

**TOWN OF HOOSICK**  
**Adopted: July 11, 2011**  
**Amended December 8, 2014**

**SUBDIVISION REGULATIONS**

**ARTICLE 100. GENERAL PROVISIONS**

**101. Authority**

Pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Hoosick is authorized and empowered to approve plats showing lots, blocks, or sites, with or without roads or highways, to approve the development of entirely or partially undeveloped plats already filed in the Office of the County Clerk and to approve Preliminary Plats within that part of the Town of Hoosick outside the incorporated limits of the Village of Hoosick Falls.

**102. Jurisdiction**

Land within the unincorporated portion of the Town of Hoosick may be subdivided into lots, blocks, or sites, with or without streets or highways, only if approved by the Planning Board in accordance with the procedures and requirements as set forth in these Regulations, and only if the approved plat is duly filed in the office of the County Clerk of Rensselaer County, New York. Construction, excavation, filling, regarding, clearing of vegetation or other similar activities shall not begin within any area proposed or intended for subdivision until said subdivision shall have been approved, or conditionally approved, by the Planning Board.

**103. Policy**

It is declared to be the policy of the Planning Board to consider land subdivision as part of the planning for an orderly, sensible, and efficient development of the Town. It exercises this function of review in the public interest, and specifically in the interest of public health, safety, and welfare.

In the subdivision of land, several goals pertain:

- a.** That land to be subdivided shall be of such character that it can be used safely for building purposes, or other planned use without danger to health, or peril from fire, flood, or other menace.
- b.** That proper provision is made for protection of the Town's natural resources, including but not limited to, wetlands, aquifers, and protection against erosion.
- c.** That proper provision shall be made for surface drainage, water supply, sewage disposal, and other needed improvements.
- d.** That roads and streets shall be of such width, grade, and location as to accommodate the prospective traffic, to follow, the natural contours of the land, to afford adequate light and air, to facilitate fire protection, and to

afford access of fire fighting equipment, ambulances, road maintenance vehicles, and school buses. (Whether dedicated to the Town or not.)

- e. That all proposed lots shall be laid out with regard for the natural contours of the land and other natural features, shall be of suitable size and configuration for the planned use, shall have adequate frontage on an improved/approved road (but in no case less than 50' frontage), and shall not cause any adverse effects, such as erosion, on neighboring properties.

#### 104. Building Permits

No building permit shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the office of the County Clerk. However, the Building Inspector may issue a single building permit for a single family residence based upon the entire tract of land where there is no other existing residence within the proposed subdivision and where the location of the proposed building is in accordance with an approved preliminary plat.

#### 105. Re-subdivision

A re-subdivision, as defined herein, is subject to the same procedures, rules and regulations applicable to an original subdivision.

#### 106. Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions is an exercise of valid police power delegated by the New York State to the Town. The subdivider or developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the town and to the safety and general welfare of the future plat owners in the subdivision and the community at large.

#### 107. Waivers

##### A) General

Where the Planning Board finds that the 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 the Regulations may be modified 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 Regulations.

No such modifications may be granted if it would have the effect of nullifying the intent and purpose of the Official Map, The Zoning Ordinance, the Comprehensive Plan or these Regulations.

B) Conditions

In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the policy and standards of these Regulations.

C) Procedure

A petition for any such waiver shall be submitted in writing by the subdivider at the time when the sketch plan is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

108. Amendments

These Regulations may be amended by the Planning Board after public hearing on such amendments and are subject to the approval of the Town Board. Any proposed preliminary subdivision plat which has not received conditional approval prior to the effective date of an amendment to these Regulations, or any conditionally approved preliminary subdivision plat where an application for Final Plat approval has not been received within six (6) months of the date of conditional approval, shall fully comply with any amendment to these regulations.

109. Enforcement

A) General

- 1) It shall be the responsibility of the Planning Board and the Town Superintendent of the Highways to bring to the attention of the Town Board any violations or lack of compliance herewith.
- 2) No owner or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Planning Board, in accordance with the provisions of these Regulations, and filed with the County Clerk.
- 3) The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these Regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these Regulations.

- 4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these Regulations.

B) Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these Regulations, or prevent unlawful construction to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises; and these remedies shall be additional to the penalties described in a separate local law.

110. Separability

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

111. Court Review

Any person aggrieved by any decision of the Planning Board relative to a subdivision may have such decision reviewed by a special term of the Supreme Court in the manner provided by Article 78 of the Civil practice Law and Rules, providing the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Planning Board, Secretary, and in the Town Clerk's office as all set forth in Section 282 of Town Law.

112. Title and Effective Date

In order that land subdivisions may be made in accordance with the authority, jurisdiction, and policy as set forth above, these Regulations, which shall be known and cited as the "Town of Hoosick Land Subdivision Regulations", they will be effective immediately upon adoption.

113. Validity

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

ARTICLE 200. DEFINITIONS

201. General Terms

Except where specifically defined, all words used in these standards shall carry their customary meaning. Words used in the present tense shall include the future; words used in the singular shall include the plural, unless the context clearly indicates otherwise.

The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part of thereof. The word "person" includes an individual person, a firm, a corporation, a co-partnership, and any other agency of voluntary action.

## 202. Key Terms

For the purposes of these Regulations, certain words and terms shall have the following meaning:

**APPLICANT**- The owner of the land proposed to be subdivided or his duly appointed representative. Written consent shall have required from the legal owner when a representative makes application. Person making application to the Planning Board for approval of proposed subdivision of land.

**BUILDING Permit**- A permit issued by the Building Inspector which indicates the applicant has submitted an approved application and plan for building construction in compliance with the Town of Hoosick requirements.

**CONSTRUCTION DRAWINGS**- The maps and/or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board as a condition of the approval of the plat.

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

**ENGINEER**- A person licensed as a professional engineer by the State of New York or licensed in a state with a reciprocal agreement with New York State.

**ENVIRONMENTAL ASSESSMENT FORM (EAF)**- A form used by the Planning Board in the State Environmental Quality Review process to assist in determining the environments significance or non-significance of an action or project.

**ENVIRONMENTAL IMPACT STATEMENT (EIS)** - A written document required for each Type I and Unlisted Action which the Planning Board determines may have a significant effect on the environment

**ESCROW**- A deposit of cash with the Town in lieu of an amount required and still in force on a performance or maintenance bond.

**FAMILY MEMBER** – For the purpose of these Regulations, family member is defined as a parent, child, grandparent, grandchild, husband, wife, sister and brother.

**FINAL PLAT OR SUBDIVISION PLAT-** A drawing in final form, showing a proposed subdivision containing all information and detail required by law and these Regulations to be presented to the Planning Board for approval and which, if approved, shall be dully filed and recorded by the applicant in the office of the County Clerk.

**LOT IMPROVEMENT-** Any building, structure, place, work or art or other improvements to the land as may be required by the Planning Board, including clearing, final grading and drainage improvements that constitutes a physical betterment of real property. Certain lot improvements shall be properly bonded as provided in these Regulations.

**LOT OR PARCEL-** A tract, plat or portion of a subdivision or other parcel of land intended, as a unit for the purpose, whether immediate or future, of sale, lease, donation or separate use.

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

**MODEL HOME-** A dwelling unit used initially for display purposes which typifies the types of units that will be constructed in the subdivision.

**OWNER-** The person or persons actually holding title of a parcel or tract of land.

**OFFICAL MAP-**A map established by the Town Board pursuant to Section 270 of the Town Law showing roads, highways, parks, and drainage, both existing and proposed, 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.

**PERFORMANCE BOND-** A bond as required by section 277 of the Town Law to assure the full and satisfactory completion of all required subdivision improvements as specified in the Planning Board Resolution of Approval.

**PLANNING BOARD-** The Planning Board of the Town of Hoosick, Rensselaer County, New York.

**PRELIMINARY PLAT-** A drawing or drawings clearly marked "Preliminary Plat" showing the salient features of a proposed subdivision, as specified in Article 600, Section 603, 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 of the proposed subdivision.

**PUBLIC IMPROVEMENTS-** Any drainage ditch, road, sidewalk, pedestrian-way, tree, off-road parking, recreation area, lot improvement, or other facility for which the Town may ultimately assume the responsibilities for maintenance and operation, or which may affect an improvement for which

Town responsibility is established. All such improvements shall be properly bonded.

**RESUBDIVISION-** Any change in map of an approved or recorded subdivision plat if such change affects any road layout or any lot line shown on such plat or if it affects or changes any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**ROAD, COLLECTOR-** A road which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

**ROAD, DEAD-END OR CUL-DE-SAC-** A road or portion of a road with only one vehicular traffic outlet.

**ROAD, EXISTING-** An existing State, County, or Town road or highway, or other private roadway shown on a plat approved by the Planning Board or shown on a plat duly filed and recorded in the Office of the County Clerk prior to the effective date of these Regulations.

**ROAD, MAJOR-** A road 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.

**ROAD, MINOR-** A road intended to serve primarily as an access to abutting properties.

**ROAD, PAVEMENT-** The wearing or exposed surface of the road right-of-way designed to be used by the vehicular traffic.

**ROAD PERIMETER-** An existing road to which the parcel of land to be subdivided abuts only one side.

**ROAD REVIEW COMMITTEE-** A committee appointed by the Town Supervisor to review plans and make periodic inspections during the construction phase of required improvements. The committee shall consist of one (1) member of the Planning Board, one (1) member of the Town Board, and the Town Highway Superintendent or his designee. In the event that a Road Review Committee has not been appointed, the Town Highway Superintendent shall act as such committee and any reference to such committee in the written Regulations shall be deemed to refer to the Town Highway Superintendent until such a committee is appointed.

**ROAD WIDTH-** The width of the right-of-way between property lines measured at right angles to the center line of the road at any given point.

**SKETCH PLAN-** A sketch of a proposed subdivision showing the information specified in Article 600, Section 601, of these Regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these Regulations.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) -** It is a process to help government and the public protect and improve the

environment. SEQR requires that environmental factors be considered along with social and economic considerations in government decision making.

**STREET-** See ROAD

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

**SUBDIVISION, MAJOR-** All subdivisions not classified as "Simple or Minor Subdivisions", including but, not limited to subdivisions of more than six (6) lots, or any size subdivision requiring any new road or extension of the Town facilities, or the creation of any public improvements.

**SUBDIVISION, MINOR-** Any subdivision containing more than three (3) lots and not more than six (6) lots fronting on an existing road, not requiring any new road, or extension of municipal facilities, or creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of the Regulations.

**SUBDIVISION SIMPLE-** Any subdivision containing no more than three (3) lots where all the lots front on an existing road and where each lot can be shown to meet New York State Department of Health Standards for Individual Water Supply and Sewage Disposal. Any lot created as part of a Simple Subdivision will be exempt from calculating the number of lots in determining whether a future subdivision of property is a simple, minor, or major subdivision so long as such lot is proven to the reasonable satisfaction of the Planning Board to be gifted to a Family Member by providing a copy of the recorded deed to the Planning Board.

**TOWN CONSTRUCTION STANDARDS-** The standards and specifications adopted by the Town Board for the construction of new roads and related improvements.

**TYPE I ACTION-** An action that is likely to have a significant effect on the environment as listed in Part 617.2 of SEQR Law.

**UNLISTED ACTION-** An action that may have a significant effect on the environment as explained in Part 617.2 of SEQR Law.

## ARTICLE 300. APPLICATION PROCEDURE

### 301. GENERAL

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 applicant or his duly authorized agent shall apply and secure approval of such proposed subdivision in accordance with the following procedures.



### 302. Initial Conference

Before preparing a sketch plan, the applicant should meet with the Planning Board to discuss the procedure for approval of a subdivision and the requirements as they may pertain to general layout of lots, new roads, reservation of lands, road improvements, drainage, sewer, fire protection and other similar matters.

The applicant will also be advised of the necessary forms for Sketch Plan review and of the requirements for compliance with New York State Environmental Quality Review Act procedures.

### 303. Sketch Review Plan

#### A) Submission of Sketch Plan

Any owner of land shall, prior to subdivision or re-subdividing land, submit to the Planning Board or its Clerk at least ten (10) days prior to the regular meeting of the Board, three (3) copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article 600, Section 601, for the purposes of classification and preliminary review and discussion. An application for Sketch Plan Review must also be completed and submitted at this time.

The applicant, or his duly authorized agent, shall attend the meeting of the Planning Board to discuss the requirements of these regulations for road improvements, sewage, water supply, fire protection, flood protection and similar aspects, as well as the availability of existing services and other pertinent information.

#### B) Classification of Sketch Plan

At this time, the Planning Board shall classify the Sketch Plan as a Simple, Minor or Major Subdivision as defined in these Regulations.

If the Planning Board classifies the Sketch Plan as a Simple Subdivision, then the applicant is free to divide his/her property as proposed without the necessity for public hearing or Final Plat approval of the Planning Board.

If the Sketch Plan is classified as a Minor Subdivision, the applicant shall then comply with the procedure outlined in Article 300, Section(s) 304 and 307 of these Regulations. If it is classified as a Major Subdivision the applicant shall then comply with the procedures outlined in Article 300, Section(s) 305, 306, 307, and 308 and Article 400. The Board may require, when it deems necessary for protection of the public safety and welfare, that a

Major Subdivision comply with all or some of the requirements specified for Major Subdivisions.

C) State Environmental Quality Review Act (SEQR) Requirements

The Planning Board shall also determine the applicability of SEQR, and shall require than an applicant submit, as a minimum requirement, a short form Environmental Assessment Form (EAF). An Environmental Assessment form (EAF), to be completed by the applicant, is required if the proposed subdivision is classified as Type I or unlisted according to the SEQR Act. A completed EAF will assist the Planning Board in determining the environment significance of the project.

D) Sketch Plan Review And Recommendations

The Planning Board, in studying the Sketch Plan, shall take into consideration the requirements of these standards and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of roads, their relationship to the topography of the land, sewage disposal, drainage, lot sizes and arrangements, road frontage, impact on Historical sites, wildlife habitat, the further development of adjoining land, as yet un-subdivided, and the goals and objectives of the Town Comprehensive 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 as indicated by the development limitations maps on file in the Town Office. 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 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 Rensselaer County 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 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 (soil, 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 the 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 forty-five (45) days from the time the Sketch Plan was initially reviewed by the Planning Board.

#### 304. Approval of Minor Subdivisions

##### A) Application and Fee

Within six (6) months after Planning Board classification of the Sketch Plan as a Minor Subdivision, the applicant shall submit an Application in duplicate for Approval of a Minor Subdivision Plat. Failure to do so may require resubmission of the Sketch to the Planning Board for reclassification.

The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations or conditions established by the Planning Board and to the requirements listed in Article 600, Section 602 of these Regulations. All applications shall be accompanied by a fee established by the Planning Board and on file in the Town Clerk's Office.

Three (3) copies of the Minor Subdivision Plat shall be presented to the Clerk of the Planning Board at least fourteen (14) days prior to a regularly scheduled meeting of the Planning Board. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Minor Subdivision Plat.

An Environmental Assessment Form (EAF), completed by the applicant, for the proposed subdivision shall, if required, be available for review at this meeting of the Planning Board. The statement should consider potential impacts of the development as anticipated by the developer.

The time of submission of the Minor Subdivision Plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least fourteen (14) days prior to which the Application for Plat Approval, complete and accompanied by the required fee and all data required by Article 600, Section 602 of these Regulations, has been submitted to the Planning Board Secretary.

##### B) Referrals

When applicable, the Clerk of the Planning Board, upon receipt of a Minor Subdivision Plat, shall present a copy of said Plat to the Rensselaer County Planning Board of their review and report in

accordance with the provisions of Section 239-n of Article 12-B of General Municipal Law.

C) Public Hearing

A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of the Minor Subdivision Plat for approval. The hearing must be advertised at least once in a newspaper or general circulation in the town at least five (5) days prior to the hearing. The applicant shall notify by Certified Mail, at least five (5) days in advance, the owners of the property abutting the proposed subdivision, the owners of the 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. The Planning Board may notify other persons as it deems necessary.

D) Action On Minor Subdivision Plat

The Planning Board shall, within sixty-two (62) days from the date of said Public hearing, act to approve, conditionally approve with or without modifications, or disapprove such Minor Subdivision Plat and so indicate on the Plat. Failure to act within the stated time period, or mutually agreed upon extension thereof shall constitute approval of the Plat. The Planning Board resolution granting conditional approval, with or without modification of the Plat, shall also 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.

Within five (5) days of the resolution granting conditional approval, the Plat shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Planning Board Clerk and a certified copy mailed to the applicant, the copy mailed to the applicant shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat.

Conditional approval of a Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval. Conditional appeal may, at the discretion of the Planning Board be extended for not more than two periods of 90 days each. Within such 180 day period, or any extension thereof granted by the Planning Board, the conditionally approved Minor Plat must be submitted for the Planning Board Signature of Final Approval. Upon receiving the signature of Final Approval, the Minor Subdivision Plat shall be filed in the offices of the County Clerk in accordance with the provisions of Article 300, Section 307, of these Regulations.

In the event of disapproval of a Minor Subdivision Plat, the Planning Board shall fully set forth the reasons for such disapproval

in its resolution and formally notify the applicant, in writing, of the reason(s) for disapproval.

### 305. Preliminary Plat For Major Subdivision

#### A) Application And Fee

Within six (6) months after Planning Board classification of the Sketch Plan as a Major Subdivision, the applicant shall file an Application for Approval of a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in accordance with Article 600, Section 603 of these Regulations, except where a waiver may be specifically authorized by the Planning Board.

Eight (8) copies of the Preliminary Plat shall be presented to the Clerk of the Planning Board at least fourteen (14) days prior to a regular meeting of the Planning Board. The application for Approval of the Preliminary Plat shall be accompanied by a fee set by the Planning Board and on file in the Town Clerk's Office.

The time of submission of the Preliminary Plat shall be considered to be the date of the regular meeting of the Planning Board, at least fourteen (14) days prior to which the Application for Conditional Approval of the Preliminary Plat, complete and accompanied by all data required by Article 600, Section 603, of these Regulations, has been filed with the Secretary of the Planning Board.

#### B) Referrals

When applicable, the Planning Board shall, upon initial review, refer the Preliminary Plat to the Rensselaer County Health Department for their review and recommendation as required by Section 239-n of Article 12-B of the General Municipal Law. In addition, the planning Board shall refer the Preliminary Plat to other County or State agencies which have or may have jurisdiction of review or approval of the subdivision. If the subdivision meets any Type I threshold listed in Part 617.12 of the SEQR regulations, lead agency for the SEQR process shall be determined according to procedures outlined in Section 617.6 of the SEQR regulations.

#### C) Study of Preliminary Plat

The applicant or his duly authorized representative shall attend the meeting of the Planning Board to discuss the 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, width, and design of roads and their relation to the topography, water supply, sewage disposal, surface drainage, lot sizes and arrangement, potential flood hazards, the future development of adjoining lands as yet unsubdivided, and the recommendations and requirements of the Plan, the Official Map, and zoning regulations, if such exist.

The Planning Board may schedule a field trip to the proposed subdivision site accompanied by the applicant or his agent. In order to facilitate field inspection and review of the site, temporary staking along center line of all proposed roads at fifty-foot (50') intervals and front lot corners may be required.

A determination of no significant environmental impact (negative declaration) or a Draft EIS is required by the designated lead agency before the subdivision may be approved. The Planning Board shall notify other agencies that have authority to review the subdivision of this determination.

#### D) Public Hearing

Within sixty-two (62) days after the time of submission of a Preliminary Plat, the Planning Board shall hold a Public Hearing on said Plat. The hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing. This Public Hearing shall also be used to solicit comments on the Draft EIS under SEQR, if required. The applicant shall notify by Certified Mail all property owners within five hundred (500') feet of the outside perimeter of the proposed subdivision, at least five (5) days prior to the public hearing and shall furnish the Planning Board with Post Office receipts as proof of notification. The Planning Board may notify other persons or agencies as it deems necessary.

#### E) Action on Preliminary Plat

Within sixty-two (62) days from the date of such Public Hearing, the Planning Board shall take action to approve, conditionally approve with or without modifications, or disapprove such Preliminary Plat and the grounds for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such Preliminary Plat may be extended by mutual consent of the applicant and the Planning Board.

If the Planning Board disapproves the Preliminary Plat, it shall direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval.

## F) Approval of Preliminary Plat

When granting approval to a Preliminary Plat, the Planning Board shall state the conditions of such approval, if any, with respect to:

- 1) The specific changes which will be required in the Final Subdivision Plat.
- 2) The character and extent of the required improvements for which waivers may have been requested and which, in the Planning Board's opinion, may be waived without jeopardy to the public health, safety, morals, and general welfare.
- 3) The amount of the improvement or the amount of all bonds thereof which will be required as a prerequisite to the approval of the Subdivision Plat.

Within five (5) days of Conditional Preliminary Plat Approval, the action of the Planning Board, plus any conditions attached thereto, shall be noted on, or attached to, three (3) copies of the Preliminary Plat. One copy shall be returned to the applicant, one retained by the Planning Board and one forwarded to the Town Clerk.

Approval of a Preliminary Plat shall not constitute approval of the Subdivision Plat. Rather, it shall be deemed an expression of approval of the design submitted on the Preliminary Plat, which will be submitted for approval of the Planning Board and for recording with the County Clerk. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study or new information obtained.

## G) Model Homes

For the purpose of allowing the early construction of model homes in a subdivision, the Planning Board, in its discretion, may permit a portion of a Major Subdivision, involving no more than three (3) lots, to be created in accordance with the procedures for Minor Subdivisions, provided said portion derives access from existing State, County, or Town highway and provided no future road or other improvement is anticipated where said lots are proposed. The Subdivision Plat for the "Minor" portion shall be submitted to the Planning Board simultaneously with the Preliminary Plat for the entire Subdivision. After preliminary approval, the model may be constructed, subject to such additional requirements that the Planning Board may require.

306. Final Plat for Major Subdivision

## A) Application and Fee

The applicant shall, within six (6) months after the approval of the Preliminary Plat, file with the planning board an application for

approval of the Subdivision Plat in final form. The Application and accompanying data shall conform to the requirements of Article 600, Section 604, of these Regulations. If the Final Plat is not submitted within the six (6) months, the Planning Board may refuse to approve the Final Plat and require resubmission of the Preliminary Plat.

The applicant shall provide the Planning Clerk with two (2) copies of the Application, three copies of the Final Plat, the original and one copy of all offers of cession, covenants and agreements, and two prints of all construction drawings, at least fourteen (14) days in advance of the regular Planning Board meeting at which the Plat is to be officially submitted. The Application for Approval of the Final Plat shall be accompanied by a fee set by the Planning Board and on file in the Town Clerk's office.

The time of submission of the Final Plat shall be considered to be the date of the regular meeting of the Planning Board at least fourteen (14) days prior to which the Application for Approval of the Subdivision Plat, complete and accompanied by the required fee and all data required by Article 600, Section 604, of the Regulations, has been filed with the Secretary of the Planning Board.

Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the Subdivision Plat requiring approval by the Department of Health shall have received at least preliminary approval (s) of such facilities.

#### B) Public Hearing

A Public Hearing on the Final Plat may be held by the Planning Board if the Board deems that there are substantial changes from the Preliminary Plat. Such hearing shall be held within sixty-two (62) days after the time of submission of the Final Plat for Approval and shall be advertised in the same manner the previous public hearing for the Preliminary Plat Approval. Adjacent property owners shall also be notified by the applicant as specified in Preliminary Plat Approval. This hearing may be waived by the Planning Board.

#### C) Action on Final Plat

The Planning Board shall, within sixty-two (62) days from the date of submission of the Final Subdivision Plat, if no hearing is required (or within forty-five days of second public hearing if required), approve, conditionally approve with or without modifications, or disapprove said Plat and so indicate on the Plat. This time period may be extended by mutual consent of the applicant and Planning Board. Failure to act within the stated time period, or a mutually agreed upon extension thereof, shall constitute approval of the Plat.



A resolution of conditional approval shall also duly authorize and empower an officer of the Planning Board to sign the Plat for recording with the County Clerk. However, the Final Plat shall not be signed until the applicant has complied with Article 400 of these Regulations. Conditional approval of a Final Plat shall expire one hundred eighty (180) days after the date of the resolution granting such approval, except that this time may be extended by the Planning Board for no more than two additional periods of ninety (90) days each.

If a Draft Environmental Impact Statement is required, the Planning Board's action on the Final Plat shall include either a negative declaration or the Final EIS and a statement of findings on the subdivision as required under Section 8-0109-8 of the SEQR Act of 1975, as amended.

Within five days (5) days of the Planning Board resolution of conditional approval, the Final Subdivision Plat shall be certified by the Planning Board as conditionally approved. A copy of such certification shall be filed in the office of the Town Clerk and a copy mailed to the applicant.

### 307. Final Approval and Filing

The Chairman or other duly authorized officer of the Planning Board shall endorse the Board's final approval on the Plat only after it is satisfied that all required conditions, modifications, and improvements have been met and/or completed in accordance with the Planning Board's resolution of approval of the Plat and construction plans, or alternatively that a bond of the required amount and surety has been filed and that all other required conditions of the resolution of approval including the payment of all fees and the approval of the Rensselaer County Department of Health, have been complied with. The Planning Board endorsement shall be by signature and date in ink on the original of the Plat (which shall be returned to the applicant for filing) and on a print of the Plat which shall be retained by the Planning Board in its files.

The approved Plat shall be filed with the Rensselaer County Clerk within thirty (30) days of the date of the Planning Board endorsement. Any Subdivision Plat not so filed, or recorded within thirty (30) days of the date which such Plat is approved, or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of thirty (30) days.

No changes, erasures, modifications, or revisions shall be made on 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 modifications. In the event that any such Subdivision Plat is recorded without complying with the 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.

The applicant shall submit one (1) print copy of the Final Plat showing endorsement and file number of the County Clerk to the Planning board Secretary within thirty (30) days of the date of filing.

### 307. Status of Roads, Parks and Easements

#### A) Acceptance By Town

Acceptance of any offer of cession of roads or parks shall rest with the Town Board. The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute nor imply the acceptance by the Town of any road, utility, recreation area, easement, park or other open space shown on such Subdivision Plat. The Planning Board shall require the addition of appropriate notes to this effect on the Plat.

#### B) Maintenance

In the Event that no offer of cession to the Public is made for the roads, parks, and required easement shown on the Plat, there shall be submitted with the Final Application copies of agreements or other documents providing for and fixing responsibility for suitable maintenance of such facilities and statements of all rights which exist with respect to the use of such property (ies). The adequacy of such documents shall be subject to Planning Board approval, based upon recommendations of the Town Attorney and/or Attorney for Planning Board if any.

## Article 400: REQUIRED IMPROVEMENTS FOR MAJOR SUBDIVISION

### 401. General

After adoption of a resolution approving a Final Subdivision Plat and before the Plat is endorsed by the Planning Board, the applicant shall be required to complete, at his expense and without reimbursement by the Town or any special district, all road, sanitary, storm drainage, and Construction Plans or as otherwise specified in the resolution. The Planning Board may, in a special or peculiar circumstance of a particular case, modify or waive a requirement only by a specific resolution.

### 402. Performance Bond and Completion of Improvements

Before the Planning Board grants Final Approval of the Subdivision Plat, the applicant shall follow the procedure set forth in either subparagraph A) or subparagraph B) below:

- A) In an amount set by the Planning Board from an estimate proposed by the Town Highway Superintendent or other duly designed officer, the applicant shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the applicant shall file with the Town Clerk a performance bond issued by a bonding or surety company approved by the Town Board to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 277 of the Town Law and further shall be satisfactory to the Town Board and Town Attorney or Attorney for town Planning Board if such a position exists as to form, sufficiency, manner or execution and surety. A period of one year (or other such 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.

-OR-

- B) The applicant shall complete all required improvements to the satisfaction of the Road Review Committee or other representative designated by the Town Board to fulfill such duties who shall file with the Planning Board a letter signifying the satisfactory completion of improvements required by the Board. For any required improvements not so completed and not approved, the applicant shall file with the Town Clerk a bond or certified check covering the costs of satisfactorily installing any improvements not approved by the Road Review Committee. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety.

- C) Modification of bond

- 1) Extension of Bond

The time period specified for the completion of all required improvements, as set forth in the bond, may be extended only by resolution of the Planning Board upon request in writing by the applicant, setting forth in detail the amount of work which has been completed, reasons for failure to complete the remainder of the work within the specified period, the maximum estimated time required to complete the remainder of the work and the time period extension which is requested.

- 2) Reduction of Bond

An applicant may request in writing that the Planning Board authorize a reduction in the amount of the bond. Such request shall itemize the extent of required improvements remaining to be completed and the bond reduction requested. Upon approval of the Town Board, and after due notice and public hearing, the

Planning Board may, if it determines that sufficient required improvements have been installed to warrant such action, reduce the face amount of the bond by an appropriate amount so that the new amount will cover the cost in full of all required improvements remaining to be completed, and any security deposited with the bond may be reduced proportionately.

#### 403. Modification of Required Improvements

If at any time before or during construction of the required improvements, it is demonstrated to the satisfaction of the Road Review Committee that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Road Review Committee shall, upon approval by the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and are not tantamount to the waiver or substantial alteration of the function of any improvements required by the Planning Board. If such modification affects the scope of work covered by a bond, the Planning Board may require or allow appropriate modification of such bond.

#### 404. Temporary Improvements

This applicant shall build or pay for all costs of temporary improvements required by the Planning Board. Prior to the construction of any temporary facility or improvement, the applicant shall file with the Town Clerk a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.

#### 405. Inspection of Improvements

##### A) Routing Inspection

At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk the inspection fee required by the Planning Board and shall notify the Road Review Committee in writing of the time when he proposes to commence construction of such improvements. The Committee will then make periodic inspections to assure that all Town specifications and requirements shall be met during the construction of requires improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

##### B) Final Inspection

A final Inspection of all improvements will be made to determine whether the work is satisfactory and in agreement with the approved Final Plat and construction drawings. Upon a satisfactory final inspection report, action will be taken to release the performance bond covering such improvements and utilities (if the bond was filed). The

Road Review Committee shall also notify the Planning Board that all work has been completed to its satisfaction.

D) Inspection Fee

An inspection fee, as may be promulgated from time to time, and on file with the Town Clerk, shall be paid to the Town prior to the time that the Planning Board signs the Final Plat. Neither Building Permits nor Certificates of Occupancy shall be issued until all inspection fees (if required) are paid.

406. Proper Installation of Improvements

If the Road Review Committee finds, upon inspection, that either the required improvements have not been completed in accordance with the plans and specifications filed by the applicant, or that the required improvements have not been completed within the period specified in the Planning Board resolution of approval or the expiration date of the performance bond (if one exists), such approval shall be deemed to have expired, unless, upon request of the applicant, the period has been extended by resolution of the Planning Board.

If a Bond has been filed, and if no application for the extension of such period has been made by the applicant, the Town Board may declare said bond to be in default. The Town Board shall then notify the applicant 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 applicant is in default on a previously approved Plat.

407. Escrow Deposits For Lot Improvements

A) Acceptance

Whenever, or by reason of the season of the year, any lot improvements required by these Regulations cannot be performed, the Road Review Committee may, nevertheless, permit the issuance of a Certificate of Occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash escrow deposit in an amount to be determined by the Road Review Committee for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.

B) Procedures

All required improvements for which escrow monies have been accepted by the Town of Hoosick at the time of issuance of a Certificate of Occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the Certificate of Occupancy. In the event that the improvements have

not been properly installed at the end of the time period, the Road Review Committee, shall give two (2) weeks written notice to the applicant requiring him to install same; and, in the event the same are not installed properly in the discretion of the Road Review Committee, the Road Review Committee may request the Hoosick Town Board to authorize the Town of Hoosick to proceed to contract out the work for the sum not to exceed the amount of the escrow deposit. At the time of the issuance of the Certificate of Occupancy for which escrow monies are being deposited with the Town of Hoosick, the applicant shall obtain and file with the Town of Hoosick, prior to obtaining the Certificate of Occupancy, a notarized statement from the purchasers of the premises authorizing the Town of Hoosick to install the improvements at the end of the nine (9) month period, in the even the same have not been duly installed by the applicant.

#### 408. Certificate of Occupancy

A Certificate of Occupancy shall not be issued for a structure within a subdivision where the improvements are guaranteed by a performance bond unless it is determined by the Planning Board that the following conditions have been complied with.

##### A) Status of Road Improvements

The improvement of the road or roads giving access to the structure has progressed to a stage deemed adequate by the Planning Board to render safe all-weather vehicular access for both routine and emergency purposes.

##### B) Maintenance Agreements

Written agreements have been filed providing for the maintenance of the bonded road or streets in such all-weather passable condition, including snow removal and sanding, during the period between the issuance of the Certificate of Occupancy and acceptance of the fully completed road by the Town Board. If the road is not to be offered for dedication to the Town, maintenance agreements shall have been required in accordance with Section 308 (B) Maintenance, of these Regulations.

### ARTICLE 500. GENERAL APPROVEMENTS AND DESIGN STANDARDS

The Planning Board, in considering an application for the subdivision of land, shall be guided by, but shall not be bound by the following considerations and standards, upon which the Planning Board shall be the determining agent. In general, these standards shall be deemed to be the minimum requirements, for the convenience, health, safety and welfare of the Town and shall be waived by the Planning Board only under circumstances set forth in Article 100, Section 107 herein.

#### 501. General Considerations

A) Conformity to Official Map and Comprehensive Plan

Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Comprehensive Plan, as they may exist.

B) Plats Straddling Municipalities Boundaries

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

C) Monuments and Lot Corner Markers

Permanent monuments meeting specifications approved by the Road Review Committee as to size, type and installation shall be set of such block corners, angle points of curves in roads and other points as the Planning Board may require, and their location shall be shown on the Subdivision Plat.

D) Character of Land

Land to be subdivided shall be of such character that it can only be used safely for building purposes without danger to health or peril from fire, flood or other menace.

E) Reservations and Easements

All reservations and easements shall be clearly indicated on the Final Subdivision Plat, along with appropriate notations indicating the rights which exist with respect to each reservation and/or easement title, if vested in interests other than the developer, shall be clearly indicated on all reservations for park and playground purposes.

F) Subdivision Name

The proposed of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these Regulations.

502. Lot Improvements

A) 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, natural conditions and health welfare of the community in securing building permits to build on all lots in compliance with these

Regulations, the New York State Health Department, Town Law 280 (a), the Uniform Building and Fire Code, and the Town Zoning Ordinance as it may exist.

B) Side Lines

Side lines of lots shall generally be at right angles to straight road lines and radial to curved road lines, unless a variance from this rule will give better road or lot arrangement.

C) Corner Lots

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

D) Driveways

Driveway grades within 15' of the road right-of-way shall not incline more than ten percent (10%) from the road and culverts must comply with the requirements of the Planning Board and the Superintendent of Highways. Driveway access shall also conform to the standards of the Town, County and State Highway Departments when necessary.

E) Access Form Private Roads

The area proposed to be subdivided and all proposed lots shall have frontage on and direct access to a public road or private road which conforms to Town Law and construction specifications as proscribed in this Regulation. Such required improvements to a private road shall be a condition of subdivision approval.

F) Debris and Waste

No cut trees, timber, debris, junk, rubbish or other waste materials of any kind shall be buried within any proposed right-of-way. Such material shall be deposited of in a manner approved by the Planning Board.

G) Soil Preservation And Final Grading

Land to be subdivided shall be designed in reasonable conformity to existing topography in order to minimize grading, cut and fill, to retain the natural contours, to limit storm water runoff, and to conserve the natural vegetative cover and soil. No trees, top soil, or excavated material shall be removed from its natural position except where necessary to the improvement of lots and the construction of roads and related facilities in accordance with the approved plan. Top soil shall be restored to its original depth and properly seeded and fertilized in those disturbed areas not occupied by buildings or structure.



#### H) Performance Bond To Include Lot Improvement

The performance bond shall include an amount to guarantee completion of all requirements contained in Article 400 of these Regulations including, but not limited to, soil preservation, final grading, lot drainage, lawn-grass, seeding, removal of debris and waste, and all other lot improvements required by the Planning Board.

### 503. ROAD LAYOUT

#### A) Location, Width, and Construction

Roads shall be of sufficient width, suitably located and adequately constructed to conform to the applicable Town Highway Construction Specifications, accommodate the prospective traffic and to afford satisfactory access to police, fire fighting, ambulance, snow removal and other road maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.

#### B) Arrangement

The arrangement of roads in the subdivision shall provide for the continuation of major roads of adjoining subdivisions, and for proper projection of major roads 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 and other conditions make such continuance undesirable or impractical, the above conditions may be modified.

#### C) Special Treatment Along Major Roads

When a subdivision abuts or contains an existing or proposed major road, the Board may require marginal access roads, reverse frontage with screen planting contained in a no 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.

#### D) Dead End Roads

The Planning Board may require, where needed or desirable along a dead-end road, reservation of twenty foot (20') wide easement to the subdivision boundary to provide for the continuation of pedestrian traffic, utilities, and/or drainage facilities to the next road. The entrance at a dead-end road shall bear a "No Outlet" sign.

#### E) Intersections With Collector Or Major Road

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

F) Road Jogs

Road jogs with center line offsets of less than one hundred twenty five feet (125') shall be avoided.

G) Angle of Intersection

In general, all roads shall join each other so that for a distance of at least one hundred feet (100') the road is approximately at right angles to the road it joins. No road shall intersect with another at an angle of less than eighty degrees (80).

H) Relation to Topography

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

I) Road Names

All road names shown on the Preliminary Plat and Final Plat shall be approved by the Planning Board. Proposed road names shall be substantially different in sound and spelling from present names in the Town so as not to cause confusion. A road which is a continuation of an existing road shall bear the same name.

504. Road Design

A) Conformity To Town Standards

In order to provide for roads of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, emergency vehicles, fire fighting, snow removal, sanitation and road maintenance equipment and school buses, the following design standards, contained within these Regulations and those standards adopted by the Town and included here by reference, are hereby required. All roadway and related construction, whether to be offered for dedication or not, shall be the responsibility of the subdivider unless otherwise indicated. All roads shall be constructed in accordance with the specifications for road design and construction by the Town of Hoosick.

B) Other Improvements As Deemed Appropriate

The Planning Board may require the following improvements: sidewalks, gutters, road lighting, road signs, school bus pickup areas,

water mains, sanitary sewers, storm drains, fire hydrants and other utilities.

C) Changes in Grades

All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Town Highway Superintendent so that clear visibility shall be provided for safe distance. A combination of steep grades and curves shall be avoided.

D) Visibility Of Intersection

In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new road with an existing road), which is shown shaded on Sketch A, shall be cleared of all growth (except isolated trees) and obstruction above the level three feet (3') higher than the center line of the road. If directed, ground shall be excavated to achieve visibility. An easement for the enforcement of this provision shall be granted to the owner of the road and notation to this effect made on the Final Plat.

E) Watercourses

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

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

F) Road Signs

Road signs, of the type approved by the Town Highway Superintendent, including highway warning and directional signs, shall be provided by the Subdivider and placed at all locations, within the road right-of-way and in locations approved by the Planning Board and Highway Superintendent.

G) Road Lighting Standards

Where required by the Planning Board, road lighting of a design and location approved by the appropriate utility company and the Planning Board shall be provided and installed by the Subdivider.

H) Slope Easements

Where steep slopes beyond the road right-of-way may require maintenance, an easement may be required for such purpose.

I) Service Roads or Loading Space in Commercial Development

Rear service roads of not less than twenty feet (20') in width, or in lieu thereof, adequate off-road rear loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

J) Free Flow of Vehicular Traffic Abutting Commercial Development

In front of areas designed for commercial use, or where commercial use is contemplated, the road width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

K) Road Dedications and Reservations

(1) New Perimeter Roads

Road systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-roads. Where an existing half-road is adjacent to a new subdivision, the other half of the road shall be improved and dedicated by the Subdivider. The Planning Board may authorize a new perimeter road where the Subdivider improves and dedicates the entire required road right-of-way width within his own subdivision.

(2) Widening and Realignment of Existing Roads

Where a subdivision borders on an existing road which is narrower than the recommended right-of-way width as specified for such roads in these Regulations, or where a subdivision borders an existing road planned for widening or realignment in such a way as to require the use of some land in the subdivision, the Planning Board may require the Subdivision Plat to show such areas which shall be marked "Reserved for Road Realignment (or Widening) Purposes". Land reserved for such purpose may not be counted in satisfying yard or lot area requirements.

505. Drainage Improvements

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

A) Removal of Spring and Surface water

The Subdivider 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 of appropriate width, and shall be constructed in accordance with the town construction standards and specifications.

B) Accommodation of Upstream Drainage Areas

In a subdivision, a culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Planning Board and Town Highway Superintendent shall approve the design and size of the facility based on anticipated runoff from a storm under conditions of maximum potential development within the water shed. 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 be permitted.

C) Effect on Downstream Drainage Area

The Planning Board may also require a study of the effects of the subdivision on existing downstream drainage facilities outside the area of subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a fifty-year storm, the Planning Board shall notify the owner of such downstream facility and the Town Board of such potential condition. In such case the Planning Board shall withhold approval of the subdivision until provisions have been made for the correction of said potential condition.

D) 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.

E) Flood Plain Areas

Flood plain areas shall be those defined on the official H.U.D. Flood Hazard Maps. These flood areas shall be preserved from any and all

destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps.

#### 506. Water Facilities

##### A) Wells and Central Water Systems

If developer is planning for wells and central water systems, he must conform to Part 75 of New York State Department of Health Regulations and other applicable regulations governing community water system.

##### B) Water Mains and Fire Hydrants

Where required by the Planning Board, the Subdivider shall install, at the expense of the Subdivider, water mains and fire hydrants of the type and in a manner prescribed by the regulations of the appropriate water or fire district or other municipal agency having jurisdiction.

#### 507. Sewage Facilities

##### A) Community Systems

If the applicant is proposing to install a community sewage system, then he shall, at his expense, install such sanitary sewer facilities in a manner prescribed by the Town of Hoosick, any instituted sewer district and in accordance with the regulations of the New York Health Department.

##### B) Individual Systems

All lots shall be of sufficient size, width, and depth to insure that an individual on-site sewage disposal system may be installed in compliance with New York State Department of Health standards. Percolation tests approved by and a sewage disposal site acceptable to the Rensselaer County Health Department shall be required on all new parcels.

#### 508. Sidewalks or Walkways

##### A) General

The Planning Board may require sidewalks or walkways as it deems necessary to provide for the safety of pedestrians. The construction of a walkway or sidewalk shall be of suitable materials approved by the Planning Board. Concrete, flagstone or gravel may be considered.

B) Easements for Pedestrian Access

The Planning Board may require, in order to facilitate pedestrian access from roads to schools, parks, public areas, and roads to neighboring areas, the reservation of perpetual unobstructed easements for such purposes.

509. Utility Improvements

A) General

In order to insure greater safety and improved appearance, all utility lines and related equipment for providing electric power and communication services shall, whenever required by law, and designated by the Town of Hoosick Planning Board, be installed underground in the manner prescribed by the regulations of the utility company having jurisdiction. Underground utilities shall be located outside of the traveled way of roads but, except in unusual circumstances, within the road right-of-way.

B) Easements

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

ARTICLE 600. DOCUMENTS TO BE SUBMITTED

601. Sketch plan

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 four hundred feet (400') to the inch) to enable the entire tract to shown on one sheet. The Sketch Plan shall be submitted showing the following information:

- A) A location map to indicate the relationship of the proposed subdivision to existing community facilities which will serve or influence the layout, such as existing road patterns, schools, parks, and other public lands, local villages and hamlets, and special districts, including school, fire, agriculture, etc.
- B) All existing structures, burial grounds, railroad rights-of-way existing property lines, wooded areas, streams or watercourses, flood hazard areas, wetlands, quarries or excavations, bedrock outcrops and other significant physical features within the area to be subdivided and within two hundred feet (200') thereof. Topographic conditions shall be indicated at contour intervals of not more than ten feet (10').

- C) The name of the owner, the name of the professional person(s) responsible for the subdivision design, and the names of all adjoining property owners as disclosed by the most recent municipal tax records within five hundred feet (500') of any perimeter boundary of the subdivision.
- D) The proposed subdivision name, date, the tax map sheet, block and lot numbers, scale, north arrow and acreage involved.
- E) All the utilities currently available, including any existing easements, and all roads which are proposed, mapped, or built.
- F) The proposed pattern and approximate dimensions and area of lots, road layout, recreation area, proposed surface water drainage, sewage and water supply within the subdivision area.
- G) All existing restrictions of the use of land, including easements, covenants, or zoning divisions.

#### 602. Minor Subdivisions Plat

In addition to the information required by Section 601, the following shall be submitted for Minor Subdivisions only:

- A) A copy of such covenants or deed restrictions as is proposed to cover all or part of the tract.
- B) An actual field survey of the boundary lines of the tract, giving complete description 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 Town Planning Board or its agent and shall be referenced and shown on the Plat.
- C) All individual on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of any applicable State, County, or Town agencies having jurisdiction and a note to this effect shall be stated on the Plat.
- D) The Plat shall conform to the filing requirements of the Rensselaer County Clerk's Office.

#### 603. Major Subdivision Preliminary Plat

The Preliminary Plat shall be submitted at a scale of one inch (1") equals one hundred feet (100'), or another scale approved by the Planning Board, whichever most clearly illustrates the applicant's proposal. The Preliminary Plat shall be clearly marked "Preliminary Plat" and shall include:

- A) Proposed subdivision name, name of town, county, name and address of property owner, subdivider, engineer or surveyor preparing the



plan, including license number and seal, date, true north point and scale.

- B) The name of all subdivisions immediately adjacent, if any, and the names and addresses of the owners of record of all property adjacent to the subdivisions within five hundred feet (500') of any perimeter boundary.
- C) The approximate location and dimensions of all property lines, the total acreage of the proposed subdivision, and the location of any zoning district lines, special districts or municipal boundary lines.
- D) All parcels of land proposed to be dedicated to public use for roads, highways, easements, parks, or other public facility and the conditions of such dedication.
- E) The location of all existing structures and pertinent features, including railroads, water bodies, watercourses, wetlands, flood hazards areas, stone walls, rock outcrops, wooded areas, historical buildings, structures and in situ and any other significant existing features that may influence the design of the proposed subdivision area and within two hundred feet (200') of any outside perimeter, plus accurate topography at a vertical contour interval of not less than ten feet (10'). The topographic data shall be determined by field survey unless the Planning Board specifically waives this requirement and/or permits the substitution of topographic information obtained from other sources determined satisfactory for the particular case.
- F) Location of existing sewers, water mains, culverts and drains serving the property, with pipe sites, grades direction of flow and existing easements.
- G) The width, location and names of any roads or public ways or places shown on the Official Map or in the Comprehensive Plan, if such exists, within the area to be subdivided and the right-of-way width, location, grades, proposed and existing easements and road profiles of all roads or public ways proposed by the developer. Contours with intervals of five feet (5') or less as required by the Planning Board, including elevations on existing roads.
- H) Approximate location and size of all proposed water lines, valves, fire hydrants, and sewer lines or alternate means of water supply or sewage disposal and treatment, including sites for on-site systems as provided in the Public Health Law. Profiles of all proposed water and sewer mains. If septic systems are proposed, the results of soil bearing and soil percolation tests shall accompany the Preliminary Plat. Where on-site water supply systems are proposed, the quality and quantity of water available shall be indicated.
- I) Storm drainage plan indicating the approximate location and size of proposed lines, their profiles and connection to existing lines or alternative means of disposal, including existing and proposed

drainage easements. Temporary measures to control erosion shall also be shown.

- J) Construction plans, profiles, cross-sections and other drawings as required to show the proposal location and types of all improvements required by Article 500 or by the Planning Board or proposed by the applicant.
- K) Preliminary designs of any bridges or culverts which may be required.
- L) The proposed lot lines with approximate dimensions and area of each lot. 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. Corners of the tract shall also be located on the ground and marked by monuments as approved by the Road Review Committee and shall be referenced and shown on the Plat.
- M) Where the topography or design is such as to make difficult the inclusion of required facilities within public areas as laid out, the Preliminary Plat shall show the boundaries or proposed permanent easements over or under private property, which permanent easements shall not be less than twenty feet (20') in width and which shall provide satisfactory access to an existing or proposed public road or public open space shown on the subdivision or Official Map.
- N) A copy of any covenants or deed restrictions that are intended to cover any lot in all or part of the tract.
- O) If the Preliminary Plat submitted for approval covers only a part of the applicant's entire holding in the area, then a map shall be prepared, at a scale of not less than one inch equals four hundred feet (1" = 400'), showing the entire tract as it relates to the parcel included on the Preliminary Plat.
- P) A site location sketch, at a maximum scale of one inch equals two thousand feet (1" = 2000'), showing the general situation of the applicant's property with respect to surrounding properties and roads, including all utility lines.

#### 604. Major Subdivision Final Plat

The Final Plat, to be approved by the Planning Board and filed in the Office of the County Clerk, shall be drawn at the same scale as the Preliminary Plat and shall conform to the filing requirements of the Rensselaer County Clerk. When more than one (1) sheet is required, an additional index map on the same size sheet shall be prepared and included for the filing showing to scale the entire subdivision with lot and block lines clearly legible. The Final Plat submission shall show:

- A) Proposed subdivision name or identifying title, the name of the Town and County in which it is located, the name and address of the owner

of record and of the applicant (if other than the owner), the name, certification and seal of the registered engineer or licensed land surveyor who prepared the Plat, the names of the owners of record of adjoining properties and of properties directly across the road, scale, true north point and date.

- B) Location of existing buildings, wooded areas, wetlands, ponds, creeks, drainage ways, stone walls, burial grounds, large trees, and other features to be retained or removed.
- C) Sufficient data to enable the Planning Board to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground. The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each road. 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. Where applicable this data should be referenced to monuments and tied into other reference points previously established.
- D) The Final Plat should show, by proper designation therein, all public open spaces for which deeds are included and the title(s) to which is reserved by the developer by the developer. For any of the latter, there shall be submitted with the Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore. All offers of cession and all covenants governing the maintenance of un-ceded open space shall bear the Certificate of Approval of the Town's Attorney as to their form and legal sufficiency.
- E) Roads, pedestrian-ways, lots, reservations, easements, and other areas to be dedicated to public use.
- F) Notations explaining any drainage, sight, slope, road widening, park area or other reservations or easements, as may be required by the Planning Board, including any self-imposed restrictions or covenants.
- G) The boundaries of the property, location, total acreage in the entire subdivision and the identification number and acreage of all lots and land reservations within the proposed subdivision. Lots and blocks shall be numbered or lettered in accordance with the prevailing Town practice.
- H) Permanent reference monuments and lot corner markers shall be shown and their location referenced on the Final Plat.
- I) A site location map, at a scale no greater than one inch equals two thousand feet (1" = 2000'), showing the location of the applicant's property with respect to surrounding land and roads.
- J) Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size, grade and type of roads, sidewalks, road lighting standards, road trees, curbs,

water mains, sanitary sewers, storm drains, pavement and sub-base, manholes, catch basins, and other improvements as required by the Planning Board or proposed by the applicant.

- K) The following notes shall be placed upon the Final Plat:
  - 1) No building Permit shall be issued to any property owner within this subdivision other than to the owner or applicant unless all improvements are completed and approved in accordance with the Planning Board’s resolution of approval of this Plat.
  - 2) Sanding, snowplowing and other similar maintenance of highways within this subdivision shall be the responsibility of the developer until all lots are sold and the responsibility of title owners of lots within the subdivision.
- L) Certification from the Health Department of Jurisdiction of Sewage Disposal and Water Supply Systems. No modification may be made after Department of Health Certification.
- M) Statements from the appropriate Town Officials certifying that required improvements have been satisfactorily installed or that an acceptable bond for such installation has been filed with the Town Clerk.
- N) Form for endorsement by the Planning Board Chairman as follows:

“Approved by Resolution of the Hoosick Planning Board”

\_\_\_\_\_  
(Chairman)

\_\_\_\_\_  
(Date)

APPLICATIONS FOR TOWN TAKE OVER

All applications must conform to Sections 170 and 171 of the Town Highway Law. There may be additional requirements by the Town Board before dedication is considered.

“Approved by Resolution of the Hoosick Town Planning Board”

\_\_\_\_\_  
(Chairman)

\_\_\_\_\_  
(Date)

**TOWN OF HOOSICK  
P.O. Box 17  
Hoosick Falls, NY 12090**

**SUBDIVISION APPLICATION**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Tax Map No.** \_\_\_\_\_

**Designated Subdivision Name:** \_\_\_\_\_

**Description and Location of Proposed Subdivision:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Any Previous Subdivisions Of This Parcel? Details, Dates, Supporting Documents, Deeds:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Do You Own Any Other Land In The Town of Hoosick? Describe:**

\_\_\_\_\_  
\_\_\_\_\_

**Does the land to be subdivided fall within an Agricultural District or within 500 feet of a farm operation within an Agricultural District?**

**A) IF YES, Submit The Following:**

- 1) Names and addresses of any land owner within the Agricultural District which Land contains farm**

**operations and located within 500 feet of the boundary of the proposed project property:**

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**2) Tax Map or other map showing site of the proposed project relative to the location of the farm operations identified.**

**What is The Proposed Use of This Subdivision:**

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**SIGNATURE OF LAND OWNER**

**SIGNATURE OF APPLICANT**

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**FOR PLANNING BOARD USE**

**ACTION TAKEN:** \_\_\_\_\_  
\_\_\_\_\_

**FEE PAID:** \_\_\_\_\_

**NON-APPLICABLE** \_\_\_\_\_

**TOWN OF HOOSICK**

FEE FOR SUBDIVISION REVIEW AND APPROVAL

SKETCH PLAN REVIEW .....	NO CHARGE
MINOR SUBDIVISION PLAT.....	\$50.00 PER APPLICATION
PRELIMINARY PLAT (MAJOR SUBDIVISION)	\$75.00 PER APPLICATION, PLUS \$15.00 PER LOT PROPOSED
FINAL PLAT MAJOR SUBDIVISION .....	\$200.00 PER APPLICATION
INSPECTION FEE (MAJOR SUBDIVISION ..	1/2 OF 1% OF TOTAL COST TOTAL COST OF IMPROVEMENTS

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FEE FOR PROFESSIONAL EXERTISE WHEN REQUESTED BY THE TOWN  
PLANNING BOARD FOR PROFESSIONAL GUIDANCE NOT TO EXCEED  
\$2000.00

## TOWN OF HOOSICK

### DESIGN STANDARDS FOR NEW ROADS

MINIMUM RIGHT TO WAY

50 feet

CUL DE SAC

90 feet pavement of minimum  
120 feet right of way minimum

MINIMUM PAVEMENT WIDTH

20 feet

MIN. CENTERLINE RADIUS OF CURVE

200 feet

MINIMUM SHOULDER WIDTH

5 feet

MIN. RADIUS AT INTERSECTION

20 feet right of way  
30 feet pavement

MINIMUM DITCH WIDTH

2 feet per ditch, from  
shoulder to opposite or  
bank side of ditch

MIN. TANGEMENT LENGTH

100 feet

SLOPE GRADE (Cut and Fill)

1 or 2

MIN. SIGHT DISTANCE

150 feet along street  
75 feet across corner at  
intersection

CROWN SLOPE

1/2 inch foot or more

MIN. LENGTH OF VERTICAL CURVE

$L = 50A$   
L = length of vertical curve in feet  
A = algebraic difference in grades

SHOULDER SLOPE

1 inch foot or more

SIDEWALKS (If Required)

1 at 4 feet wide



MAXIMUM GRADE

10% grade up to 12% may be allowed for short, straight run, but will not be permitted within 60 feet of an intersection

GUARDRAILS

To be placed where needed

ANGLE OF INTERSECTION

No road shall intersect with another at an angle of less than 80 degrees

DRAINAGE

Use 18" or larger culvert as required  
Use 13" X 22" pipe arches as equivalent to 18" dia.

ROAD AND DRIVEWAY LANDINGS

Should be 1% reverse grade for 20 feet

Place one guide post at each end  
run culverts diagonally (45 degrees min.) on hills  
construct dry stone masonry headwalls installing "L" shaped headwalls where app.

GRAVEL SPECS.

24" of acceptable course  
bank run gravel with no larger than 4" stone for base  
8" screened gravel passing 2" screen for top layer

BLACKTOP SPECS.

All roads must have a 20 foot wide blacktop driving surface consisting of 2 1/2 inches of basecoat blacktop and 1 1/2 inches of topcoat blacktop installed by the applicant prior to acceptance of the road by the Town of Hoosick.

MIMINUM RESIDENCES OR BUSINESSES

No road shall be accepted for dedication to the Town of Hoosick that has fewer than three residences or businesses with certificates of occupancy that utilize the roadway for ingress and egress.

WAIVERS

Waivers or modifications of the above specifications and requirements may only be issued upon application to and approval of the Town Board.