 60% of the required minimum lot area for the zoning district shall be provided through contiguous dry upland area.
- (4) Driveway grade and design. All driveways shall be designed, constructed and maintained to afford suitable access throughout all seasons under both routine and emergency conditions to any residential dwelling or other habitable structure in accordance with § 280 of the Town Law. All driveways shall further be subject to the driveway construction permit requirements and the driveway design, construction and maintenance standards and requirements set forth at Chapter 111, Driveways, of the Town Code. **[Amended 11-7-2002 by L.L. No. 7-2002; 2-4-2010 by L.L. No. 10-2010]**
- (5) Access from public streets.
  - (a) The subdividing of land shall be such as to provide each lot with satisfactory access, either directly or via suitably improved private streets, for routine and emergency purposes from the community system of public streets and roadways.
  - (b) A lot of less than 300 feet frontage fronting on a county or state highway

as to share a common curb cut with an adjacent lot, if either adjacent lot has not been previously granted a curb-cut permit. When more than three lots are proposed to be subdivided from a parcel with frontage on a county or state highway (or there is a possibility of creating four or more lots equal in size to the average area of the lots proposed for subdivision), frontage for all such lots shall be on internal streets, not on the county or state highway. Each lot permitted to front on a county or state highway shall provide for an improved on-site turnaround so as to obviate the necessity of any vehicle from backing onto such highway. Similar provisions on Town highways shall be encouraged.

- (c) Any such common curb cut and/or common driveway shall be subject to reciprocal easements and suitable maintenance agreements which shall be noted by reference on the subdivision plat, reviewed and approved by the Planning Board and recorded in the Dutchess County Clerk's office. Any such common driveway shall be further subject to criteria that may be promulgated by the Town Board for the design, construction and approval of common driveways. **[Added 11-7-2002 by L.L. No. 7-2002]**
- (6) Access from private streets. Access from privately-owned and maintained streets, as may be specifically authorized in accordance with § 280-a of the Town Law, shall be deemed acceptable only if such streets are designed and improved in accordance with § 192-13B of these regulations and Chapter A215 (Street Specifications), and means satisfactory to the Planning Board is provided for the long-term ownership and maintenance of said privately owned and maintained streets.

B. Streets.

- (1) General objectives. Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective road maintenance equipment and built to meet Town Highway Standards of A215 (Street Specifications). The arrangement of streets shall be coordinated such that they compose a convenient system, cause no undue hardship to adjoining properties and render no property inaccessible from an existing street or from a proposed street in a subdivision for which a completion bond or similar performance guaranty has been posted.
- (2) Arrangement of streets. To the extent practicable, the arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, by use of stub streets, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and services. Any stub street shall be provided with a temporary turnaround with a pavement radius of at least 50 feet. A note on the subdivision plat shall state that the land included within the turnaround which is outside the normal street right-of-way shall revert to abutters upon continuation of the stub street.
- (3) Street connections. Any new subdivision consisting of 20 or more lots or any subdivision of fewer lots either extending or otherwise connecting with, or

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served by such road network shall have at least two connections§ with either existing public streets or streets shown on an approved subdivision plat for which a performance bond or similar performance guaranty has been posted and, as pertinent, either a draft irrevocable offer of cession extended to the Town or a homeowners' association or similar mechanism created.  
**[Amended 11-7-2002 by L.L. No. 7-2002]**

(4) Cul-de-sac and dead end streets.

(a) Cul-de-sac or permanent dead-end streets shall not be created to provide access to residential lots except in situations where, in the view of the Planning Board, a through street cannot reasonably be provided due to the physical characteristics of the subdivision parcel and adjoining properties. Street designs should minimize use of cul-de-sacs and dead ends. A connected roadway of streets in a grid pattern is preferred. Where dead ends are necessary for optimum site design a simple hammerhead or turning T design is preferred. ~~Where~~ a cul-de-sac street is authorized, either as a permanent dead-end street or as a temporary dead-end street pending completion of a through road network, not more than 12 single-family residential lots may gain access from such cul-de-sac street. ~~Not more than one cul-de-sac street shall be authorized within any subdivision.~~ In a conservation subdivision, a lot layout and design that includes more than 12 houses fronting on a cul-de-sac street and with more than one cul-de-sac may be approved by the Planning Board if such design is needed to preserve the maximum amount of open space and provision of other amenities as required in §210-32.

(b) A turnaround with a radius of at least 360 feet and a pavement radius of at least 450 feet shall be provided at the end of any cul-de-sac or permanent dead-end street. The Planning Board may reduce the size of the pavement radius, in consultation with the Town Highway Department and emergency services in order to reduce pavement, and create a more efficient subdivision that maintains rural character. In all cases, the cul-de-sac should contain undisturbed native vegetation or landscaping but in no case shall the center of the circular cul-de-sac be paved.

(5) Minimum design standards.

(a) Streets and related improvements shall be laid out and constructed in accordance with the minimum design standards prescribed in the Street Specifications of the Town of Union Vale, Chapter A215 of the Town Code.

~~(b) A summary of these street specifications is presented below:~~

<b>Requirement</b>	<b>Collector Road</b>	<b>Commercial Street</b>	<b>Subdivision Street</b>
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Right of way width (feet)	60	60	50
Clearing width (feet)	60	60	50
Grading width (feet)	60	60	50
Pavement width (feet)	36	42	26
Storm drains	Yes	Yes	Yes
Foundation course (inches thick)	12	12	12
Base (inches of penetration)	4	5	3
Pavement			
Top (inches)	1	1	2
Binder (inches)	1 1/2	1 1/2	
Curbs (inches of blacktop)	6	6	6

C. Parks and public open space. Adequate lands for parks and other public open space purposes shall be provided in any subdivision of land for residential purposes throughout the Town of Union Vale.

(1) Amount of land dedicated. [Amended 11-7-2002 by L.L. No. 7-2002]

- (a) Except for major subdivisions designed as a conservation subdivision, in general, the Planning Board shall require that 10% of the total land area within the subdivision be set aside and shown on the plat for park and open space purposes, including trails and other linkages between neighborhoods, community facilities and other settlement areas. All lands designated on the plat as park or open space must be deemed suitable for this purpose by the Planning Board based upon overall consistency with the Town Master Plan and a site-specific analysis of the land's topographic, geologic, hydrological and locational characteristics. Conservation subdivisions shall preserve 50% of the parcel pursuant to §210-32.
- (b) The Planning Board may establish such conditions on the subdivision concerning access, use and maintenance of such park- and open space lands as deemed necessary to ensure the preservation of the lands, in perpetuity, for their intended purposes. Such conditions shall be clearly noted by the licensed land surveyor and/or professional engineer on the plat prior to final plat approval and subsequent recording of the plat in the Dutchess County Clerk's office.

(2) Information to be submitted. In the event that an area to be used for park or public open space is required to be shown, the subdivider shall submit, prior to final plat approval, to the Planning Board, drawings at a scale of not less than 20 feet to the inch of such area and the following features thereof. All information required to identify primary and secondary open space areas that are part of a conservation subdivision pursuant to §210-32 shall also be submitted.

- (a) The boundaries of the said area, giving lengths and bearings of all straight lines; and radii, lengths, central angles and tangent distances of all curves.
- (b) Existing features, such as streams, ponds, clusters of trees and rock outcrops, and structures, existing and proposed.
- (c) Existing and, if applicable, proposed changes in grade contours of the said area and of the area immediately adjacent for a distance of not less than 100 feet, with such contours to be at an interval of not more than two feet.
- (d) Plans for improvements of said area, not limited to grading, seeding, fencing, landscaping, the provision of play and related equipment, and the address of conditions relating to the protection of the public health and safety.

(3) Payment in lieu of dedication. Except for conservation subdivisions, where open space is a required component of the design, in cases where because of the size, topography or location of the subdivision, or because of the size of the individual lots provided

within the subdivision or of the proposed open space, the requirement for land dedication or reservation for parks and other public open space purposes would be deemed unreasonable or undesirable by the Planning Board, the Planning Board shall alternatively require, under § 277 of the Town Law, that a payment be made into a special fund for Town recreation site acquisition and/or improvement in lieu of such land dedication or reservation within the subdivision. Such payment shall be a condition of approval of the final plat and shall be assessed in accordance with the subdivision fee schedule established and annually reviewed by the Town Board upon recommendation of the Planning Board. No final plat shall be signed by the Chairperson of the Planning Board until such payment has been received by the Town Clerk and receipt therefor provided to the Planning Board. [Amended 11-7-2002 by L.L. No. 7-2002]

D. Public improvements and utilities.

- (1) Placement. Underground improvements required by the Planning Board in accordance with § 192-12, and public franchise utilities shall be placed in the street right-of-way between the street paving and the right-of-way line. Where topography makes such placement impracticable, perpetual unobstructed easements at least 20 feet in width shall be provided for along lot frontages abutting the street lines, with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and their layout shall be as regular as possible. Subject to the discretion of the Town Board, an underground public improvement or utility operated for revenue by the Town or by a special district may be installed by the Town in a private street, provided that a public easement of satisfactory size is obtained for such improvement or utility. Before the street is paved, the subdivider shall install underground service connections for all required improvements and utilities to the property line of each lot within the subdivision.
- (2) Service connections.
  - (a) Water. Where an appropriate public water main already exists and is physically and legally accessible, the subdivider may connect into said main and provide a water connection for each lot in accordance with Article 12 of the Town law, the Public Health Law and other applicable laws, rules and regulations. Where an appropriate water main does not exist or is not accessible, the subdivider shall install at his own expense such main together with all necessary valves, cutoffs, fire hydrants, pumps, storage tanks, meters and other equipment necessary to make such water system conform to the standards of the Town.
  - (b) Sanitary sewers. Where an appropriate public sanitary sewer system is reasonably accessible physically and legally, the subdivider shall install at his expense the necessary connections into the system and provide a sewer connection for each lot.
  - (c) Storm drainage system.
    - [1] The subdivider shall install all necessary storm drainage sewers and appurtenant facilities at his expense, in accordance with standards of the Town and of all authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the subdivider shall make proper connection thereto. Otherwise the subdivider shall provide appropriate means and methods for stormwater runoff satisfactory to the Planning Board and all other

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authorities having jurisdiction. In either event the storm drainage facilities provided shall be fully consistent with storm drainage design standards which may be promulgated and from time to time reviewed and modified by the Planning Board.

- [2] The drainage system shall be large enough to accommodate potential runoff from the entire upstream drainage area whether inside or outside of the subdivision. The designated Town Engineer shall approve the design and size of facilities based on anticipated runoff from a twenty-five-year storm under conditions of total potential development permitted by Chapter 210, Zoning, in the watershed. The cost of a culvert or other drainage facility in excess of that required for the particular subdivision may be deemed to be the responsibility of the Town or may be prorated among the upstream property owners.
- [3] The subdivider's engineer shall also study and report on the effect of each subdivision on the existing downstream drainage system outside the area of the subdivision; and this report shall be reviewed by the designated Town Engineer. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a twenty-five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the plat until provision has been made for the improvement of said condition.

E. Pedestrianways.

- (1) Adequate provision shall be made for the convenient and safe movement of pedestrians and bicyclists in any subdivision of land for residential purposes throughout the Town of Union Vale. All streets designated as collector roads shall have an improved pedestrian path, sidewalk or bikeway provided on at least one side of the street. Any such sidewalk or pedestrian path shall be so placed that there will be a distance of not less than four feet between the sidewalk and the street pavement. A bikeway, or combined bicyclist/pedestrian path, not less than four feet in width, may be situated adjacent the street pavement and be visually separated therefrom by striping on both its inner and outer edges.
- (2) To the extent considered practicable by the Planning Board, and in consideration of public health, safety and convenience, the Planning Board may require that additional or alternatively located pedestrianways be provided within a residential subdivision to provide access to parks or public spaces, school sites, neighborhood shopping facilities or similar destinations.

Any such pedestrianway may be situated within either a public right-of-way or established within a suitable easement.

- F. Private water supply and sewage disposal facilities. Where public water supply and/or sewage disposal facilities are not available, the Planning Board shall ascertain as a part of subdivision plat review and approval that each prospective lot and dwelling unit may be adequately served by acceptable water supply and sewage disposal facilities and ensure that all such on-site water supply and sewage disposal facilities shall be designed and installed in accordance with the requirements of the

Dutchess County Health Department.

- G. Street trees. Native species of trees shall be planted on both sides of a newly installed street or roadway, in locations approved by the Planning Board except where unnecessary due to the presence of significant, preservable existing vegetation, which shall be identified on the subdivision plat. Street trees shall generally:
- (1) Be located near the property line and be spaced approximately 50 feet apart, subject to variations made necessary by driveways and street corners as well as by the species of trees planted.
  - (2) Have a caliper of three inches or larger measured at breast height and be not less than 10 feet in height.
  - (3) Be approved as to species by the Planning Board.
- ~~(3)~~(4) Be maintained and all individual trees that perish within five years of planting shall be replanted.
- H. Realignment or widening of existing streets and roadways. Where the subdivision borders an existing street proposed for realignment or widening, the Planning Board may require that land be reserved on the subdivision plat to permit the proposed improvement to be carried out. Similarly, the Planning Board shall require in its review of any subdivision plat abutting a user roadway, as defined under § 189 of the Highway Law of the State of New York, the reservation of all land within 24.75 feet of the center line of such user roadway for highway purposes and recommend Town Board acceptance of such land when offered for dedication by the subdivider. **[Added 11-7-2002 by L.L. No. 7-2002]**
- I. Maximum development envelopes and conservation areas on lots. The Planning Board shall consider as part of subdivision plat review and approval the required depiction of a maximum development envelope within any proposed residential building lot for the purposes of protecting and otherwise mitigating potential adverse impact on significant environmental features, including but not limited to wetlands and stream corridors, historic and archaeological sites, scenic and other visual resources, mature woodlands and wildlife habitat, and maintaining natural buffers, whether of landform or vegetation, between individual residential building sites, two or more subdivisions, either public or private streets and roadways, or adjacent nonresidential land uses. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (1) Any such maximum development envelope shall encompass the land area occupied by the residential building, driveway access thereto, and supporting improvements, including water supply and sanitary sewage facilities, stormwater improvements and franchise utilities, and shall further provide reasonable land area for lawn and accessory structures to the extent authorized as a matter of right within the Town Zoning Code.<sup>9</sup> The ~~——~~ maximum development envelope, which shall generally not be limited to less than one acre of a residential building lot, might otherwise be cited as a "maximum disturbance area."
  - (2) The remainder of the lot shall be considered a private conservation area subject to a conservation easement, covenant or other restriction, approved by the Planning Board and recorded in the Dutchess County Clerk's office simultaneously with the filing of the approved subdivision plat. The conservation easement or other restriction shall typically prohibit the



construction of any residential accessory structures or related improvements within the conservation area except as may be specifically set out therein and either prohibit or otherwise restrict clearing, grading, and removal of vegetation.

- (3) Should the Town not be the holder of the conservation easement, the Town shall otherwise be afforded third-party enforcement rights within any conservation easement agreement executed with a public land trust or other qualified conservation organization or granted through duly executed recorded agreement such enforcement rights with respect to any alternative covenant or deed restriction which may be approved by the Planning Board.

## ARTICLE V Documents To Be Submitted

### § 192-19. Submission required.

Any subdivider who proposes to develop a subdivision in the Town of Union Vale shall submit plats and other documents for approval as provided in this article.

### § 192-20. Minor subdivision plats.

- A. Completed subdivision application form, receipt for payment of required application fee as specified by § 192-10 of these regulations, and 14 copies, consisting of three full-scale prints and 11 half-scale prints, and a portable document format (PDF) file of the proposed subdivision plat certified by a licensed land surveyor, bearing the Planning Board's assigned case number, including individual stamp/signature blocks for the Town Planning Board and the Dutchess County Health Department, and suitable for filing in the office of the County Clerk. **[Amended 11-7-2002 by L.L. No. 7-2002; 10-9-2014 by L.L. No. 5-2014]**
- B. In the case of a minor subdivision only, the subdivision plat application shall include the following information:
  - (1) An area map showing the location of that portion of the tract which is to be subdivided in relation to the entire tract, and showing the distance to the nearest street intention. The drawing of the entire tract may be by either deed plot or actual survey.
  - (2) An actual field survey of the boundary lines of the tract, or portion thereof, being subdivided, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be referenced and shown on the plat. The Planning Board may modify the requirement for a full field survey pursuant to § 192-26 of these regulations.
  - (3) Information concerning portions of the land within the subdivision subject to periodic inundation by floodwaters or in a wetlands area subject to the jurisdiction of the NYSDEC and/or the U.S. Army Corps of Engineers. **[Amended 2-4-2010 by L.L. No. 10-2010]**
  - (4) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  - (5) Documentation regarding all easements, existing or proposed, which either affect, or are intended to affect, any portion of the subdivision plat.
  - (6) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Dutchess County Department of Health. Evidence of contact with the Health Department shall be preempted at the time of application and a specific note regarding this requirement shall be stated on the plat. Written endorsement of the subdivision plat by the Dutchess County Health Department must precede final stamping by the Planning Board if any

of the proposed lots is less than five acres in land area.

- (7) Proposed subdivision name, Town of Union Vale, Dutchess County, New York.
- (8) The date, North arrow, map scale, name and address of record owner and subdivider.
- (9) A short-form environmental assessment form, as required by state environmental quality review regulations.
- (10) Information regarding the location and use of all existing buildings or other structures on the tract being subdivided and the current use of open land areas so as to establish the effect of the proposed subdivision on any building or other structures or uses that are either currently noncomplying or nonconforming under Chapter 210, Zoning, or would become noncomplying or nonconforming as a result of the intended subdivision. **[Added 4-13-1992 by L.L. No. 4-1992<sup>10</sup>]**
- (11) A copy of the deed to the parcel(s) proposed for subdivision. **[Added 2-4-2010 by L.L. No. 10-2010<sup>11</sup>]**
- (12) If the application involves either resubdivision or lot consolidation, a copy of the filed map depicting the parcel or parcels proposed for resubdivision or lot consolidation. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (13) Information from the NYSDEC, Dutchess County, or the Town of Union Vale concerning known occurrences of rare, threatened or endangered plant or wildlife species, important habitats, biodiversity areas, and other significant natural resources and from the NYS Office of Parks, Recreation and Historic Preservation concerning resources of architectural, historic or archaeological significance within or in the vicinity of the parcel(s) proposed for subdivision. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (14) If the subdivision parcel lies partially, wholly or within 500 feet of either a Certified Agricultural District or land for which an individual commitment has been received pursuant to §§ 305 and 306 of the Agriculture and Markets Law of the State of New York, an agricultural data statement in a form prescribed by the Planning Board. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (15) A stormwater pollution prevention plan pursuant to NYSDEC and EPA Phase II Stormwater Regulations and Town Code Chapter 122, Erosion and Sediment Control, and consistent with the submission requirements and the performance and design criteria and standards set forth therein. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (16) Any additional requirements deemed necessary by the Planning Board due to the unique circumstances of the subdivision plat, including the submission of additional data or the installation of certain limited improvements, e.g. monuments or markers to define the location of rights-of-way, — easements,

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9. Editor's Note: This local law also redesignated original Subsection B(10) as Subsection B(11).

significant protected environmental features and/or maximum development envelopes within the subdivision, more typically required for a major subdivision plat. **[Amended 2-4-2010 by L.L. No. 10-2010]** The Planning Board may also require a traffic impact analysis, a visual site assessment, or photosimulations that allow the Board to assess potential adverse impacts of the proposed subdivision.

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#### § 192-21. Sketch plats for major subdivisions.

The sketch plat initially submitted to the Planning Board shall be based on Tax Map information or some similarly accurate base map at a scale of not less than 200 feet to an inch. The entire sketch plat shall be shown on one sheet. In addition to that required by §210-32 for conservation subdivisions, tThe sketch plat shall show the following information:

- A. Proposed subdivision name.
- B. A vicinity or area map showing the location of that portion of the tract which is to be subdivided in relation to the entire tract and the distance to the nearest street intersection. All streets shall also be shown within 500 feet of the applicant's property.
- C. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. Topographic contours shall also be indicated at intervals of not more than 10 feet. All elevations are to be referred to the United States Geological Survey datum with the location and description of the benchmark included.
- D. General statement of soils conditions based on United States Department of Agriculture soils data.
- E. The name of the owner and of all adjoining property owners as disclosed by the most recent Town assessment records. Property owners across street also to be shown.
- F. The Tax Map sheet, block and lot numbers, as available from the Town Assessor's office.
- G. All the utilities available, and all streets, whether public or private, which are either proposed, mapped or built.
- H. The proposed pattern and number of lots (including approximate lot areas, widths and depths), street layout, recreation areas and systems of drainage, sewerage and water supply within the subdivided area.
- I. Information regarding all existing restrictions on the use of land, including easements, covenants and location of zoning district boundaries.
- J. Information based on field delineation of all portions of the land within the subdivision subject to periodic inundation or flooding by stormwater, including ponds and wetland areas subject to the jurisdiction of the NYSDEC and/or the U.S. Army Corps of Engineers. **[Amended 2-4-2010 by L.L. No. 10-2010]**
- K. As may be applicable, a conceptual engineering report discussing the demands of

the proposed subdivision on water, sewer, drainage, highways and related systems, and discussing the methods through which these demands may be accommodated and the methods through which any potentially adverse impacts may be mitigated, including discussion of alternatives as may be appropriate.

- L. A short-form environmental assessment form, or long-form environmental assessment form, Parts I and II, as required by State Environmental Quality Review regulations.
- M. Information regarding the location and use of all existing buildings or other structures on the tract being subdivided and the current use of open land areas so as to establish the effect of the proposed subdivision on any buildings or other structures or uses that are either currently noncomplying or nonconforming under Chapter 210, Zoning, or would become noncomplying or nonconforming as a result of the intended subdivision. **[Added 4-13-1992 by L.L. No. 4-1992]**
- N. A copy of the deed to the parcel(s) proposed for subdivision. **[Added 2-4-2010 by L.L. No. 10-2010]**
- O. Information from NYSDEC concerning known occurrences of rare, threatened or endangered plant or wildlife species and from the NYS Office of Parks, Recreation and Historic Preservation concerning resources of architectural, historic or archaeological significance within or in the vicinity of the parcel(s) proposed for subdivision. **[Added 2-4-2010 by L.L. No. 10-2010]**
- P. If the subdivision parcel lies partially, wholly or within 500 feet of either a certified agricultural district or land for which an individual commitment has been received pursuant to §§ 305 and 306 of the Agriculture and Markets Law of the State of New York, an agricultural data statement in a form prescribed by the Planning Board. **[Added 2-4-2010 by L.L. No. 10-2010]**
- Q. Any additional information deemed necessary by the Planning Board due to the unique circumstances of the subdivision plat. **[Added 2-4-2010 by L.L. No. 10-2010]**

§ 192-22. Preliminary plats for major subdivisions.

- A. Fourteen copies, consisting of three full-scale prints and 11 half-scale prints, and a portable document format (PDF) file of the preliminary plat certified to be a licensed land surveyor and/or professional engineer, as required by law, at a scale of not more than 100 but preferably not less than 50 feet to an inch. **[Amended 11-7-2002 by L.L. No. 7-2002; 10-9-2014 by L.L. No. 5-2014]**
- B. The preliminary plat shall include, to the extent applicable, all information identified below and all information as required by §210-32.:
  - (1) Information on existing site conditions:
    - (a) An actual field survey of the boundary lines of the tract, or portion thereof, to be subdivided, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments of such size and type as approved by the Town Planning Board and shall be referenced and shown on the plat.
    - (b) Street rights-of-way on the subdivision and within 200 feet of its§

boundaries, including name and right-of-way width and location; type, width and elevation of surface; any legally established center line elevations, including those at intersections and other critical points.

- (c) Location, width, identification, purpose and restrictions upon any other rights-of-way and easements on the subdivision.
  - (d) Drainage structures on the subdivision and within 200 feet of its boundaries, including type of structure and location, invert elevations, gradients, types and sizes of all pipe and all other drainage structures where applicable, including direction of flow.
  - (e) Location and size or capacity of all other utility structures, such as sewer, water, gas mains and power lines on the subdivision and within 200 feet of its boundaries.
  - (f) As contours affect proposed improvements or existing improvements that will be utilized, ground elevations on the tract shall be based on a datum plane approved by the designated Town Engineer. For land with slope that is less than approximately 2%, spot elevations should be shown at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions; for land that slopes more than 2%, contours should be shown at intervals of not more than two feet or as required by the Planning Board.
  - (g) Marshes, ponds, streams and all land subject to periodic or occasional flooding, or similar unstable conditions, on the subdivision or within 200 feet of its boundaries. Indicated shall be location, approximate land area, high-water level based on the one-hundred-year storm and maximum depth of water at critical points.
  - (h) Location of rock outcrops, wooded areas, isolated preservable trees, structures, stone walls and other significant existing features for the proposed subdivision area and within 200 feet thereof.
  - (i) Data regarding soils characteristics from the USDA Soil Conservation Service soils survey.
  - (j) If the proposed subdivision will not be served by common sewage disposal, subsurface data in accordance with Dutchess County Health Department requirements, including date, location and graphic representation of findings for all test holes including location and results of percolation and other tests to ascertain subsurface soil, rock and groundwater conditions and depth of groundwater, unless pits are dry at a depth of five feet.
- (2) Information on proposed site development:
- (a) Streets.
    - [1] Proposed street name or street names for review and approval by the Town Board upon recommendation of the Planning Board, with such Town approval required prior to presentation by the subdivider

of the street name or street names to Dutchess County emergency services personnel for their acceptance. **[Amended 2-4-2010 by L.L. No. 10-2010]**

- [2] The width and location of any streets or public ways or places shown on the Official Town Map, within the area to be subdivided, together with street profiles of all streets or public ways proposed by the developer.
  - [3] Right-of-way width.
  - [4] Tentative center-line elevations at intersections and at principal changes in gradient.
  - [5] Tentative center-line gradient shown in percent of slope.
  - [6] Computed sight distance at intersections and other critical points.
  - [7] Plans and cross sections showing, as applicable, the proposed location and type of pedestrian walkways, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and subbase, the location of manholes, basins and underground conduits.
  - [8] Preliminary designs of any bridges which may be required.
- (b) Lot layout.
- [1] Lot lines and dimensions scaled to the nearest foot.
  - [2] Proposed location of buildings and driveways in full accordance with zoning and other requirements.
  - [3] Lot numbers and lot areas measured to the nearest 100 square feet if less than one acre or nearest 0.1 of an acre for parcels greater than one acre.
- (c) Easements, parks, restricted areas and other improvements.
- [1] Purpose and restrictions.
  - ~~[2]~~ [3] Designation of areas or rights-of-way which are to be offered for public dedication or deeded to homeowners' associations or other private corporations with clear indication of proposed changes in grades and landscaping thereon. The Board may require special recreational improvements and planting of trees, shrubs, grass and other landscaping in all areas to be so dedicated.
  - ~~[2]~~ [3] All required open space areas.
- (d) Preliminary stormwater drainage system plan.
- [1] Drainage structures shall be shown on the preliminary plat indicating the approximate location and size of proposed lines and

culverts and their profiles, including connection to the existing storm system or alternate means of disposal.

- [2] An outline of watersheds tributary to drainage structures and their approximate area in acres, including those which extend beyond the boundaries of the subdivision.
- (e) Preliminary water supply and sewage treatment systems. If public facilities are available or are to be provided, the approximate location, size and profiles of all proposed water lines, valves, hydrants and sewer lines, including connection to existing facilities as required and provided in the Public Health Law. If private on-site facilities are provided, design data consistent with the requirements of the Dutchess County Health Department.
  - (f) Easements. Where the topography is such as to make difficult the inclusion of any of the required facilities and improvements within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property.
  - (g) Covenants or deed restrictions. A copy of all covenants or deed restrictions which either presently affect, or are intended to apply to, all or part of the tract.
  - (h) Temporary stakes or markers. The Planning Board may require the location of temporary stakes or markers adequate to enable the Planning Board to locate readily and appraise the basic layout in the field, including markers at the corners of the tract. Unless the subdivision is adjacent to an existing street intersection, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
- (3) Preliminary engineering report detailing the demands of the proposed subdivision on water, sewer, drainage, highways and related systems, and detailing the methods through which these demands shall be accommodated and the methods, including available alternatives, through which any potentially adverse impacts shall be mitigated.
- (4) A separate preliminary stormwater pollution prevention plan pursuant to NYSDEC and EPA Phase II Stormwater Regulations and Town Code Chapter 122, Erosion and Sediment Control, and consistent with the submission requirements and the performance and design criteria and standards set forth therein. **[Added 2-4-2010 by L.L. No. 10-2010<sup>12</sup>]**
- (5) Preliminary engineering calculations of the extent of “cut” and “fill” that would occur in undertaking required subdivision improvements and constructing driveways, installing sanitary sewage facilities and grading building sites on each of the proposed lots and an estimate of the amount and type of fill material that would be imported to the subdivision and the amount and type of cut material that would be exported from the subdivision. **[Added 2-4-2010 by L.L. No. 10-2010]**

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10. Editor's Note: This local law also redesignated former Subsection B(4) as Subsection B(6).



- (6) Additional data that may be required to complete state environmental quality review process, as initiated with the submission at the sketch plat phase.

§ 192-23. Final plats for major subdivisions.

- A. Completed subdivision application form, receipt for payment of required application fee, as specified by § 192-7 of these regulations, a Mylar and 12 copies, consisting of three full-scale prints and nine half-scale prints, and a portable document format (PDF) file of the final plat, certified by a licensed land surveyor and/or professional engineer, as required by law, at a scale of not more than 100 but preferably not less than 50 feet to an inch. The final plat shall bear the Planning Board's assigned case number, include individual stamp/signature blocks for the Town Planning Board and the Dutchess County Health Department and shall be suitable for filing in the office of the County Clerk. **[Amended 11-7-2002 by L.L. No. 7-2002; 10-9-2014 by L.L. No. 5-2014]**
- B. To the extent applicable, the following information will be submitted for approval. shall be consistent with requirements of §210-32, and shall constitute a final plat.
- (1) Lot map of the entire subdivision shall be the same as that required on the preliminary plat with the following additions:
- (a) Lot layout:
- [1] Number identification by a suitable system of consecutive numbers circled and related to the Town Tax Maps.
- [2] Lot lines with accurate dimensions to the nearest 0.1 of a foot and bearings to nearest five seconds.
- [3] Lot areas for each lot measured accurately to the nearest 100 square feet for lots of one acre or less, and to the nearest 0.1 acre for lots greater than one acre.
- [4] Minimum building setback lines, if imposed beyond zoning requirements through deed restriction, shown and dimensioned.
- (2) Survey data:
- (a) Accurate tract boundary lines with bearings and distances.
- (b) Survey tie-in with accurate bearings and distances to nearest established street monuments or other official monuments, which are within reasonable distance of the property. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the New York State Department of Transportation. They shall be placed as required by the designated Town Engineer and their location noted and referenced upon the plat.
- (c) Special district boundaries, e.g., water or sewer, as affect the subdivision, referenced to the subdivision survey by accurate bearings and distances.
- (d) The length of all straight lines, the deflection angles, radii, length of

curves and central angles of all curves, tangent distances and tangent bearings for each street.

- (e) Accurate dimensions to the nearest one-tenth of a foot.
  - (f) Monuments and markers:
    - [1] Accurate location of all monuments (existing, proposed or to be reset) shall be shown.
    - [2] Monuments or other suitable markers shall be of a type approved by the Planning Board and shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as may be required by the Planning Board.
    - [3] Monuments or other suitable markers of a type approved by the Planning Board shall also be set to define the location of common areas, rights-of-way, easements, and significant protected environmental features and/or maximum development envelopes, as may be indicated by the Planning Board, within the subdivision. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (3) Required improvement plans and profiles.
- (a) The amount of all performance, guaranties and conduct of all required inspections shall be based on these drawings, the final plat itself, this chapter and other applicable Town specifications for such required improvements and utilities.
  - (b) Unless a specific waiver is requested and granted in writing by the Planning Board, the proposed improvements and utilities shall be considered to comply specifically with this chapter and the other applicable Town specifications for such improvements and utilities.
  - (c) Basic drawing layout requirements are the same as those required for the preliminary plat and shall also include right-of-way, gradients and directional arrows downhill.
  - (d) Designs for water lines, sewers, street, bridges and drainage structures shall be prepared by a licensed professional engineer.
  - (e) Complete drainage system for the entire subdivision, with appropriate development staging for each of the final plat sections, shown graphically and related to all existing drainage features.
  - (f) Utility system requirements:
    - [1] Water supply and distribution:
      - [a] Location of source on property or, where piped in, the size of the supply main.
      - [b] Location and size of all distribution mains.

- [c] Location of fire hydrants.
- [d] Location of control valves.
- [2] Sanitary waste disposal systems:
  - [a] Sanitary sewer system design shall be indicated in all cases where public or private sewer connections exist or are proposed.
  - [b] Typical lot layout indicating location of individual system, where appropriate, with reference to house and water supply, and detailed drawing of proposed sanitary waste disposal system.
- [3] Location of electric, telephone, cable television, gas and other energy-related lines.
- [4] Location and description of streetlighting.
- (g) Profile drawing requirements:
  - [1] Drawings shall be prepared with horizontal scale of one inch equals 50 feet and vertical scale of one inch equals 10 feet unless otherwise approved by the Planning Board.
  - [2] All profiles shall show the existing natural grades, the typical cross section of existing or proposed roads, the center lines of intersecting roads and a system of survey stations.
  - [3] The center-line profile of all proposed roads with dimensions on vertical curves, and notations as to gradient and critical elevations.
  - [4] Detailed plans for bridges, culverts or similar structures.
  - [5] The invert profile and location of all storm and sanitary drainage structures (manholes, catch basins, etc.) in street rights-of-way, drainage or other easements.
- (h) Recreation and community improvements. Landscape plans prepared by registered landscape architect indicating proposed changes in existing grades and landscaping, including the following items: play areas, walkways, incidental shelters, lighting, walls, new trees and shrubs (location, caliper and botanical name) and other required improvements.
- (4) Final engineering report. **[Amended 2-4-2010 by L.L. No. 10-2010]**
- (5) Stormwater pollution prevention plan. A final stormwater pollution prevention plan pursuant to NYSDEC and EPA Phase II Stormwater Regulations and Town Code Chapter 122, Erosion and Sediment Control, and consistent with the submission requirements and the performance and design criteria and standards set forth therein. **[Amended 2-4-2010 by L.L. No. 10-2010]**
- (6) Final engineering calculations of the extent of cut and fill associated with the

subdivision, including consideration of the installation of required improvements and the grading and development of proposed residential or other building sites, and estimate of the amount and type of fill material that would be imported to the subdivision and the amount and type of cut material that would be exported from the subdivision. **[Added 2-4-2010 by L.L. No. 10-2010<sup>13</sup>]**

- (7) Detailed cost estimate, as set forth within Article III, § 192-13 of this chapter, for the installation of all required improvements. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (8) Bond calculation prepared by Town Engineer. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (9) A prepaid title insurance policy insuring to the Town the fee to the lands in any situation where any offer of dedication of easements, roads and/or improvements is being made to the Town. The amount of such title policy shall be \$50,000 or such greater amount as may be determined appropriate by the Town Engineer and Attorney to the Town. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (10) Performance agreement executed by the developer, secured by either a surety bond or letter of credit guaranteeing performance of the construction and maintenance obligations set forth within Article III, §§ 192-13 and 192-14, respectively, of this chapter. If the developer is a corporation or a limited-liability corporation, a principal of the corporation or limited-liability corporation shall personally guarantee the obligations. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (11) General liability insurance policy as set forth within Article III, § 192-15, of this chapter. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (12) Either documentation of the establishment of a discrete special stormwater management district for the subdivision or incorporation of the subdivision within an existing stormwater management district by the Town Board or, in the event stormwater control facilities depicted on the subdivision plat are to be privately owned, a stormwater control facility maintenance agreement pursuant to the requirements of Town Code Chapter 122, Erosion and Sediment Control. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (13) A maintenance agreement executed by the developer guaranteeing the installation and operation of the stormwater management facilities for a period of up to five years, depending on the nature and type of facilities proposed. If the developer is a corporation or a limited-liability corporation, a principal of the corporation or limited-liability corporation shall personally guarantee the obligations. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (14) Deeds executed by the developer for roads, easements and other proposed dedications to the Town or other public or private, nonprofit agency of fee or lesser interest to the lands and improvements within the subdivision. **[Added**

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11. Editor's Note: This local law also redesignated former Subsection B(4) as Subsection B(17).

2-4-2010 by L.L. No. 10-2010]

- (15) Environmental resource notes conspicuously set forth on the subdivision plat as may either be required pursuant to state regulation or otherwise by the Planning Board to call attention to the presence of environmental resource features, including but not limited to farm lands and associated agricultural practices protected under the NYS Agriculture and Markets Law, protected streams, designated NYSDEC wetlands and federal jurisdictional wetlands, public parklands, and historic and/or archaeological sites either within the subdivision or either directly or substantially adjacent to the subdivision. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (16) Legal mechanisms, including conservation easements, covenants or restrictions, to ensure long-term protection of any private conservation areas within residential building lots which may be required by the Planning Board pursuant to Article IV, § 192-18I of this chapter. **[Added 2-4-2010 by L.L. No. 10-2010]**
- (17) Certifications.
  - (a) Certification of title showing that the applicant is the owner or duly authorized agent of the owner.
  - (b) Written offers of cession to the Town for all proposed public streets, rights-of-way and open spaces shown on the subdivision plat and copies of agreements or other documents showing the manner in which open spaces, title of which is reserved by the subdivider, are to be maintained. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
  - (c) A certificate by the designated Town Engineer certifying that the subdivider has complied with one or both of the following alternatives:
    - [1] All or part of the improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Board granting approval of the preliminary plat; or
    - [2] A performance bond or equivalent security has been posted available to the Town in sufficient amount to assure completion of all required improvements.
  - (d) Protective covenants and other appropriate devices in form for recording.
  - (e) Letters directed to the Chairperson of the Planning Board and signed by a responsible official or any governmental authority or district which must provide necessary utility service, approving the utility installation design and assuring that adequate service will be available to accommodate the needs of the subdivision. Assurance shall also be provided that the long-term ownership and maintenance of the utilities shall be provided in accordance with Article 12 of the Town Law or by a similarly acceptable mechanism. **[Amended 11-7-2002 by L.L. No.**

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- (f) Letter, in appropriate cases, directed to the Chairperson of the Planning Board signed by a responsible official of the New York State Department of Transportation, or the Dutchess County Department of Public Works, approving construction and access on state or county rights-of-way, respectively. If access or construction affects a Town highway, approval of the Town Highway Superintendent shall be similarly required and a certificate shall be provided by the Town Clerk indicating the required Town highway access permit fee, as established within Town Code Chapter 128, Fees; Land Use, has been paid. **[Amended 11-7-2002 by L.L. No. 7-2002; 2-4-2010 by L.L. No. 10-2010]**
- (g) Endorsement and approval by the Dutchess County Health Department for the plans for all water supply and sewage disposal facilities shown on the final plat.

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**ARTICLE VI Conservation Subdivision and Clustering**

**§ 192-24. Procedure.**

[Amended 4-5-1990 by L.L. No. 3-1990; 11-7-2002 by L.L. No. 7-2002]

Whereas pursuant to ~~resolution of the Town Board~~Chapter 210-32 (Conservation Subdivision), the Planning Board is empowered to modify to the extent provided within Chapter 210, Zoning, applicable provisions of said law in accordance with the provisions of § 278 of the Town Law for the purpose ~~of enabling and encouraging~~ flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities ~~of open lands.~~ T, the following shall be the procedure utilized by the Planning Board in reviewing applications for approval of a conservation subdivision or cluster subdivision within the Town of Union Vale shall include all provisions of §210-32 and for a major subdivision pursuant to this Local Law. ÷

~~A.— Application of cluster subdivision technique. A subdivider may request on his own initiative, or the Planning Board may require, the use of § 278 simultaneously with, or subsequent to, the presentation of the sketch plat as per the procedure described in § 192-5. Any such request by the applicant subsequent to the approval of a preliminary plat shall, however, require a reapplication for sketch plat review.~~

~~B.— Sketch plat.~~

~~(1) A subdivider shall present, along with a proposal in accordance with the provisions of Town Law § 278, a standard sketch plat which is consistent with all the criteria established by this chapter, including lots being fully consistent with Chapter 210, Zoning.~~

~~(2) Upon review of the standard sketch plat, the Planning Board shall, by resolution, determine the number of lots that could be accommodated on the land under a conventional subdivision approach and, thus, except as may be increased for the incorporation of affordable housing units pursuant to Chapter 210, Zoning, the maximum number of lots or dwelling units that would be authorized through application of the cluster subdivision concept. The Planning Board shall further prescribe any criteria regarding varying setbacks, lot areas and building types that must be incorporated in the cluster plat. [Amended 2-4-2010 by L.L. No. 10-2010]~~

~~C.— Lands for park, recreation, open space or other community purposes.~~

~~(1) If the application of this procedure results in a sketch plat showing lands available for park, recreation, open space or other community purposes directly related to the plan, then conditions as to the long term ownership, use and maintenance of such lands as are necessary to assure the preservation of such lands for their intended purposes shall be set forth upon discussion with the Planning Board.~~

~~(2) The following minimum standards shall be strictly met:~~

~~(a) The open space land shall be shown on the plat and shall be labeled in a~~

is permanently reserved for open space purposes.

~~(b) A perpetual conservation easement, leaving the land forever wild or limiting the use of such land to agricultural, managed forest land, passive recreational or open space use and prohibiting residential, industrial or commercial use of such open space land, pursuant to § 247 of the General Municipal Law and/or §§ 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, or to a qualified not for profit conservation organization acceptable to the Planning Board. Such conservation easement shall be reviewed and approved by the Planning Board and be required as a condition of plat approval hereunder, shall not be amendable to permit commercial, industrial or residential development and shall be recorded in the Dutchess County Clerk's office simultaneously with the filing of an approved cluster subdivision plat.~~

~~(c) Open space land may be owned in common by a homeowners' association, dedicated to the Town, or held in private ownership, subject to a permanent conservation easement. If owned by a homeowners' association, the common open space land shall be protected by conservation easement from future subdivision and development. The Planning Board shall assure that proper provision has been made for the ownership and maintenance of the open space land. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against all individual owners in the homeowners' association and the dwelling units, they each own. Ongoing maintenance standards shall be established, enforceable by the Town against an owner of open space land, as a condition of the subdivision approval, to assure that the open space land does not detract from the character of the neighborhood.~~

~~D. Plat submission. Upon determination that such sketch plat is suitable for the procedures under Town Law § 278 and subsequent resolution by the Planning Board authorizing the subdivider to proceed, whether pursuant to his request or upon a Planning Board directive mandating the use of the cluster subdivision technique due to the character of the particular parcel, a preliminary plat meeting all of the requirements of the resolution may be presented to the Planning Board, and thereafter the Planning Board shall proceed with the required public hearing(s) and all other requirements of these regulations.~~

~~E. Filing; notation on Zoning Map. On the filing of a final plat in the office of the Dutchess County Clerk in which Town Law § 278 has been used, the subdivider shall file a copy with the Town Clerk who shall make appropriate notations and reference thereto on the Town Zoning Map.<sup>14</sup> The Clerk of the Planning Board shall notify the Building Inspector when such a subdivision plat is filed.~~



ARTICLE VII  
Conservation Density Subdivision  
[Added 4-5-1990 by L.L. No. 3-1990<sup>15</sup>]

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§ 192-25. Standards.

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Pursuant to ~~the resolution of the Town Board~~Chapter 210-32, the Planning Board is further empowered to modify, to the extent provided within Chapter 210, Zoning, applicable provisions of said law for the purpose of encouraging the preservation of large tracts of open space by affording flexibility to the landowners in road layout and design and road frontage requirements for all major subdivisions, and when voluntarily applied by the applicant or required by the Planning Board for minor subdivisions, if and only if such landowners commit to the permanent preservation of significant open space resources. The following shall be the standards and procedure utilized by the Planning Board in reviewing applications for approval of a conservation density subdivision within the Town of Union Vale.

- A. Location. A conservation density subdivision may be created in all residential zoning districts within the Town of Union Vale.
- B. Minimum lot area. Minimum lot area standards established within Chapter 210-32, Zoning, for a conservation ~~density~~-subdivision shall be strictly met. In addition, all ~~lots created~~open space within a conservation ~~density~~-subdivision shall be permanently restricted by conservation easement or similar legal mechanism from future subdivision and shall, by virtue of the expressed language of said easement or other restriction shall not be further developed unless such structures are specifically related to the open space needs. ~~, be limited to the development of one single family dwelling unit and permitted accessory structures and uses per approved lot. [Amended 11-7-2002 by L.L. No. 7-2002]~~
- C. Conditions for waiver of road frontage requirements and authorization of private roads. In a conservation ~~density~~-subdivision, the Planning Board may waive the requirement for lot frontage on a public road, ~~and may permit the construction of private roads to lesser specifications than normally required for Town roads, provided that the~~The following conditions shall be met howeverare met:
  - (1) (1) The geometry and construction of any private road shall comply with all other Town Highway and road standards. All road designs must be approved by the Planning Board and the Town Engineer. Specifications for such roads shall be adequate to service the maximum number of lots that can be developed on such roads, as provided on a plat and in the restrictions on future subdivision. ~~Unpaved roads may be permitted, provided that all other Town highway specifications, except those related to the pavement surface and pavement width, are met.~~
  - (2) A homeowners' association, or other mechanism acceptable to the Planning Board and the Town Attorney, must be created to maintain all private roads and must have adequate powers to collect funds needed to assure road maintenance, including the ability to impose liens against all lot owners. The adequacy of the homeowners' association or other documents shall be reviewed and approved by the Town Attorney.

| (3) The homeowners' association or other documentation and ~~—~~conservation

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easements shall state that the private roads may not be deeded to the Town unless they are improved to Town highway specifications at the sole cost of the lot owners, each sharing equally in the cost of such upgrading of the road, which costs may be made a lien against the property.

- (4) All reasonable engineering and legal costs for Town review of the adequacy of the road designs, conservation easements and homeowners' association or other documents shall be paid by the applicant for a conservation ~~density~~ subdivision.
- (5) To the extent applicable, the requirements of § 352-c of the General Business Law relating to the filing with the Attorney General's office of common interests in real estate shall be strictly adhered to by the subdivider.
- (6) To the extent which may be applicable, the requirements of § 280-a of the Town Law providing for the declaration of an open development area by the Town Board shall be satisfied.

**ARTICLE VIII Waivers; Modification and Review of Decisions**

**§ 192-26. Waivers of specific improvements.**

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The Planning Board may waive upon specific request and by specific resolution, subject to appropriate conditions and guaranties, for such period as it may determine, the requirements of these regulations relative to the provision and design of any or all required improvements which in its judgment of the special circumstances of a particular plat or plats are not requisite to the interests of the public health, safety and general welfare of the Town, or are not appropriate because of the inadequacy or lack of connecting facilities adjacent to or in the proximity of the proposed subdivision.

**§ 192-27. Modification to mitigate hardship.**

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Where the Planning Board finds that compliance with these regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of these regulations may be modified upon specific request and by specific resolution of the Planning Board to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these and other Town regulations.

**§ 192-28. Review of Planning Board decisions.**

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Any officer, department, board or bureau of the Town, with the specific approval of the Town Board, or any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning a plat decision, may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a court of record on the grounds that such decision is illegal in whole or in part. Such proceeding must be commenced within 30 days after the filing of the decision in the office of the Town Clerk. Commencement of such proceeding shall stay all further proceedings upon the decision appealed from.

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**Article VIII Authority to Sign Plats; Revision of Approved Plat**

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§ 192-29. Authority to sign plats.

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[Amended 11-7-2002 by L.L. No. 7-2002]

The sole officer authorized to sign approved subdivision plats is the Chairperson of the Planning Board or in his absence the Vice Chairperson. The Clerk of the Planning Board is, however, authorized to carry out any ministerial acts on behalf of the Planning Board or its Chairperson that are required by these regulations.

§ 192-30. Revision of approved plats.

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



**Article X Effect on Other Provisions**

§ 192-31. Most stringent requirements to prevail.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements established by the Planning Board of the Town of Union Vale for the subdivision of land and the provision of required improvements within the Town. Should the requirements of these regulations conflict with or otherwise be inconsistent with any provision or requirement of any other lawfully adopted rules, regulations, ordinances or laws, the more stringent provisions, or those imposing the higher standards, shall govern.

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**ARTICLE ~~IXX~~ Greenway Connections**  
[Added 8-3-2000 by L.L. No. 4-2000]

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§ 192-32. Adoption of Greenway Connections.

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By Local Law No. 4 of the Year 2000, the Town of Union Vale has adopted "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities," as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this Subdivision Code, the reviewing agency shall be guided by said statement of policies, principles and guides.