

Article 1

Declaration of Policy

By the authority of the resolution of the Town Board of the Town of Schoharie, adopted on _____ pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Schoharie is authorized and empowered to approve the plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to approve preliminary Plats, within the Town of Schoharie.

In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as the “Town of Schoharie Subdivision Regulations” have been adopted by the Planning Board on _____ and approved by the Town Board on _____.

It is declared to be the policy of the Planning Board to consider land Subdivisions Plats as part of the plan for the orderly, efficient and economical development of the Town. This policy requires, but is not limited to, meeting the following general standards:

1. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace.
2. That proper provision shall be made for drainage, water supply, sewerage and other needed improvements.
3. That all proposed lots shall be so laid out and of such size as to be in harmony with the neighboring properties.
4. That the proposed streets shall compose a convenient system conforming to the Official Map and shall be properly related to the proposals shown in the Comprehensive Plan, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access for all emergency equipment.
5. That proper provision shall be made for open spaces for parks and playgrounds.

Article II

Definitions

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

AGRICULTURAL DISTRICT – An area designated pursuant to Article 25AA of the New York State Agriculture & Markets Law with the intent to provide for the protection and enhancement of agricultural land as a viable segment of the local economy and environmental resource of major importance..

CLUSTER SUBDIVISION – A subdivision where the development of dwellings is on lots which are other than what would customarily be permitted by this Law, so that the remainder can be preserved as un-built open space. Cluster subdivisions allow the same overall amount of development that is already permitted.

COMPREHENSIVE PLAN or MASTER PLAN – The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village including any part of such plan separately adopted and any amendment to such plan.

CONDITIONAL APPROVAL – Approval by the Planning Board of a preliminary or final Plat subject to such conditions as may be set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording in the office of the County Clerk nor authorize issuance of any building permits prior to signing of the plat by a duly authorized officer of the Planning Board.

EASEMENT – An authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

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

FINAL PLAT – A drawing prepared by a New York State licensed engineer or land surveyor showing the proposed subdivision and containing, in detail, all information and any modifications, if any, required by the Planning Board.

FLAG LOT – A lot which has insufficient road frontage on a public street to comply with minimum lot frontage requirements but which is shaped in such a manner that the portion of the lot closest to the street can only be used for access purposes. The width and depth of the lot some distance back from the access must be sufficient to meet the minimum building lot requirements.

LAND USE LAW –

The Local Law that regulates the location, design, construction, alteration, occupancy, and use of structures and the use of all land located within the municipal boundaries of the Town of Schoharie.

LOT LINE ADJUSTMENT – A means by which a boundary line dividing two lots is adjusted or moved. Such a move is typically made by agreement between the owners of the parcels. A change in the location of the boundary line effectively creates lots with new dimensions.

MAJOR SUBDIVISION - see SUBDIVISION, MAJOR

MINOR SUBDIVISION – see SUBDIVISION, MINOR

OFFICIAL MAP – A map established by the Town Board pursuant to Section 270 of the Town Law, showing streets, highways, parks, drainage and zoning districts.

PERFORMANCE BOND – A specific form of surety issued to an applicant by a bonding or surety company approved by the Town Board to fully cover the costs associated with meeting improvements required of the applicant as part of subdivision review and approval conducted pursuant to the provisions of this local law.

PLANNING BOARD or BOARD – The Planning Board of the Town of Schoharie, appointed by the Town Board.

PRELIMINARY PLAT – A drawing or drawings clearly marked “preliminary plat” showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SKETCH PLAN – Sketch of a proposed subdivision showing the information specified in Article IV, Section A of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form and layout and objectives of these regulations.

STREET – A public or private way which affords the principal vehicular access to abutting property. Public streets are streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.

STREET-COLLECTOR – A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

STREET-DEAD-END or CUL-DE-SAC – A street or a portion of a street with only one vehicular traffic outlet.

STREET-MAJOR – A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

STREET-MINOR – A street intended to serve primarily as an access to abutting properties.

STREET WIDTH – The width of right-of-way, measured at right angles to the center line of the street.

SUBDIVIDER – Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.

SUBDIVISION – *The division of any parcel of land into two (2) or more lots, blocks or sites with or without streets or highways. Such division shall include re-subdivision of parcels of land for which any approved plat has already been filed in the office of the County Clerk and which are entirely or partially undeveloped.*

SUBDIVISION-MAJOR – Any subdivision not classified as a Minor Subdivision, including, but not limited to, subdivisions of five or more lots.

SUBDIVISION-MINOR – Any subdivision containing not more than four lots fronting on an existing street, and not involving any new street or road or the extension of municipal facilities and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Land Use Law, or these regulations.

SUBDIVISION PLAT – A drawing prepared by a NYS licensed engineer or land surveyor showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which, if approved, shall be duly filed or recorded by the applicant in the office of the County Clerk.

SURVEY – An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor.

SURVEYOR – A person licensed as a land surveyor by the State of New York.

TOWN ENGINEER – The duly designated engineer of the Town.

Article III

Procedure in Filing Subdivision Applications

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

1. Sketch plan conference with Planning Board
2. Make recommended changes to sketch.
3. Within six (6) months, complete the following:
 - a. Have property surveyed by a Licensed Land surveyor.
 - b. Submit application for the Preliminary Plat approval.
 - c. Submit Preliminary Plat (Instructions Article Number VI or VII)
 - d. Submit appropriate fees.
 - e. Submit owner certification
 - f. Submit copy of covenants and deed restrictions (Right of ways, etc)
4. Verify that sanitation and water meet current sanitation and water laws (Town, County, and State).
5. If the proposed action would occur within an agricultural district or within five hundred (500) feet of an agricultural district, complete an Agricultural Data Statement.
6. Show Subdivision Name on Plat and application.
7. Attend public hearing.
8. Planning Board will refer to County Planning Commission if appropriate.
9. Planning Board shall approve, conditionally approve or disapprove.
10. Submit final plat and application for final plat approval
11. If approved or conditionally approved:
 - a. Post completion bond or certified check in amount determined by the Planning Board (payable to: Town of Schoharie)
 - b. Complete requirements
12. Town engineer approves the completion of required improvements (see Art IX).
13. Planning Board approves final plat.
14. Final Plat is filed with County Clerk.
15. Bond is refunded by Town when work is completed.

Article IV Sketch Plan

Section A:

1) Any owner of land shall, prior to subdividing land, submit to the Planning board at least ten (10) days prior to the regular meeting of the board, six (6) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of this Article for the purposes of classification and preliminary discussion.

2) The Sketch Plan initially submitted to the Planning board shall be based on tax map information or some other similarly accurate base map at a scale (preferably not less than one hundred (100) feet to the inch) to enable the tract to be shown on one sheet. The Sketch Plan shall be submitted, showing the following information:

- (a) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- (b) Within the portion to be subdivided and within two hundred (200) feet thereof all existing structures, wooded areas, streams and other significant physical features.
- (c) The name of all adjoining property owners.
- (d) If the proposed action would occur within an agricultural district or within five hundred (500) feet of an agricultural district, identify the affected property.
- (e) The kind of development proposed (such as residential, commercial etc.).
- (f) All the utilities available, and all streets which are either proposed, mapped or built.
- (g) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply (see Articles VI & VII) within the subdivided area.
- (h) All existing restrictions on the use of land including easements, covenants, or zoning lines.
- (i) The date, north arrow, map scale, name and address of recorded owner and subdivider.

Section B:**1) Discussion of Requirements and Classification**

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

Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is Minor Subdivision or a Major Subdivision. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article III, Procedures, then Article VI, Minor Subdivision of these Regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures as outlined in Article III and in Article VII.

2) Sketch Plan Review and Recommendations

The Planning Board, in studying the Sketch Plan, shall take into consideration the requirements of these Regulations and the best use of the land being subdivided. Particular attention will be give to the arrangement, location and width of roads, their relationship to topography of the land, sewage disposal, drainage, lot sizes and arrangements, the further development of adjoining land, as yet unsubdivided, and the goals and objectives of the Town Land Use Plan as it may exist.

The Planning Board shall review the location of the proposed subdivision for the presence of any adverse natural considerations limiting development on the site. If the site falls into areas on the soils map denoted as having “severe” or “very severe” limitations, within flood hazard areas, or areas of steep slope, or areas of unique hydrologic or natural habitat areas (including wetlands), the Planning Board may require the applicant to consult with appropriate technical review or assistance agencies (such as, but not limited to the Soil Conservation Service, Department of Environmental Conservation, Army Corps of Engineers, and State Health Department) to determine appropriate measures to mitigate or eliminate any problems or conflicts. The findings or recommendations of such agencies shall not be binding on the Planning Board or the Applicant. The Planning Board may require that design techniques, such as clustering, be used to avoid development in these critical areas and shall not approve a preliminary or final plat which has failed to adequately address these critical resource concerns (soils,

flood hazards, steep slopes, hydrologic and natural habitat resources). The Planning Board may transmit copies of the Sketch Plan to other interested officials or agencies of government for review and comment as may be necessary. Written comments, if any, from these officials and agencies shall be required within thirty (30) days of their receipt of Sketch Plan. After reviewing the Sketch Plan and reports, as may be submitted, the Planning Board shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant into the next submission to the Planning Board. Such recommendations shall be made within forty-five (45) days from the time the Sketch Plan was initially reviewed by the Planning Board.

The applicant shall be responsible for any fee or specialized consultant services deemed necessary by the Town Planning Board in order to properly process the application. The applicant shall be notified by certified mail, return receipt, prior to retaining any specialized services.

Article V

Lot Line Adjustments

Prior to making a lot line adjustment, any owner of land shall submit to the Planning Board at least ten (10) days prior to the regular meeting of the Board, six (6) copies of a Sketch Plan of the proposed lot line adjustment. The Sketch Plan shall comply with the requirements of Article IV for the purposes of classification and preliminary discussion.

If the Planning Board makes a preliminary determination that the proposed action is a Lot Line Adjustment, it shall recommend any changes to the new lot lines and determine by majority vote that the proposed action does not constitute a Subdivision as defined in these regulations. The applicant shall then complete the following prior to the Planning Board final approval:

1. Have the land surveyed by a Licensed Land surveyor;
2. Submit a plat indicating the land to be transferred including language to clarify to which parcel the adjusted land will be conveyed and that it does not constitute a separate parcel;
3. Written permission signed by all impacted property owners.

Once all required information is provided or waived in writing by the Planning Board, the Planning Board shall make a final determination of the Lot Line adjustment and shall empower a duly authorized officer to sign the plat and make a notation upon the plat that it constitutes a Lot Line Adjustment.

Any new deeds and the plat must be filed in the Schoharie County Clerk's Office.

Article VI

Minor Subdivision

Section A: Application and Fee

Within six (6) months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Subdivision Plat. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.

All applications for Plat approval for Minor Subdivisions shall be accompanied by a non-refundable fee, as established by the Town Board.

Section B: Submission Requirements for a Plat for Minor Subdivision

1. One (1) original of the plat prepared at a scale of not more than one hundred (100) feet to the inch. The plat application shall include the following information:
 - a. A certificate by the owner stating: "As owner I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat." This certificate shall be executed as a conveyance is executed.
 - b. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
 - c. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract and each lot shall also be located on the ground and marked by an iron rod, concrete post or other suitable permanent marker.
 - d. All on-site sanitation and water supply facilities shall be designed to meet the minimum of the current Sanitation Laws and a note to this effect shall be stated on the plat and signed by a duly appointed agent of the Town.
 - e. Proposed subdivision name, name of the Town and County in which it is located.
 - f. The date, north point, map scale, name and address of recorded owner and subdivider.
 - g. The Plat to be filed with the County Clerk shall be printed upon Mylar or an acceptable equal.
 - h. Existing public and private roads, within or adjacent to the area to be subdivided, as well as the width, location, grades and street profiles of all streets or public ways proposed by the developer must be shown.

Section C: Procedure

1. **Number of Copies**

Four (4) copies of the original Subdivision Plat shall be presented to the Planning Board at the time of submission of the Subdivision Plat.
2. **Subdivider to Attend Planning Board Meeting**

The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Subdivision Plat.
3. **The Planning Board and the subdivider shall, together, complete the State Environmental Quality Review Act (SEQRA) process.**
4. **Date of Completed Application**

The date of completed application for the proposed Subdivision shall be the date on which the application, including all data required by Article VI of these regulations, and the required fee have been filed with the Planning Board. The Planning Board shall make a motion indicating that all required elements are present.
5. **Public Hearing**

A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of the completed application. Said hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing.

The applicant shall notify by Certified Mail, at least five (5) days prior to the public hearing, the owners of property abutting the proposed subdivision and directly across from any adjoining road and shall furnish the Planning Board with post office receipts as proof of notification. If an Agricultural Data Statement has been completed, the applicant shall mail, by Certified Mail, a copy of the Statement to the identified property owners.

The Planning Board may notify other persons or agencies as it deems necessary.
6. **County Planning Commission Review**

Applications for preliminary or final plat approval shall be subject to referral to the County Planning Commission pursuant to Section 239-n of the General Municipal Law, if located within five hundred (500) feet of:

 - (1) the Town boundaries; or
 - (2) the boundaries of any existing or proposed County or State Park or other recreation area; or
 - (3) the right-of-way of any County or State highway; or
 - (4) the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
 - (5) the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
 - (6) the boundary of a farm operation in an Agricultural District.

7. Action on a Subdivision Plat

The Planning Board shall, within sixty-two (62) days from the date of the closing of the public hearing, act to grant final approval and authorize the signing of the subdivision plat, or shall act to conditionally approve, conditionally approve with modification, or disapprove the subdivision plat. This time (62 days) may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.

Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. The plat shall be stamped and signed by the Chairman of the Planning Board as conditionally approved, a copy filed in the Planning Board's files, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include an authorized statement of such requirements which, when completed, will authorize the signing of the final plat. Conditional approval of a plat shall expire one hundred and eighty (180) days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two (2) additional periods of ninety (90) days each.

Upon completion of such requirements, the Final Plat shall be signed by the duly designated officer of the Planning Board.

Article VII

Major Subdivision

Section A: Application and Fee

Within six (6) months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for approval of the subdivision. The subdivision Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.

All applications for Plat approval for Major Subdivisions shall be accompanied by a non-refundable fee, as established by the Town Board.

Section B: Submission Requirements for Preliminary Plat

Initially, the subdivider shall submit a Preliminary Plat. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall, in all respects, comply with the requirements set forth in the provisions of Sections 276 and 277 of the Town Law, and this Article VII, except where a waiver may be specifically authorized by the Planning Board.

The following documents shall be submitted for approval:

1. Four (4) copies of the Preliminary Plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:
 - a. Proposed subdivision name, name of town and county in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
 - b. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
 - c. Zoning District, including exact boundary lines if more than one zoning district is involved.
 - d. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - e. Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas and other significant existing features for the proposed subdivision and adjacent property.
 - f. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes and grades and direction of flow
 - g. Contours with intervals of twenty (20) feet or less as required by the board including elevations of existing roads. Approximate grading plan if natural contours are to be changed more than two (2) feet.
 - h. Existing public and private roads, within or adjacent to the area to be subdivided, as well as the width, location, grades and street profiles of all streets or public ways proposed by the developer.
 - i. The appropriate location and size of all proposed water lines, valves,

- hydrants and sewer lines, and fire alarm boxes. Connections to existing lines or alternate means of water supply or sewerage disposal and treatment as provided in the Public Health Law. Profiles of all proposed water and sewer lines.
- j. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connections to existing lines or alternate means of disposal.
 - k. Plans and cross-sections showing the proposed location and type of sidewalks, 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 sub-base, the location of manholes and basins and underground conduits.
 - l. Preliminary designs of any bridges or culverts which may be required.
 - m. The proposed lot lines with approximate dimensions and area of each lot.
 - n. Where topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20') feet in width and which shall provide satisfactory access to an existing public highway or other public high way or public open space shown on the subdivision or the official map.
 - o. And actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Planning Board and shall be referenced and shown on the Plat.
2. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than three hundred (300') feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's holding submitted shall be considered in the light of the entire holdings.
 3. A certificate issued by the owner stating: "As owner, I hereby certify that I have caused the land described on this plat to be surveyed, divided, mapped, dedicated and access of rights reserved as represented on the plat." This certificate shall be executed as a conveyance is executed.
 4. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

Section C: Procedures for Preliminary Plat

1. Number of Copies

Four (4) copies of the Preliminary Plat shall be presented to the Planning Board at the time of submission of the Preliminary Plat.

2. 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.

3. The Planning Board and the subdivider shall complete the State Environmental Quality Review Act (SEQRA) process.

4. Date of Completed Application

The date of completed application for the proposed Subdivision shall be the date on which the application, including all data required by Article VII of these regulations, and the required fee have been filed with the Planning Board. The Planning Board shall make a motion indicating that all required elements are present.

5. Study of Preliminary Plat

The Planning Board shall study the practicability 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, sewerage disposal, drainage, lot sizes and arrangement, the future development of the adjoining lands as yet unsubdivided, as well as the recommendations of the Comprehensive Plan and the requirements of the Town of Schoharie Land Use Law. The Planning Board may schedule a field trip to the proposed subdivision site. In order to facilitate field inspection and review of the site, temporary staking along the centerline of all proposed roads at fifty-foot (50') intervals on curves and at one hundred-foot (100') intervals on tangents and proposed front lot corners is required.

6. Public Hearing for the Preliminary Plat

Within sixty-two (62) days after the receipt of the completed application, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat.

The applicant shall notify by Certified Mail, at least five (5) days prior to the public hearing, the owners of property abutting the proposed subdivision and directly across any adjoining road and shall furnish the Planning Board with post office receipts as proof of notification. If an Agricultural Data Statement has been completed, the applicant shall mail, by Certified Mail, a copy of the Statement to the identified property owners.

The Planning Board may notify other persons or agencies as it deems necessary.

7. County Planning Commission Review

Applications for preliminary or final plat approval shall be subject to referral to the County Planning Commission pursuant to Section 239-n of the General Municipal Law, if located within five hundred (500) feet of:

- (1) the Town boundaries; or
- (2) the boundaries of any existing or proposed County or State Park or other recreation area; or
- (3) the right-of-way of any County or State highway; or
- (4) the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
- (5) the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
- (6) the boundary of a farm operation in an Agricultural District.

8. Action on the Preliminary Plat

Within sixty-two (62) days after the closing of the public hearing, the Planning Board shall approve with or without modification or disapprove such Preliminary Plat. When so approving a Preliminary Plat with modifications, the Planning Board shall state in writing the modifications as it deems necessary for submission of the plat in final form. The reason for a disapproval shall also be noted in the record. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such sixty-two (62) day period shall constitute approval of the Preliminary Plat.

When granting approval to a Preliminary Plat, the Planning Board shall state the

terms of such approval, if any, with respect to :

- (1) the modifications to the Preliminary Plat,
- (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare, and
- (3) the amount of improvement or the amount of all bonds which it will require as prerequisite to the approval of the Subdivision Plat.

Approval of a Preliminary Plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

Section D: Submission of Final Plat and Accompanying Data

The subdivider shall, within six (6) months after the approval of the Preliminary Plat, request in writing the approval of the Subdivision Plat in final form. If the Final Plat is not submitted within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to accept the Final Plat and may revoke approval of the Preliminary Plat and require resubmission of the Preliminary Plat.

The following documents shall be submitted for plat approval:

The plat to be filed with the County Clerk shall be printed upon Mylar or an acceptable equal. The plat shall be drawn at a scale of not more than one hundred (100) feet to the inch and oriented with the north point at the top of the map. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

The Plat shall show:

- a. Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of the record owner and subdivider, name, license number and seal of the licensed land surveyor.
- b. Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
- c. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event, should be tied to reference points previously established by a public authority.

- d. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true north point.
- e. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions for such maintenance.
- f. 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.
- g. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
- h. Permanent reference monuments shall be shown, and shall be constructed in accordance with specifications of the Planning Board. When referenced to the State system of plane coordinated, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Planning Board and their location noted and referenced upon the plat.
- i. All lot corner markers shall be permanently located satisfactorily to the Planning Board, marked by an iron rod, concrete post or other suitable permanent marker.
- j. Monuments of a type approved by the Planning Board shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; each lot corner and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Planning Board.
- k. A map shall be submitted to the satisfaction of the Planning Board, indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Article VIII, then said map shall be submitted prior to final approval of the Subdivision Plat. However, if the Subdivider elects to provide a bond or certified check for all required improvements (as specified in Article VIII) such bond shall not be released until such a map is submitted in form satisfactory to the Planning Board.

Section E: Procedure for Final Plat

1. Number of Copies

A subdivider intending to submit a proposed subdivision Plat for the approval of the Planning Board shall provide the Planning Board with a copy of the Application and four (4) copies (one (1) copy in ink on Mylar or an acceptable equal) of the Plat, the original and one true copy of all offers of cession, covenants, and agreements and two (2) prints of all construction drawings.

2. Endorsement of State and County Agencies

Water and sewer facility proposals contained in the subdivision Plat shall be properly endorsed and approved by the New York State Department of Environmental Conservation and/or County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, County, and State agencies. Endorsement and approval by Schoharie County Department of Health shall be secured by the subdivider before official submission of the subdivision Plat.

Approval for highway access must be obtained from the appropriate State, County or Town Transportation\Highway Department before official submission of the subdivision Plat.

3. Public Hearing for Final Plat

Within sixty-two (62) days of the submission of a plat in final form, a public hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before such hearing, provided however, that when the Planning Board deems the final plat to be in substantial agreement with the Preliminary Plat approved under Section C.8 of this Article, and modified in accordance with requirements of such approval if such Preliminary Plat has been approved with modification, the Planning Board may waive the requirements for such public hearing.

The applicant shall notify by Certified Mail, at least five (5) days in advance, the owners of property abutting the proposed subdivision and directly across any adjoining road and shall furnish the Planning Board with post office receipts as proof of notification. If an Agricultural Data Statement has been completed, the applicant shall mail, by Certified Mail, a copy of the Statement to the identified property owners.

The Planning Board may notify other persons or agencies as it deems necessary.

4. Action on Proposed Subdivision

The Planning Board shall, within sixty-two (62) days from the date of the closing of the public hearing, act to grant final approval and authorize the signing of the subdivision Plat, or shall act to conditionally approve, conditionally approve with modification, or disapprove the subdivision Plat. In the event that no public hearing is held, this action shall take place within sixty-two (62) days of the submission of the Final Plat. This time (62 days) may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the Plat.

Upon granting conditional approval with or without modification to the Plat, the Planning Board shall empower a duly authorized officer to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. The Plat shall be stamped and signed by the Chairman of the Planning Board as conditionally approved, a copy filed in the Planning Board's files, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include an authorized statement of such requirements which, when completed, will authorize the signing of the Final Plat. Conditional approval of the Plat shall expire one year after the date of the resolution granting such approval unless the requirements have been certified as completed within that time.

Upon completion of such requirements, the Final Plat shall be signed by the duly designated officer of the Planning Board.

Article VIII

Cluster Subdivision Development

Section A. Authority

1. Pursuant to the powers granted under Section 278 of the Town Law, The Town Board of the Town of Schoharie hereby authorizes the Planning Board to vary the zoning requirements of this Law simultaneously with the approval of any proposed residential development or subdivision plat within the Town, subject to the purposes, standards and procedures set forth in this Article.
2. The Planning Board may require and subsequently approve such variations in the zoning requirements where it finds that any of the following conditions exist on the development site and that non-clustered development of the site may impair conservation of the environment or preservation of the neighborhood character:
 - a. Slopes over fifteen (15) percent on twenty five (25%) percent or more of the area of the site;
 - b. Wetlands, including regulated and non-regulated freshwater wetlands;
 - c. Flood-prone areas as shown on New York State Soil Conservation Service soil maps or Federal Emergency Management Agency (FEMA) maps;
 - d. Historic structures or areas of local, state or national importance, whether or not on a state or national register of historical structures or places;
 - e. Unique or unusual natural or geological formations;
 - f. Lakes, ponds or other significant existing or potential recreation areas;
 - g. Rare, threatened or endangered vegetation or significant habitats of threatened or endangered wildlife, as determined by the New York State Department of Environmental Conservation;
 - h. Significant scenic views or vistas as indicated in the Comprehensive Plan; and/or
 - i. The significant reduction or substantial impairment of open space areas, agricultural lands, forest lands, ridge lines or other natural features determined to be important to the Town by the Planning Board.
3. The Planning Board may adopt rules and regulations setting forth additional criteria pursuant to which such a cluster development application may be required.

Section B. Purposes

The purposes of cluster developments are to enable and encourage flexibility of design and development of land in such a manner as to:

1. Promote the most appropriate use of land;
2. Facilitate the adequate and economical provision of streets and utilities;
3. Result in improved living and working environments;
4. Preserve open space and the natural and scenic qualities of open lands;
5. Preserve significant tracts of forested lands;
6. Preserve active agricultural lands;
7. Protect flood plains, wetlands, lakes, ponds, streams and other natural features; and
8. Promote development in harmony with the goals and objectives of the Comprehensive Plan.

Section C. Location

The provisions of this Article shall apply to all Zoning Districts.

Section D. Density and Development Standards

1. Density: In the approval of a cluster subdivision, the maximum density may exceed the density which could be permitted, in the Planning Board's judgement, if the land were subdivided into lots conforming to the minimum lot size, density and other requirements otherwise applicable to the district or districts in which such land is located. Except as specified herein all development standards and controls normally applicable to residential subdivisions shall also be applicable to cluster developments.
2. Sketch Plan: The applicant shall submit a sketch plan for a conventional subdivision conforming to the minimum lot size and standards otherwise applicable to the district or districts in which the subdivision is located in order to establish the number of dwelling units permitted in a clustered development. The area of lands which may be required for parks, playgrounds or recreation lands in a clustered subdivision shall in no case exceed the area of such lands which would be required in a non-clustered subdivision. The area of lands that would, in a non-clustered subdivision, be required for parks, playgrounds or recreational lands pursuant to the Town of Schoharie Subdivision Regulations shall be excluded in determining the number of dwelling units permitted in a cluster development.

3. Development Standards:

- a. Vehicular Access: At least two (2) means of vehicular access shall be provided for cluster developments of twenty (20) dwelling units or more.
- b. Maximum Coverage: The permitted gross building coverage on any cluster development site shall not exceed fifteen (15%) percent of the gross land area.
- c. Minimum Lot Size: The minimum lot size allowed in a cluster development shall be determined by the Planning Board.

Section E. Open Space Requirements

1. The setting aside of open space, forested land, or active agricultural land in a cluster subdivision shall in no case preclude the Planning Board from requiring the dedication of parks, playgrounds or recreation lands within a subdivision pursuant to the Town of Schoharie Subdivision Regulations.
2. Lands set aside in a cluster subdivision for parks, playgrounds or recreation purposes shall provide in such a manner that the lands are useable for recreation or other activities and are accessible to all residents of the subdivision or, where such lands have been conveyed to the Town, accessible to the public.
3. If open space, forested lands, or recreational lands set aside in a cluster subdivision are not dedicated to the public use, such areas shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation of the areas for their intended purposes. Covenants or other legal arrangements shall specify: ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory home owners association membership and compulsory assessment provisions, where applicable; guarantees that any association formed to own and maintain cluster open space will not be dissolved without prior consent of the Planning Board; and, any specifications deemed necessary by the Planning Board.
4. Where active agricultural lands are set aside in a cluster subdivision, such lands may remain in active agricultural use. In approving such a cluster subdivision, the Planning Board shall consider the potential incompatibility of residential and agricultural uses in establishing appropriate screening, buffer areas, setback or other requirements.

Section F. Procedure

Notwithstanding any requirements established in this Article, the proposed site plan of a cluster subdivision shall be subject to the application procedures established in the Town of Schoharie Subdivision Regulations and shall be subject to public review at the public hearing or hearings held pursuant to those regulations.

Article IX

Filing of Approved Subdivision Plat

A. Final Approval and Filing

Upon completion of the requirements in Articles VI or VII above and notation to that effect upon the subdivision Plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and shall be filed by the applicant in the Office of the County Clerk. Any subdivision Plat shall become null and void if it is not filed or recorded within sixty-two (62) days of the date upon which such Plat is approved or considered approved by reason of the failure of the Planning Board to act.

B. Plat Void if Revised After Approval

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

Article X

Required Improvements

A. Improvements and Performance Bond

Before the Planning Board grants final approval of the Subdivision Plat, the subdivider shall follow the procedure set forth in either subparagraph below:

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

B. Modification of Design Improvements

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

C. Review of Improvements

At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause review to be made

to assure that all Town specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

D. Proper Installation of Improvements

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

Article XI

General Requirements and Design Standards

Subdivision means the division of any parcel of land into two (2) or more lots, blocks, or sites, with or without any streets or highways and includes resubdivisions. Such division shall include resubdivision of parcels of land for which an approved Plat has already been filed in the office of the County Clerk and which is entirely or partially undeveloped.

In considering applications for subdivision of land, the Planning Board shall be guided by the following standards. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article XI herein.

Section A: General

1. Character of Land
Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
2. Conformity to Land Use Law
Subdivisions shall conform to the Town of Schoharie Land Use Law and shall be in harmony with the Comprehensive Plan.
3. Specifications for Required Improvements
All required improvements shall be constructed or installed to conform to the Town specifications, which may be obtained from the Planning Board.

Section B: Street Layout

1. Width, Location and Construction

Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Land Use Law, and to accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment and shall conform to the Town of Schoharie Standards for Road Dedication, copies of which can be obtained either from the Town Clerk or the Town Highway Superintendent.

The arrangement of streets shall be such as to cause no undue hardship to adjoining properties, and shall be coordinated so as to compose a convenient system. When deemed necessary, the Planning Board may require easements for street right of ways (in order to insure accessibility to undeveloped lands) from both Minor and Major subdividers.

2. Arrangement

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

3. Minor Streets

Minor streets shall be curved or otherwise designed such that their use by through traffic will be discouraged.

4. Special Treatment Along Major Arterial Streets

When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require service access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Provision for Future Resubdivision

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

6. Dead-End Streets

The creation of dead-end streets or loop residential streets will be encouraged wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement to provide for the continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more should have at least two (2) street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond has been filed.

7. Walkways

Within hamlet areas, curbs and pedestrian walkways shall be provided on both sides of major and minor streets.

8. Block Size

Blocks generally shall not be less than four hundred (400) feet nor more than one thousand two hundred (1200) feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding eight hundred (800) feet in length, the Planning Board may require the reservation of a twenty (20) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify at its discretion, that a four (4) foot wide paved walk be included.

9. Intersections with Collector or Major Arterial Roads

Minor or secondary street openings into such roads shall, in general, be at least five hundred (500) feet apart



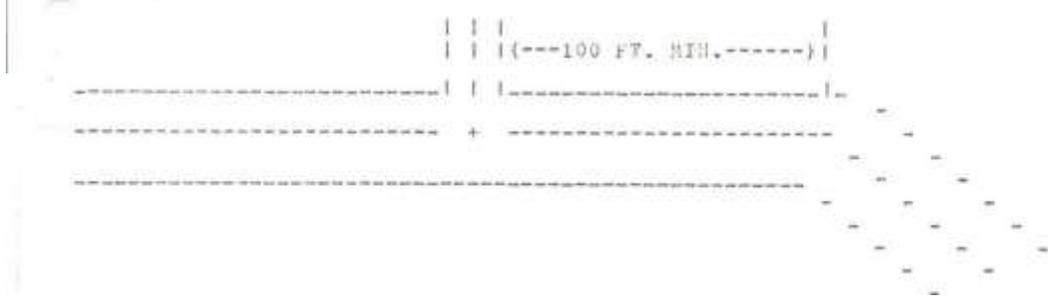
10. Street Jogs

Street jogs with center line offsets of less than 125 feet shall be avoided.



11. Angle of Intersection

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



12. Relation to Topography

The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged such that as many of the building sites as possible are at or above the grade of the streets.

13. Grades

Grades of all streets shall conform in general to the terrain and to the Town of Schoharie Standards for Road Dedication.

Section C: Street Design

1. All streets must meet the Town of Schoharie Standards for Road Dedication.
2. Improvements

Streets shall be graded and improved in accordance with Town specifications. Storm drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants shall be provided except where waivers may be requested, and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian easements shall be improved as required by the Planning Board. Such grading and improvements shall be approved as to design and specification by the Highway Superintendent.

- (a) **FIRE HYDRANTS** – Spacing and installations of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Office of Fire Prevention and Control of the State of New York. An official from the local fire district shall review the plat design for proper fire protection facilities.

- (b) STREET LIGHTING FACILITIES – Street lighting facilities and fixtures shall be installed after approval by the appropriate power company.

3. Utilities in Streets

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

4. Utility Easements

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

5. Watercourse

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

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Planning Board, and in no case be less than twenty (20) feet in width.

Section D: Street Names

1. Type of Name

All street names shown on a final Plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.

2. Names to be Substantially Different

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

Section E: Lots

1. Lots to be Buildable

The lot size, width, depth, shape and arrangement shall be such that there will be no foreseeable difficulty for reasons of topography or other natural conditions, in securing building permits to build on all lots in compliance with these Regulations, the New York State Health Department, Town Law 280(a) and other Town Ordinances as they may exist.

2. Side Lines

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

3. Corner Lots

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

4. Driveway Access

Driveway access and grades shall conform to the Town of Schoharie Standards for Road Dedication.

5. Access from Private Streets

Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.

Section F: Drainage Improvements

The Planning Board may require that the applicant make adequate provision for storm or flood water runoff channel or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system.

1. Removal of Spring and Surface Water

The applicant may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements or appropriate width, and shall be constructed in accordance with the town construction standards and specifications.

2. Accommodation of Upstream Drainage Areas

Drainage facilities shall be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside of the subdivision, based on a fifty (50) year storm and assuming conditions of maximum potential development within the watershed. The applicant shall be responsible for submitting such computations to the Planning Board in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage installations. Concentrated drainage from lots onto the road right-of-way shall not be permitted.

3. Effect on Downstream Drainage Area

The Planning Board may also require a study of the effects of the subdivision on existing downstream drainage facilities. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the owner of such downstream facility and the Town Board of such potential condition and may withhold approval of the subdivision until provision has been made for the correction of said potential condition.

4. Wetlands

Areas shown on DEC maps as official freshwater wetlands shall be regulated according to the provisions contained in Article 24 of the NYS Environmental Conservation Law, including subsequent amendments, which is adopted herein by reference. A letter of compliance from DEC in regards to wet lands, shall be required where applicable.

5. Land Subject to Flooding

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

6. Drainage Easements

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose as required by the Highway Superintendent, and in no case less than twenty (20) feet in width.

Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right-of-way, perpetual unobstructed easements shall be provided for such across properties outside the road lines and with satisfactory access to the road.

A note to this effect shall be shown on the Final Plat.

Section G: Parks, Open Spaces, and Natural Features (can apply to all subdivision)

1. Recreation Areas Shown on Town Plan

Where a proposed park, playground or open space shown on the Town Plan is located in whole or part in a subdivision, the Board shall require that such area or areas be shown on the Plat in accordance with the requirements specified in paragraph two (2) below. Such area or areas may be dedicated to the Town or County by the Subdivider if the Town Board approves such dedication.

2. Parks and Playgrounds Not Shown on the Town Plan

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

The Board may require up to ten (10%) per cent of total subdivision land for recreation space. Such area or areas may be dedicated to the Town or County by the subdivider if the Town Board approves such dedication.

3. Information to be Submitted

In the event that an area to be used for a park or playground is required to be shown, the subdivider shall submit to the Board, prior to final approval, four (4) prints drawn at a scale of not less than fifty (50) feet to the inch, showing such area and the following features thereof:

- (a) Boundaries, including lengths and bearings of all straight lines; radii, lengths, central angles and tangent distance of all curves.
- (b) Existing features such as brooks, ponds, clusters of trees, rock outcrops, structures.
- (c) Existing, and, if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.

4. Waiver of Plat Designation of Area for Parks and Playgrounds

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

for such purposes.

5. Reserve Strips

Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall require Planning Board approval.

6. Preservation of Natural Features

The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic sites, vistas and similar irreplaceable assets.

Article XII
Public Streets, Recreation Areas

A. Public Acceptance of Streets

The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, or other open space shown on such Subdivision Plat.

B. Ownership and Maintenance of Recreation Areas

When a park, playground or other recreation area shall have been shown on a Plat, the approval of said Plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the Plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering the future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Article XIII
Waivers

Section A

Where the Planning Board finds that, due to the special circumstance of a particular Plat, the provision of certain requirements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Town of Schoharie Land Use Law and the Town of Schoharie Comprehensive Plan.

Section B

In granting waivers, the Planning Board shall require such conditions as will substantially secure the objectives of the standards or requirements so waived.

Article XIV**Separability**

If any clause, sentence, subdivision, paragraph, section or part of this ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.