

# SUBDIVISION OF LAND

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## SUBDIVISION OF LAND

### ARTICLE I: POLICY

#### § 84-1. Legislative authority.

By authority of the resolutions adopted by the Town Board on the -- day of -- , pursuant to the provisions of Article 16 of the Town Law, the Town of Anywhere Planning Board has the power and authority to approve or disapprove plats for subdivision within the unincorporated area of the Town of Anywhere.

#### § 84-2. Purpose and title.

So that land in the Town of Anywhere may be subdivided in accordance with the policy set forth herein, these regulations are hereby adopted and shall be known and may be cited as the "Town of Anywhere Subdivision Regulations."

#### § 84-3. Policy.

It is declared to be the policy of the Town of Anywhere Planning Board that in order to implement the policies stated below, applicants for a subdivision shall, at the direction of the Planning Board, complete a Resource Analysis evaluation and participate in a **conceptual discussion** before sketch plan or preliminary plat consideration. It is the goal of the Town to ensure the implementation of the Town's land development policies, and to come to an agreement with the applicant on a concept for a subdivision without significant time and expense incurred by either party. Once accepted/approved by the Planning Board, the conceptual plan will form a basis for future discussions between the applicant and the Planning Board

##### A. Rural Area Protection.

1. Land is to be subdivided in such a way as to maintain its rural and productive qualities, while respecting natural resources and wildlife habitats.
2. Land is to be subdivided in a way that preserves important scenic viewsheds, environmental resources, tracts of contiguous wildlife habitat, viable farmland, and other natural resources.
3. The Town encourages the protection of prime agricultural soils, including soils of statewide significance, and continuation of agricultural activities.
4. Proper provision shall be made for leaving undeveloped natural areas and corridors.
  - a. Proposed development must consider permanent reservations of open spaces to maintain the rural character and qualities, and for the long term protection of the Town's water resources and wildlife habitats.
  - b. In order to ensure sound development patterns, lots shall be arranged and sized in a manner that protects the land's conservation value and its scenic and environmental qualities. The Town may require the applicant to submit a plan for a conservation subdivision per §278 of Town Law.
  - c. Whether in the same ownership as the applicant or not, the Town recognizes that rural attributes, including critical wildlife habitats, do not stop at parcel lines, and therefore shall take into consideration, and ask the applicant to consider, the surrounding areas of a proposed subdivision.

## B. Development Standards.

1. Proposed development shall be planned, to the extent possible, such to be compatible with adjacent and neighboring properties.
2. Subdivided lots shall be of such character that they can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
3. Provision shall be made to ensure adequate water supply, drainage, sewage, utilities and other needed improvements.
4. Development shall be designed to afford adequate light and air, to facilitate adequate fire and emergency protection, including access for fire fighting and other emergency equipment.
5. In order to avoid a segmented review and to promote optimum use of the parcel in the future, applicants for subdivisions will be required to prepare a conceptual plan for their entire parcel whenever an application to subdivide a portion of a larger lot is submitted..

## C. Community.

1. The Town recognizes and supports the --- as the primary center.
2. The Town supports limited growth to keep the economy healthy.
3. Consideration of a variety of housing alternatives to meet the needs of all residents at all income levels is required.
4. The Town will encourage community, recreational and cultural activities that meet needs of all segments of the population
5. The Town will work to promote and maintain the historic and cultural elements and character of the community.

## D. Roads.

1. Land shall be subdivided in a manner that provides safe and efficient transportation and for alternatives to the automobile.
2. Rural road standards (public and private roads) will be promoted for development within rural areas, with requirements matching the low intensity rural purpose.
3. Bike lanes or pathways along rural road systems are encouraged.
4. Proposed public roads shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic, and meet specifications of the Planning Board and Highway Department of the Town of Anywhere.

## E. Implementation.

1. The overriding goal of the Town is to protect its natural, scenic and cultural resources. To achieve this goal it will be common to plan land subdivision of highly variable lot sizes.
2. Any subdivision will also conform to the general guidelines set forth in documents prepared by others, such as the Department of Dutchess County Planning and Development, the Dutchess Land Conservancy and American Farmland Trust which have been endorsed by the Town Board and/or the Planning Board. Such documents include: *Greenway Connections: Greenway Compact Program and Guide for Dutchess County Communities*, *Significant Habitats in the Town of Anywhere*, *Hudsonia Ltd. Biodiversity Study*, and *Planning and Siting Your House, A Dutchess Land Conservancy Guidebook*.
3. All reviews of applications specified in these regulations shall be coordinated with involved agencies and boards at the local, county and state levels to ensure consistency with best practices for rural development.

**§ 84-4. Inconsistencies with town law.**

Should any of these regulations conflict or be found inconsistent with any provision of the Town Law, such provision of the Town Law shall apply.

**§ 84-5. Self-imposed restrictions.**

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however, shall be indicated on the plat. and shall also be set forth in a document approved by the Planning Board and recorded in the property deed at the Dutchess County Clerk's Office.

**§ 84-6. Compliance required.**

Whenever any subdivision or resubdivision of land in the Town of Anywhere is proposed, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this Article.

**§ 84-7. Preservation of existing features.**

Existing features which would add value to residential development, such as large trees, watercourses, historic spots, scenic views from roadways, scenic views from a public trail, ridgelines, water resources, steep slopes, active farmland, rock outcrops, forested areas, stonewalls, hedgerows, wildlife nesting or migration areas and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision.

## ARTICLE II: RESOURCE ANALYSIS AND CONCEPTUAL DISCUSSION

### § 84- 8. Application procedure.

Prior to filing a formal application for approval of a minor or major subdivision plat pursuant to Article III, the applicant shall participate in the Resource Analysis and Conceptual Discussion Phase. The Planning Board, in its discretion, may waive the requirement of a Resource Analysis for a minor subdivision. To determine if the application is a minor subdivision refer to § 84.11.

A. The applicant should become familiar with the Policy guidelines as outlined in § 84-3, and SEQR requirements in order to have a general understanding of the process.

B. Applications for Resource Analysis review shall be submitted to the Planning Board. The number of copies needed shall be specified by the Planning Board and stated in the application forms. A filing fee as specified by the town fee schedule shall accompany the submission. There shall be no statutory time limit for the review of the Resource Analysis, nor the need to make a determination of whether the subdivision application is complete. Nevertheless, the Planning Board will make every effort to provide an expeditious review.

C. The Planning Board shall review the applicant's Resource Analysis submittal. The applicant should be prepared to discuss possible subdivision concepts, based on the site's Resource Analysis at the conceptual design discussion scheduled by the Planning Board. The reviewing board, in conjunction with the applicant, will fill out Form A: *Resource Analysis* question and answer survey.

D. The Resource Analysis, conceptual design discussion, and survey will form the basis for the design of the subdivision and should be reflected in the sketch plan and preliminary plan.

### § 84- 9. Resource Analysis and conceptual discussion.

#### A. Resource Analysis Process.

The submission shall include an identification of the site's assets and limitations. This will provide an opportunity for the owner and public review bodies to review Town Policy and Guidelines per § 84-3 and to then discuss:

1. the appropriate range of and intensity of development;
2. the general locations intended for development;
3. areas planned to remain undeveloped;
4. and the applicant must perform an on-site assessment of the parcel(s) before a scheduled discussion and review with the Anywhere Planning Board.

The applicant should, at the conceptual discussion meeting, be prepared to discuss possible subdivision concepts based on what is learned from the Resource Analysis of the site. No statement, comment or other communication made during this informal review shall be binding upon any party.

The pre-application process is required to assure that town development goals are recognized as they may apply to the site in question. This will help expedite the process by getting the review off to a cooperative start, before the applicant has made a substantial investment in the application process.

## B. Resource Analysis Content.

The Resource Analysis should contain the following information:

1. The proposed subdivision name or identifying title, and the words "Town of Anywhere, Dutchess County, New York"
2. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
3. Aerial map at a scale of one inch equals four hundred feet (1" = 100'), showing the location of the proposed subdivision parcel with respect to all streets and property within one thousand (1,500) feet of the applicant's parcel and superimposed with 10' contours, DEC wetlands, NWI wetlands, floodplains, streams, water bodies, and public trails (see Figure 1).\*
4. List of natural features known to exist on the parcel including but not limited to, historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats and viewsheds. This list is a preliminary step in identifying natural features and is subject to modification and interpretation of the reviewing bodies.
5. An 8½ x 11 soils map indicating if Prime and/or Statewide important soils, as defined by the Soil Survey of Dutchess County New York, exist on the property (see Figure 2).
6. To verify that all necessary information is discussed and reviewed in this process, the applicant and the Planning Board shall fill out Form A: *Resource Analysis Assessment*, Form B: *Adherence to Community Values*, and provide a copy to the applicant upon completion. These forms are found in Appendix A.
7. In its review, the Planning Board members may schedule a field visit to the site and may request a review from the Town Conservation Advisory Council (CAC) to be completed within 30 days of the completion of the Resource Analysis. The site walk may be necessary before the assessment can be completed.

\*This information is available at the Town Hall; however the applicant may also acquire this information through other sources, including the Dutchess County Department of Planning and Development, at a nominal cost.

## C. Conceptual Discussion.

1. Using the Resource Analysis as a guide, the Planning Board shall discuss a proposed subdivision with the applicant. Together they will determine how a subdivision can meet the objectives of town regulations.
2. The Board and the applicant, based on identification of the areas that are determined to be priority preservation areas, will identify areas on the site that are favorable to development. To assist in this determination, the aerial map can be marked to indicate the areas that are considered the buildable areas. See figure 1C for an example.
3. The Planning Board and the applicant shall consider the proposed building **areas** on the site and their relation to: one another, the natural constraints of the land and to the provision of buffer areas and other open spaces on the site, the effects on the animal and plant species and the viewshed.
4. The Resource Analysis and Conceptual Plan discussion does not allow filing of a plat with the County Clerk or authorize the sale or lease of, or any offer to sell or lease, any lots in such subdivision or any part thereof. Completion of the Resource Analysis and Conceptual Discussion allows the applicant to proceed with Sketch Plan application. Completion is verified in a signed document from the Planning Board (see Page 10).
5. Upon completion of the Resource Analysis and Conceptual Discussion, the applicant shall determine the maximum allowable density for the subdivision per § 84-10.

6. To verify that all necessary information is discussed and reviewed in this process, the Planning Board shall fill out Form B: *Adherence to Community Values* and provide a copy to the applicant upon completion.

D. SEQR Classification.

New York State Environmental Quality Review (SEQR) classification (Type I, Type II, Unlisted) should be determined by the Planning Board and discussed with the applicant at completion of the Conceptual Plan Discussion.

E. SEQR.

The Planning Board shall initiate the New York State Environmental Quality Review Act (SEQR) process, as defined in Article 8 of the Environmental Conservation Law and Part 617 of the New York Code of Rules and Regulations when a Preliminary Plat application is determined to be complete. The Planning Board shall review the short or full Environmental Assessment Form, and if applicable, the Draft Environmental Impact Statement submitted by the applicant with the Preliminary Plat application materials. The applicant shall be informed by the Board as to whether the application will be subject to additional environmental review as specified in the SEQR regulations. All requirements of SEQR shall be completed prior to any approval of the Preliminary Plat by the Planning Board.

**§ 84-10. Lots.**

A. Lot Design

- (1) There shall be no minimum lot size in a major subdivision, provided that the Dutchess County Department of Health shall assure that where on-site wells and on-site sewage treatment and disposal systems are planned, adequate minimum lot sizes are provided to assure the health and safety of the residents of the subdivision and the subdivision meets the policies outlined in §84-3 above.
- (2) The minimum individual lot frontage shall be 150 feet, unless the Planning Board finds that the minimum frontage requirement is in conflict with the conceptual plan identified after the Resource Analysis and Sketch Plan phases, in which case the lot frontage may be as small as 20 feet.
- (3) Lots gaining access from an existing state or county highway shall comply with minimum road frontage requirements for the district.
- (4) There shall be no required area, bulk, or dimensional standards for house siting on lots in a subdivision that meets the policies outlined above in §84-3 above, except where such subdivision abuts an existing residential lot, a public trail, and/or an agricultural use.
- (5) Arrangement of lots. Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Town. Compact development is encouraged if it advances the protection of significant resources. Thus, average density subdivisions are likely to be the norm.
- (6) Shared driveways are encouraged where appropriate to maintain rural character and provide an economical and attractive method of serving up to three homes.

B. Determination of lot count.

The applicant shall provide, in written form, the calculations and the result of the following density calculation formula, which is based on the acreage of “unconstrained land” on the property.

- (1) To determine unconstrained acreage, subtract from the total (gross) acreage of the proposed development parcel the acreage of “constrained land.” Constrained land includes all wetlands one-fourth (1/4) acre and over, water bodies, 100-year floodplains, slopes over 25% which are 2,000 square feet or more of contiguous sloped area, and lands currently under conservation easement.
- (2) To determine the “base” number of allowable residential units on the site, divide the unconstrained acreage by the allowable number of units per acre within the zoning district. Round down fractional units of 0.5 or less. The resulting number is the maximum allowable residential units allowed on the site.

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## ARTICLE III: APPLICATION AND APPROVALS

### § 84-11. Minor subdivisions.

(1) If the subdivision consists of three (3) lots or less, is not capable of further subdivision either through parcel size or a voluntary easement, has not been previously subdivided, and does not propose the creation of any new streets, it may be processed as a minor subdivision. In order to determine whether the subdivision is to be processed as a minor subdivision, the subdivider shall submit to the Planning Board sufficient information so that a determination may be made as to whether the proposed subdivision meets the requirements of Article IV, General Requirements and Standards. If these requirements are met, the subdivider shall then make application for subdivision approval according to § 84-14. All subdivisions of more than three (3) lots and/or those which propose one (1) or more new streets and/or those which the Planning Board determines to be capable of future subdivision of the land shall be processed according to §§84-9, 84-12, 84-14 and 84-15.

(2). Application. Within six (6) months after classification of a proposal as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a minor subdivision plat. Said application shall contain the requirements listed in §84-14 of these regulations and shall conform to the general requirements and design standards specified in Article IV of these regulations. Fees as specified by the town subdivision fee schedule for each minor subdivision shall accompany the application.

(3). Number of copies. The original and copies, the number as specified by the Planning Board, of the subdivision plat shall be presented to the Planning Board at least two (2) weeks prior to a scheduled monthly meeting of the Planning Board.

(4). Public hearing. A public hearing shall be held by the Planning Board within sixty-two (62) days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the town at least five (5) days before such hearing and a notice sent to adjoining property owners.

(5). Action on subdivision plat.

(a.) The Planning Board shall, within sixty-two (62) days from the date of the close of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time 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.

(b.) 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. Within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Chairman or Secretary of the Planning Board as conditionally approved, a copy filed in its office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally-approved plat. Upon completion of such requirements, the plat shall be signed by the duly-designated officer of the Planning Board. Conditional approval of a plat shall expire one hundred 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.

(6). Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void; and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

(7). Filing of approved plat. Approval of the plat shall expire within sixty (60) days from the date of such approval unless within such sixty-day period such plat shall have been duly recorded by the owner in the office of the Dutchess County Clerk. If the plat is not filed within this period, the approval shall expire as provided in §276 of the Town Law.

### **§ 84-12. Sketch Plan.**

After the Resource Analysis and conceptual discussion, the applicant should present, in simple sketch, the proposed layout of streets, lots and other features. The sketch plan **must** reflect what was learned from the sites Resource Analysis. Up to three (3) sketch options may be submitted.

#### **A. Sketch Plan Application.**

1. Sketch plan, which reflects the Resource Analysis and the Town Policies and Guidelines, on a topographic survey of the proposed area to be subdivided showing, in simple sketch form, the proposed layout of streets, lots and other features.
2. A vicinity map sketched at a scale of two thousand (2,000) feet to the inch, indicating the relationship of the proposed subdivision to existing community facilities which serve it, such as roads, shopping, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.
3. A density calculation as outlined in §84-10. Lots.
4. General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.
5. Submit to the Town Planning Board copies, of the number specified by the Planning Board, of a sketch plan submission form, sketch plan and general information, as specified in these regulations and a filing fee as specified by the Town fee schedule.

#### **B. Review of sketch plan.**

The Planning Board shall review the applicant's sketch plan after signing the *Adherence to Community Values* form. Within thirty (30) days of the Planning Boards review of a complete sketch plan at a regularly scheduled Planning Board meeting, shall inform the applicant, in writing that the proposed subdivision as submitted, or as modified, will meet the objectives of these regulations, or meet these objectives with specified conditions. However, in the event the sketch plan is found unacceptable, the applicant will be asked to submit a new plan before proceeding with a preliminary plat. Reasons for recommended modifications of the sketch plan or total rejection shall be stated on the records of the Planning Board.

## § 84-13. Preliminary plat (major subdivision)

### A. Purpose of preliminary plat.

The Planning Board will carefully study the practicability of the preliminary plat, taking into consideration the results of the Resource Analysis and sketch plan discussions, the requirements of the community, the best use of the land being subdivided and the policy set forth in §84-3. Particular attention will be given to the proposed arrangement, location and width of streets; the relation of proposed streets to the topography of the land; sewage disposal; drainage; proposed lot sizes, shape and layout; future development of adjoining lands as yet un-subdivided; the requirements of the Town Plan and the Official Map; and matters enumerated in §277 of the Town Law and the compliance with the Resource Analysis.

### B. Procedure.

Prior to filing an application for the approval of a plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

- (1) Be made on forms available at the office of the Town Clerk.
- (2) Include all land which the applicant proposes to subdivide.
- (3) Be accompanied by copies, the number as specified by the Planning Board, of the preliminary plat and supplementary material described in Article V of these regulations.
- (4) Comply in all respects with the requirements specified in Article IV of these regulations and with the provisions of §§276 and 277 of the Town Law.
- (5) Be submitted to the Chair of the Planning Board.
- (6) Be accompanied by fees as specified by the town subdivision fee schedule.

### C. Application.

1. Data required by §§ 84-9B. and 84-12A.
2. Layouts and plats shall be clearly and legibly drawn at a convenient scale of not less than one hundred (100) feet to the inch.
3. Drawings shall be submitted on uniform size sheets not larger than thirty-six by forty-eight (36 x 48) inches. When more than one (1) sheet is required to show the plat, an index map of the same size shall be submitted.
4. All submissions shall indicate the proposed subdivision name or identifying title; the words "Town of Anywhere, Dutchess County, New York"; the name and address and seal of the licensed engineer or land surveyor responsible for the plat; the date, approximate true North point and graphic scale; and a notation on the plat of the priority resources to be preserved on the site as identified during the Resource Analysis phase.

5. The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
6. Tax number of all parcels to be subdivided. A copy of the deed shall be provided for all property being subdivided.
7. Location, bearings and distances of tract boundary.
8. A vicinity map sketched at a scale of one inch equals two thousand feet (1"=2,000'), indicating the relationship of the proposed subdivision to existing community facilities which serve it, such as roads, schools, shopping, and public trails. Such a map may be superimposed upon a United States Geological Survey Map of the area.
9. Topography at a contour interval of not more than five (5) feet, unless waived by the Planning Board and referred to a datum satisfactory to the Board.
10. The names and addresses of all adjoining property owners and others within two hundred (200) feet, including property owners across the road from the proposed development. If the proposed development would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district, the applicant shall complete an agricultural Data statement, in accordance with NYS Agriculture District Law, which shall contain the name and address of the applicant, a description of the proposed project and its location and the name and address of all property owners within five hundred (500) feet of the boundary of the property upon which the project is proposed.
11. Location, name and dimensions of existing streets, easements, deed restrictions, zoning district boundaries, property lines, buildings, parks and public properties.
12. Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow.
13. Location of pertinent natural features such as watercourses, wetlands, floodplains, rock outcrops, stone walls, agricultural district lands, contiguous forest, and single trees eight (8) or more inches in diameter (dbh).
14. Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.
15. Proposed provision of water supply, fire protection, sanitary waste disposal, and stormwater drainage.
16. While the Town encourages rural-type development, if there is deemed a need for street trees, streetlight fixtures, street signs and sidewalks, specific details shall be provided for each provision, on separate detail sheets if needed. A photometric plan will be included if it is deemed necessary by the Planning Board.
17. Approximate shape, dimensions and area of all proposed or existing lots, and proposed locations of building footprints on the lot(s).

18. Conceptual future plans for the parcel, if any.
19. Approximate location and dimensions of all property proposed to be reserved for park or public uses.
20. Information on all County and State permits required for subdivision plat approval.
21. Other approvals or permits required (Town, County, NYS, and Federal).
22. A written statement of any requests for specific waivers of requirements by the Planning Board.
23. Other data which must be available for consideration of the subdivision at this stage.

D. Applicant to attend Planning Board meeting.

The applicant should be prepared to attend a regular meeting of the Planning Board to discuss the preliminary plat and the Board's tentative conclusions.

E. Approval of the preliminary plat.

- (1) Within sixty-two (62) days after the receipt of such complete preliminary plat, as designated by a resolution of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in the official newspaper and not less than five (5) days before the date of the hearing and notice sent to adjoining property owners. 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, including requiring a sign on the site notifying the public of the application and the date of the public hearing.
- (2) Within sixty-two (62) days after the date of the close of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat; and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. 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, which consent is verified in writing by both parties. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plant in final form.
- (3) Within five (5) days of the approval of such preliminary plat it shall be certified, by the Chair or Secretary of the Planning Board, as granted preliminary approval, a copy filed in its office, a certified copy mailed to the owner and a copy forwarded to the Town Board. Failure of the Planning board to act within the time periods prescribed herein shall constitute approval of the preliminary plat.
- (4) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to the preliminary plat; 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, environment and general welfare; and the amount of improvement or the amount of all bonds therefore 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 and the conditions of the approval, if any. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

- (5) Approval of the preliminary plat may not be revoked by the Planning Board unless a substantial change in the character of the area or the availability of new information about the site and its surroundings indicate the unsuitability of the development, as shown on the preliminary plat. Before revocation the applicant shall be informed, in writing, of the reasons therefore and shall be given an opportunity to be heard before the Planning Board.
- (6) Approval of a preliminary plat shall expire six (6) months from the date of approval unless the subdivider submits the plat in final form. Extensions for periods of six (6) months may be granted by the Planning Board upon application. Such applications for extensions may be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the preliminary plat.

#### **§ 84-14. Final plat**

##### **A. Procedure.**

Within six (6) months after tentative approval of the preliminary plat is granted, the applicant shall file with the Planning Board an application for approval of a plat. The application shall:

1. Be made on forms provided by the Planning Board at the time tentative approval of the preliminary plat was granted.
2. Include the entire subdivision or a section thereof which derives access from a street improved to town standards or for which street a bond veering such improvement is held by the town.
3. Be accompanied by copies, the number as specified of the Planning Board, of the plat, as described in Article V, §84-26, of these regulations.
4. Comply in all respects with the preliminary layout as tentatively approved.
5. Comply with the improvement requirements of Article VI of these regulations.
6. Be presented to the Secretary of the Planning Board at least two (2) weeks prior to a regular meeting of the Board.

##### **B. Application.**

The plat submitted to the Board shall show or be accompanied by the following information:

1. Data required by § 84-13, 2 through 23.
2. A final plat clearly and legibly drawn on mylar (or other approved material of the Dutchess County Clerk's Office), on uniform size sheets not larger than thirty-six by forty-eight (36 x 48) inches or smaller than twenty-four by thirty-six (24 X 36) inches, and at a scale of one hundred (100) feet to the one (1) inch. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed showing at

a convenient scale the entire subdivision with lot and block numbers clearly legible and sheets shall be numbered 1 of \_\_\_\_, 2 of \_\_\_\_, etc.,

3. Location, width and name of each proposed street and typical cross sections showing street pavement and, where required, curbs, gutters and sidewalks.
4. Lengths and deflection angles of all straight lines and radii: length, central angles, chords and tangent distances of all curves for each street proposed.
5. Profiles showing existing and proposed elevations along the center line of all proposed streets and the elevations of existing streets for a distance of one hundred (100) feet either side of their intersection with a proposed street.
6. Present elevations of all proposed streets shown every one hundred (100) feet at five (5) points on a line at right angles to the center line of the street, said elevation points being indicated at the center line of the street, each property line and points thirty (30) feet inside each property line (only when required by the Board because of the existence of steep slopes).
7. Setback lines.
8. Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants.
9. Location of street trees, street lighting standards and street signs.
10. Areas of all lots in hundredths of an acre; lots numbers as directed by the Town Assessor. The location, material and size of all permanent monuments.
11. Accurate location of all property to be offered for dedication for public use, with the purpose indicated thereon, and of all property to be reserved by deed covenant for the common use of the property owners of the subdivision.
12. Sufficient data, acceptable to the Superintendent, to readily determine the location, bearing and length of all street, lot and boundary lines and to reproduce such lines upon the ground.
13. Necessary agreements in connection with required easements or releases.
14. Formal offers of cession to the town of all streets and public parks.
15. Key map showing the location of the subdivision.

#### C. Public hearing.

Within sixty-two (62) days of the submission of a plat in final form for approval, a hearing shall be advertised by the subdivider at least once in the official newspaper 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 a preliminary plat approved under §84-11 of this Article, and modified in accordance with the requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

D. Action on proposed subdivision plat.

(1) The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and shall authorize the signing of such plat within sixty-two (62) days of its receipt by the Secretary of the Planning Board, if no hearing is held, or in the event a hearing is held, within sixty-two (62) days after the date of the close of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

(2) As per § 84-23 A. 2. (i), all homeowners associations must be established before the approved subdivision Final Plat is signed. In the case of a conservation easement and/or deed restriction, there must be verification of the easement and/or deed restriction by the Planning Board before the approved Final Plat is signed or the Planning Board has the option of holding in escrow an amount, as determined reasonable by the Planning Board, to file the easement and/or deed restriction in the case of failure of the applicant to do so.

(3) Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat shall be certified by the Chairman or Secretary of the Planning Board as conditionally approved, a copy filed in the office of the Planning Board and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally-approved final plat. Upon completion of such requirements, the plat shall be signed by said duly-authorized officer of the Planning board. Conditional approval of a final plat shall expire one hundred eighty (180) days after the date of the resolution granting such conditional approval unless the requirements specified by the Board have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat in final form must be submitted for signature, if in its opinion, such extension is warranted by the circumstances for not to exceed two (2) additional periods of ninety (90) days each.

E. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

F. Filing of approved plat. Approval of the plat shall expire within sixty (60) days from the date of such approval unless within such sixty-day period such plat shall have been duly recorded by the owner in the office of the Dutchess County Clerk. If the plat is not filed within this period, the approval shall expire as provided in §276 of the Town Law.

G. Division of plat into two (2) or more sections.

The Planning Board may permit the plat to be divided into two (2) or more sections, subject to such conditions as it deems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the approval of the plat. The approved plat, or any approved section thereof, shall be recorded within sixty (60) days of approval, subject to any

conditions imposed, and shall encompass at least ten percent (10%) of the total number of lots shown on the plat. Approval of any other sections not recorded shall expire unless recorded before the expiration of the period to which such plat is entitled under the provisions of §265-a of the Town Law. In the event the applicant does not record all approved sections, the entire plat shall be filed with the Town Clerk within thirty (30) days from the recording of the plat or any approved section thereof, and the applicant shall file with the Planning Board a photostatic copy of the plat certified by the County Clerk to be a true copy of the recorded plat.

H. Public acceptance of proposed streets and park areas. The approval by the Planning Board of a plat shall not be deemed to constitute or imply the acceptance by the town of any street, park, playground or other open space shown on said plat. The Planning Board may require said 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 future title, dedication and provision for the cost of grading, development, equipment and maintenance of any park or playground area.

I. As-built drawings of required improvements. Drawings showing the location of all required improvements as built shall be certified by a licensed land surveyor and filed with the Planning Board at least thirty (30) days prior to the acceptance of the improvements by the town.

#### **§ 84-15. Waiver of requirements.**

Where compliance with these regulations would cause unusual hardship, extraordinary difficulties or be inappropriate because of exceptional and unique conditions, the minimum requirement of these regulations may be waived or 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, the Official Map, the Zoning Ordinance, the Hudsonia Ltd. Biodiversity Study, and the Town Plan.

#### **§ 84-16. Issuance of building permits.**

A building permit for erection of a structure in a development laid out subsequent to the adoption of these regulations shall not be issued unless:

1. The Town has verified the location(s) of the approved building lots and building footprint locations.
2. The street, private road or driveway giving access to the proposed building appears on a recorded plat approved by the Planning Board and unless such street, private road or driveway has been suitably improved or bonded to cover the full cost of improvement.

## ARTICLE IV: GENERAL REQUIREMENTS AND STANDARDS

### § 84-17. Compliance required.

The Planning Board, in considering an application for the subdivision of land, shall be guided by the policy considerations specified in §84-3 of these regulations and the following standards.

### § 84-18. Rural Roads

The Town encourages the use of rural road standards, promotes the use of private roads for subdivisions, and seeks to minimize the area of impervious surfaces and maximize onsite runoff retention and infiltration to help protect groundwater recharge and surface water quality flows.

#### A. Private roads.

The Planning Board may approve paved or unpaved private roads to provide access to lots in subdivisions, provided that the Planning Board finds that the proposed subdivision will protect the rural, scenic and natural character of the town. The private road requirements are as follows:

- i. Written approval from the Town Superintendent of Highways and the Town's engineer shall be secured before approval of any private roads.
- ii. A Homeowners Association (HOA) must be created to own and provide for the perpetual care and maintenance of the private road. The Planning Board shall have discretion to determine whether a performance bond must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance bond shall be and what form it shall take.
- iii. Such HOA must have the power to assess the subdivision lot owners for their share of the maintenance costs of the private road. The HOA shall ensure that the road will always be maintained and kept open to permit emergency vehicle access.
- iv. In the event that HOA does not ensure that the road is properly maintained, the Town of Anywhere may assume maintenance responsibilities and charge the HOA for all reasonable costs thereof. Such costs, if unpaid for more than 60 days, shall, along with attorneys' fees for their collection, become a lien on the property and enforceable in the same manner as a property tax lien.
- v. The private road can only be offered for dedication to the Town of Anywhere if it conforms to Town Highway specifications for **public** roads in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication, even if the road conforms to Town Highway specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town Highway specifications shall be borne by the HOA.
- vi. The subdivision plat shall show the road clearly labeled "private road."
- vii. Road design shall comply with the standards for private roads in this Code.
- viii. The Planning Board may waive the requirement of a private road maintained by a HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a common drive maintained pursuant to a recorded maintenance agreement, executed by the applicant as a condition of subdivision approval, will provide the same protections to lot owners and the Town as would a private road owned by a HOA.

## B. Streets.

The Town, in encouraging the continuation of the local rural character, promotes the use of rural road standards and the use of private roads. If, due to the size of the subdivision, a street system is necessary the following standards apply:

1. General planning standards. The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to the proposed uses of the land to be served by such streets.
2. Relation to topography. Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.
3. Visibility at intersections. Within the triangular area formed at corners by the intersecting street lines, for a distance of twenty-five (25) feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping shall be permitted to obstruct such visibility.
4. Design Standards. Streets shall meet the standards of this § 84-19, unless otherwise indicated on the Town Plan. The rural road standards should be referenced in the design of subdivision roads.
5. Continuation of streets into adjacent property. Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of town services and particularly, where such continuation is in accordance with the Town Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary turn-around shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.
6. Permanent dead-end streets (culs-de-sac). Cul-de-sac streets shall be avoided when possible, in order to provide for movement of traffic, emergency services access and the provision of town services.
7. Street names. All streets shall be named, and such names shall be subject to the approval of the Town Planning Board and subject to review by the County's E911 Department. Names shall be sufficiently different in sound and in spelling from the other street names in the town so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.
8. Sidewalks and Bike Lanes. Sidewalks and bike lanes shall be provided when considered necessary by the Board for pedestrian safety.
9. Improvements in streets. No public municipal street utility or improvement shall be constructed by the town in any street or highway until it has become a public street or highway. However, subject to the discretion of the Town Board, a subsurface utility or improvement operated from revenue by the town or by a special district may be constructed by the town in a private street, provided that a public easement satisfactory to the Town Board is obtained for such utility or improvement.

## Rural Road Standards

	Residential Collector	Residential Access	Private Road
Right- of-way	50*	50*	50*
Pavement width (feet) (minimum-maximum)	18-22	16-18	12-16
Shoulder width (feet) (minimum-maximum)	3 – 6 on 2 sides	1 – 2 on 2 sides	1 – 2 on 2 sides
Grade (percent) (minimum-maximum)	1-10	1-10	1-10
Curb Radii (feet) (minimum-maximum)	5-10	5-10	5-10
Minimum tangent length between reverse curves (feet)	100	100	50
Maximum grades within 150 feet of center-line intersections (percent)	1.5	1.5	1.5
Minimum distance between center-line offsets at street jogs (feet)	300	125	125
Angle at intersections of street center lines (degrees)	90	90	90

\* 50' right-of-way is required by State Highway Law, but grading and clearing should be reduced to the minimum necessary.

Note: Cul-de-sacs will only be allowed where, in the judgment of the Planning Board, the cul-de-sac does not impose any problem and constitutes a positive design feature. The standards for a private road apply to cul-de-sacs, with the addition of turn around radius of 30 feet.

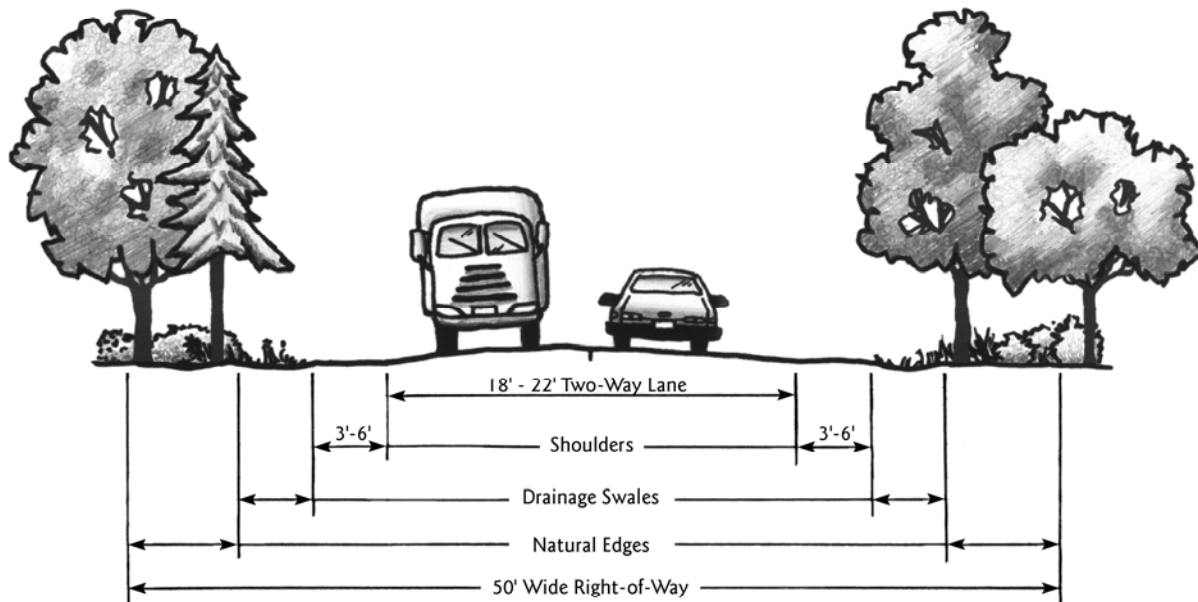
Note: Rear lanes, 12-16 pavement width, are allowed in hamlet areas and where the size and configuration of the subdivision is conducive to rear lanes.

Note: Standards are not given for arterial streets, as they would in all probability be built by the state or county.

## Residential Collector Road

A residential collector road collects traffic from residential areas and channels it to larger roads, such as county highways, state highways, arterials, and interstates. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans, and cars.

- Right-of-way: 50'
- Pavement width: 18 – 22', 2 lanes
- Shoulder width: 3 – 6', on 2 sides; gravel/grass
- ADT: 50 – 400 vehicle trips per day
- Speed limit: 40-50 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: 6' wide, separated from road by 6' grassy aisle



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally sensitive land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

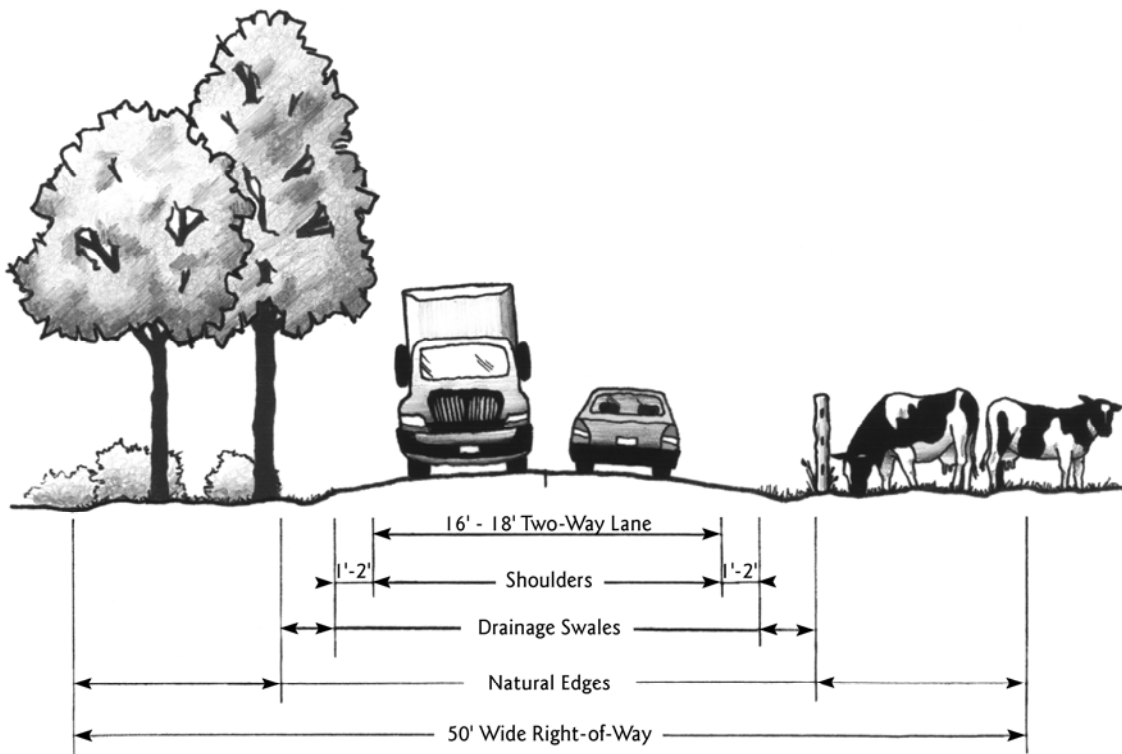
Drainage swales:

- The use of open drainage systems within the right-of-way should be encouraged for rural road systems

## Residential Access Road

A residential access road provides access to farms and residential areas and is primarily traveled by cars, small trucks, and farm vehicles. Traffic on this road is fairly light, but it may include occasional large trucks, such as milk trucks and farm equipment.

- Right-of-way: 50'
- Pavement width: 16 – 18', 2 lanes
- Shoulder width: 1 – 2', on 2 sides; gravel/grass
- ADT: 50 – 400 vehicle trips per day
- Speed limit: 35-45 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: Optional. To be determined by the Planning Board on a case-by-case basis.
- Pull outs: Provided on one side at appropriate intervals



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally sensitive land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

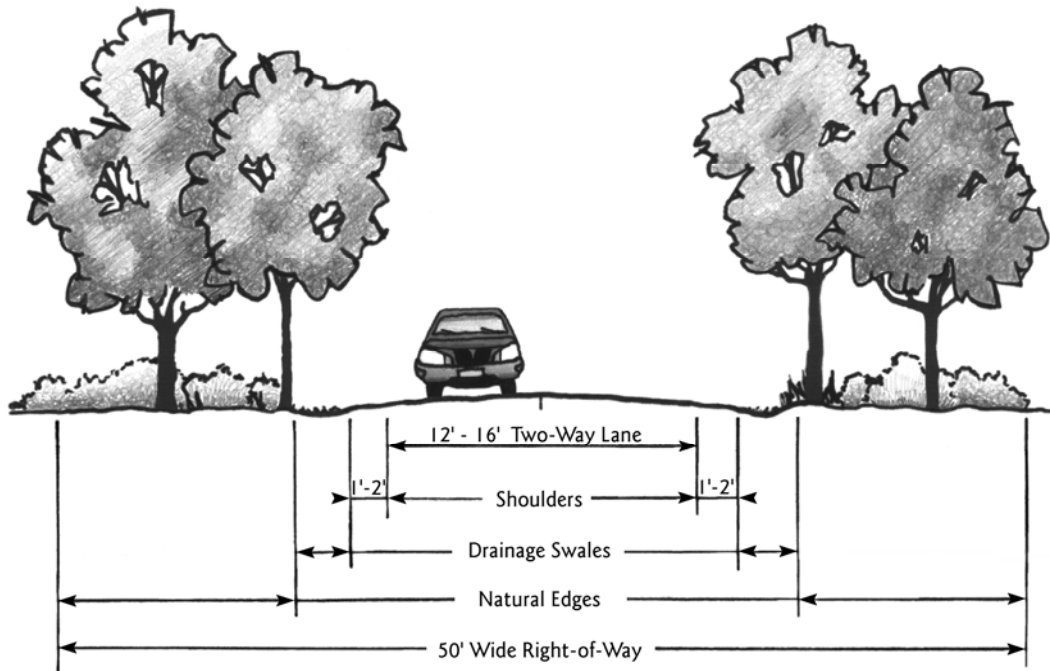
Drainage swales:

- The use of open drainage systems within the right-of-way should be encouraged for rural road systems

## Private Road

A private road, which may be unpaved, serves a limited number of single-family residences or a recreational area. Gravel roads can be maintained by local highway departments or by private homeowner's associations.

- Right-of-way: 50'
- Pavement width: 12 – 16', 2 lanes
- Shoulder width: 1 – 2', on 2 sides; gravel/grass
- ADT: Less than 100 vehicle trips per day
- Speed limit: 25-35 mph, depending upon the road's vertical and horizontal alignment
- Bike lane: Optional. To be determined by the Planning Board on a case-by-case basis.
- Pull outs: May be provided on one side at appropriate intervals



Adjacent land uses include:

- Agricultural, rural land uses
- Open spaces, environmentally sensitive land
- Small single-family lots (1 - 5 acres)
- Large single-family lots (5+ acres)

Drainage swales:

- The use of open drainage systems within the right-of-way should be encouraged for rural road systems

### C. Blocks.

Due to the desire to keep the Town rural in character, there will generally not be a need for a block system. If, due to the size of the development proposed, the Planning Board determines a block system necessary, the following standards apply:

#### A. General planning standards.

- (1) The length, width and shape of blocks shall be determined with due regard to:
  - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - (b) Zoning requirements as to lot sizes and dimensions.
  - (c) Need for convenient access, circulation and control safety of street traffic.
  - (d) Limitations as well as opportunities offered by topography.
- (2) Such blocks shall include adequate off-street parking, facilities for pedestrian access from streets to all lots, proper easements for utility lines and satisfactory provision for maintenance of park and open space, where included.
- (3) Non-residential blocks intended for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and servicing.

### D. Driveways.

1. The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be ten percent (10%), except where it can be demonstrated to the satisfaction of the approving authority that, because of unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required, and further provided that in no case shall such driveway grade be permitted to exceed fifteen percent (15%).
2. Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the automobile in the driveway.

## § 84-19. Ownership of Open Space Lands

### A. Conservation easements.

If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner's association, private landowner(s), utility company, a non-profit organization, or the Town or other governmental entity, as long as it is protected from development by a conservation

easement or, in some cases, a deed restriction and noted on the final plat. Open space set aside in a subdivision shall be permanently preserved as required by this Section.

#### 1. Permanent Preservation by Conservation Easement.

A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Dutchess County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. In addition, the Town will maintain an accurate map showing all approved easements in the Town of Anywhere. In the alternative, a restrictive covenant in the deed, and a map not on the final plat, enforceable by the Town, may be substituted for a conservation easement held in common by a HOA. The Town shall maintain a current map which displays all lands under easement or deed restricted.

The conservation easement or restrictive covenant shall prohibit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.

#### 2. Ownership of Open Space Land

Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a homeowner's association (HOA), offered for dedication to Town, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

- (i) The HOA must be established before the approved subdivision Final Plat is signed, and must comply with all applicable provisions of the General Business Law.
- (ii) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.

- (iii) The open space restrictions must be in perpetuity.
- (iv) The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
- (v) Property owners must pay their pro rate share of the costs in subsection b (iv) above and the assessment levied by the HOA must be able to become a lien on the property.
- (vi) The HOA must be able to adjust the assessment to meet changed needs.
- (vii) The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the HOA. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the following:
  - (a) Failure of the HOA to take title to the open space from the applicant or other current owner;
  - (b) Upon dissolution of the association at any future time;
  - (c) Upon failure of the HOA to fulfill its maintenance obligations hereunder;
  - (d) Upon failure of the HOA to pay its real property taxes.
- (viii) Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
- (ix) The attorney for the reviewing board shall find that the HOA documents presented satisfy the conditions in Subsections (i) through (viii) above, and such other conditions as the Planning Board shall deem necessary.

- 3. If the arrangement of lots results in large expanses of preserved farm use, as defined by Agricultural and Markets Law §305-a, subd.1, the land shall be contained in a separate agricultural use lot. Such agricultural use will be encouraged by conservation easement and noted on the final plat.

**§ 84-20. Public sites, open spaces, parks, playgrounds and recreational areas.**

The Planning Board may require adequate, convenient and suitable areas for parks and playgrounds, or other recreational purposes, to be reserved on the plat, but in no case more than ten percent (10%) of the gross area of any subdivision. The area shall be shown and marked on the plat "reserved for park, playground or other recreational purposes."

**A. Dedications.**

- (1) Where a dedication is required, it shall be accomplished as follows. The subdivider shall provide not less than ten percent (10) of the gross area of the subdivision as shown on the preliminary layout. Where such dedication would amount to less than two (2) acres, the subdivider shall, in lieu thereof, pay a fee to the town for each lot in his subdivision, to be determined by the fee schedule set by the Town Board.
- (2) The Board shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds.

- (3) Moneys received by the municipality from such payments shall be placed in a parkland acquisition and development fund, such moneys to be expended for acquiring parklands.

**B. Money in lieu of.**

If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any such plat or is otherwise not practical, the Board may require, as a condition to approval of any such plat, a payment to the town of an amount to be determined by the fee schedule set by the Town Board, which sum shall constitute a trust fund to be used by the town exclusively for the acquisition and/or development of property for neighborhood park, playground or other recreational purposes, including the acquisition of property.

- C. Unusable areas or areas bordering watercourses.** Unusable areas or areas bordering streams, lakes or other watercourses may be given special consideration by the Planning Board in excess of the minimum established by Subsection B above. The town may accept these areas as a gift or may purchase them should they be desirable for public open spaces.

- D. Reservation of areas in excess of minimum dedications.** Where such sites and open spaces are not shown on the Town Plan, and where deemed essential by the Planning Board upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Planning Board may require the dedication or reservation of areas in excess of the minimum dedication.

**§ 84-21. Reservations.**

**A. Realignment or widening of existing streets.**

Where the subdivision borders an existing street and the Official Map or Town Plan indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "reserved for street alignment (or widening) purposes."

**B. Utility and drainage easements.**

- (1) Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.
- (2) All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development and shall comply with the requirements of the Town Engineer.
- (3) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially with the lines of such watercourse, and of such width as to encompass the twenty-five-year flood area of such watercourse.

- (4) Right-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated runoff that will occur when property at a high elevation in the drainage basin is developed.

C. Easements for pedestrian access.

The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width.

D. Responsibility for ownership of reservations.

Ownership and responsibility for maintenance shall be clearly indicated on all reservations.

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## ARTICLE V: REQUIRED IMPROVEMENTS AND AGREEMENTS

### § 84-22. Completion of improvements or filing of bond required.

Prior to an action by the Planning Board approving a final plat, the applicant shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate town departments, all the street and other improvements specified in the action approving said plat or, as an alternative, to file with the Town Board a bond in an amount estimated by the Planning Board to secure to the town the satisfactory construction and installation of the incomplete portion of required improvements. All required improvements shall be made by the applicant at his expense without reimbursement by the town or any district therein.

### § 84-23. Performance bonds.

Performance bonds shall comply with the requirements of §277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency and manner of execution. A period of one (1) year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed shall be specified by the Planning Board and expressed in the bond. The bond shall also provide that an amount determined adequate by the Planning Board shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition.

### § 84-24. Required improvements.

#### A. Storm drainage facilities.

1. The goal of the Town of Anywhere is to cause the least disturbance to the environment as possible. All development should avoid disturbances that would disrupt the quantity or quality of groundwater available, both on site and off site. Channeling stormwater runoff from paved areas or fertilized turf through oil-water separators or into detention basins or rain gardens instead of directly into streams, ponds, or wetlands is preferable.
2. The New York State Department of Environmental Conservation (NYSDEC) regulates stormwater management practice installation under SPDES General Permit GP-02-01. The technical standards for stormwater practice design are in the New York Stormwater Management Design Manual. The NYSDEC's, Reducing the Impacts of Stormwater Runoff from New Development, should be consulted. A primary goal is to ensure that the peak rate of surface water flowing off site shall not increase above predevelopment conditions, and shall not adversely affect drainage on adjacent properties or public roads.
3. Open Watercourses. The use of open watercourses for drainage may involve problems relating to safety, erosion control, stagnant water, protection of capacity and appearance, all of which shall be given adequate attention by the developer as follows:
  - (a) Safety. Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks, except in those areas where natural conditions are such that erosion of banks will not occur. Ditches shall, wherever feasible, be in the shape of a wide-top "V" with rounded or squared invert.

(b) Erosion control. Adequate measure shall be taken to prevent erosion. The Planning Board shall require seeding, sodding, planting, riprap or such other measures as may be necessary to prevent scouring.

(c) Drainage. The developer shall avoid the creation or continuation of swampy areas or stagnant pools. The Planning Board shall require fill and/or channel improvements in order to forestall such problems.

(d) Protection of capacity. The developer shall provide adequate measures for the protection of open drainage channels by establishing drainage easements sufficiently wide.

(e) Appearance. As natural watercourses can be an attractive asset to the subdivision as well as to the community, the developer shall, where possible, improve and beautify the watercourses to this end.

#### B. Water and sewerage facilities.

Facilities for water and sewerage shall be provided in each new subdivision in accordance with the requirements of the Dutchess County Department of Health having jurisdiction over the planning and installation of these in the area of the subdivision

#### C. Monuments.

If the subdivision results in the need for a block system, monuments shall be placed at all block corners, angle points, points of curvature in streets and points of tangency or horizontal curves, and at intermediate points as required by the Town Engineer. However, in no case shall there be less than four (4) permanent monuments per block. At least one (1) monument in each subdivision shall be related to the United States Geological Survey system and shall bear the true elevation above sea level. In addition, markers shall be placed at all points when street lines intersect the plat boundary and at all lot corners. The monuments and markers shall be of such material, size and length as may be approved by the Town Engineer.

#### D. Streets.

1. If the subdivision results in the need for a street system, streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and general welfare.

2. Grading and improvements shall conform to the town minimum road specifications and shall be approved as to design and specifications by the Town Superintendent.

#### E. Utilities.

Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines, and the subdivider shall install underground service connections to the property line of each lot.

**§ 84-25. Inspection.**

The town may employ an inspector to act as agent of the Planning Board for the purposes of assuring the satisfactory completion of improvements required by the Planning Board, and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the town costs of inspection before the subdivision plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved drawings, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

**§ 84-26. Public utilities.**

The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved plat.

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## ARTICLE VI: DEFINITIONS

### § 84-27. Word interpretation.

Words in the singular include the plural, and words in the plural include the singular. The word “persons” includes a corporation and unincorporated association, and “building” includes “structure” and shall be construed as if followed by the words “or part thereof.” The word “street” includes “road,” “highway” and “lane”; and “watercourse” includes “drain,” “ditch” and “stream.” The word “shall” is mandatory unless otherwise indicated.

### § 84-28. Terms defined.

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

**100-YEAR FLOODPLAIN** – The channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood can be carried without substantial increases in flood heights.

**BOND** - A performance bond duly issued by a bonding or surety company approved by the Town Board with security acceptable to the Town Board, or a performance bond duly issued by the developer-obligor accompanied by security in the form of cash, certified check or United States Government bearer bonds deposited with the Town Board in the full amount of the obligation.

**BUILDING AREAS** – The logical area(s) for development which are identified once the Resource Analysis and concept discussion on a property has been completed. These areas are the favorable areas of development and reflect the site minus the designated priority resources which will be left undisturbed.

**BUILDING ENVELOPE** – The location of the building footprint on a designated lot. The building envelope is the favorable area for the siting of the residence.

**BUFFER** – An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms and designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

**CONCEPTUAL DISCUSSION** – Initial concepts for site development based on the Resource Analysis and input from the reviewing board(s) and the applicant(s).

**CONSERVATION EASEMENT** – A perpetual restriction on the use of land as may be acquired in accordance with the provisions of Section 49, Title 3 of the Environmental Conservation Law or Section 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, as well as natural, cultural and scenic resources.

**CONSERVATION SUBDIVISION** – A conservation subdivision, sometimes known as cluster development, is a subdivision where the applicable zoning ordinance or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of the remainder of the land. The result is often smaller

individual lot sizes than the minimum zone requirement with the balance of land placed in common open space and protected through easements.

**CROSSWALK** - A right-of-way, publicly or privately owned, which cuts across a block to furnish access for pedestrians to adjacent street or properties.

**DEED RESTRICTION** - A covenant or restriction placed in a deed that restricts the use of the land in some way. These are often used to insure that the owner complies with a condition imposed by the developer or a land use body.

**DENSITY, AVERAGE** – A device for averaging residential density over an entire parcel and placing no restrictions on lot sizes, so long as total density does not exceed the maximum permitted. Conventional setback and lot-size requirements are dropped, but you can impose development standards for things such as distances between buildings and minimum open space.



**DENSITY, NET** –The net project area (parcel) divided by the maximum number of dwelling units permitted by the district regulations. The “net project area” is the gross acreage minus constraints (such as wetlands, floodplains, steep slopes, streets rights-of-way, parks, etc...), as designated within the subdivision regulations.

**EASEMENT** – An authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property. A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

**FAMILY DWELLING UNIT** - Housekeeping accommodations for one (1) or more persons living as a family.

**FLAG LOT** –A large lot not meeting minimum road frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

**HIGHWAY SUPERINTENDENT** - The duly elected Town Superintendent of Highways or other such authorized official.

**HOA** – Homeowners Association. A group that governs a subdivision, condominium or planned community. The association collects monthly fees from all owners to pay for common area maintenance, handle legal and safety issues and enforces the covenants, conditions, and restrictions set by the developer.

**IMPROVEMENT** - A physical change to the land necessary to produce usable and desirable lots from raw acreage, including grading, pavement, curb, gutter and utilities, including water supply, together with sanitary and storm sewers and drains and betterments to existing watercourses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs and monuments.

**LOCATION PLAN** – A planimetric map drawn to a scale of one (1) inch equals two thousand (2,000) feet, which identifies the geographic location of the subdivision as well as major roads and facilities lying within a radius of two (2) miles of the plat.

**LOT** - A parcel of land intended for transfer of ownership or building development.

**LOT DEPTH** - The mean horizontal distance between the front and rear lines of a lot.

**LOT, DOUBLE-FRONTAGE** - A lot, the generally opposite ends of which both abut on streets.

**LOT, FLAG OR REAR**– See Flag Lot

**LOT WIDTH** - The width of a lot at the building line.

**MASTER PLAN or TOWN PLAN** - The comprehensive plan, or part thereof, which may consist of several maps, data, etc., prepared by the Planning Board and filed in the office of the Planning Board, the office of the Town Engineer or the Town Highway Superintendent and the office of the Town Clerk, indicating the general locations recommended for major motorways, parks and other public open spaces, public building sites and routes for public utilities.

**OFFICIAL MAP, COUNTY** - A map established by the County Board of Representatives under the General Municipal Law, Article 12-B, § 239-h, and of changes and additions thereto, made under the provisions of the General Municipal Law, Article 12-B, § 239-i.

**OFFICIAL MAP, TOWN** –A map established by the Town Board under § 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of § 273 of the Town Law.

**OFFICIAL NEWSPAPER** – A newspaper of general circulation within the town, so designated by the Town Board in compliance with appropriate state law. If none is so designated, a newspaper that would qualify for designation.

**OFFICIAL SUBMITTAL DATE** - The date when a sketch plan, a preliminary layout or a subdivision plat shall be considered submitted to the Planning Board, hereby defined to be the date of the meeting of the Planning Board at which all required surveys, plans and data described in Article V are submitted.

**OPEN SPACE OR GREENSPACES** – Lands in agricultural use and/or undeveloped lands such as forests, wetlands, open fields, or critical habitat areas, which together can form continuous blocks or corridors of land available for biodiversity, groundwater recharge, carbon absorption, and other important ecological functions. Recreation lands are also considered open spaces or greenspaces.

**OWNER** - The owner of the land proposed to be subdivided, or his agent.

**PLANNING BOARD** - The agency empowered by the municipal legislative body under applicable New York State enabling legislation to act as the Planning Board of the Town of Anywhere with respect to subdivision administration.

**PLAT** - The final map or drawing prepared, on a base map prepared for recording by either a licensed land surveyor, **or** by a licensed professional engineer, registered architect, licensed land surveyor or licensed landscape architect, which shall have his New York State seal affixed thereon and on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording. A drawing prepared in the manner set forth herein showing a proposed subdivision and containing in detail, as required by these regulations, all information required to appear on the preliminary plat and any modifications required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been so approved.

**PRELIMINARY PLAT** - A plan prepared by a licensed professional engineer, licensed land surveyor, registered architect or a licensed landscape architect, on a base map prepared by a licensed land surveyor, showing existing features of the land and proposed street utility and lot layout within and adjacent to a subdivision. A drawing prepared in the manner set forth herein showing the layout of a proposed subdivision, including but not restricted to road and lot layout, with approximate dimensions, location, topography and drainage, all proposed facilities, including preliminary plans and profiles, at suitable scale and in such detail as specified in these regulations.

**PRELIMINARY REVIEW** - Preliminary project plans submitted to the Planning Board for review and comment prior to the submission of a formal application.

**PRIME FARMLAND SOILS** – Prime farmland soils, as defined by the U.S. Department of Agriculture, are soils that are best suited for producing food, feed, forage, fiber, and oilseed crops. These soils are listed with an “I” on the Dutchess County Soil Survey Information Chart within the Dutchess County Soil Survey.

**REAR LANE** - A strip of land over which there is a right-of-way, publicly or privately owned, on which no building fronts, serving as a secondary means of access to two (2) or more properties.

**RESOURCE ANALYSIS** – The review and evaluation of the natural, historical and cultural resources on a site (please see § 84-3), resulting in the identification of resources to be protected and establishing building envelopes.

**RESUBDIVISION** –A change in a subdivision plat or resubdivision plat filed in the office of the Dutchess County Clerk, which change affects any street and/or lot layout shown on such plat or affects any area reserved thereon for public use or diminishes the size of any lot shown thereon.

**RIDGE** - A ridge is a geological feature that includes a continuous elevational crest for some distance. Ridges can be termed hills or mountains as well, depending on size and shape.

**RIGHT-OF-WAY** - A strip of land between property lines open for use as a street, alley or crosswalk.

**SETBACK OR BUILDING LINE** - A line, generally parallel to the street line, beyond which the front portion of a building may not project into the front yard.

**SHARED DRIVEWAY** – This privately owned and maintained driveway branches out to serve up to three residences and does not need a turnaround area at the end of the driveway. Driveway access is typically controlled by sight-line, grades, and ecological factors, such as wetlands and stream crossings. Usually a maintenance agreement is drawn up by property owners for a shared driveway.

**SIGHT DISTANCE** - The distance an object eighteen ( 18) inches off the pavement (a taillight) is visible from an eye level four and one-half (4 1/2) feet above the pavement (average-height driver's eyes).

**SIGNIFICANT WILDLIFE HABITATS** – Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals and plants.

**SKETCH PLANS** - A series of sketches made on a topographic survey map showing the proposed subdivision in relation to existing conditions.

**STATEWIDE IMPORTANT SOILS** – Statewide important soils is land that is of statewide importance for the production of crops. These soils are listed with an “S” on the Dutchess County Soil Survey Information Chart within the Dutchess County Soil Survey.

**STEEP SLOPES** - Surface formation with a vertical incline greater than 22.5 degrees or 25 percent, a sufficient steepness to cause problems such as erosion or increased flooding when disturbed for land development or other purposes.

**STREET** - A general term used to describe a right-of-way, publicly or privately owned, serving as a means of vehicular and pedestrian travel and furnishing space for utilities. The following functional classification is used in these regulations.

**A. RESIDENTIAL COLLECTOR ROAD** – A residential collector road collects traffic from residential areas and channels it to larger roads, such as county highways, state highways, arterials, and interstates. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans, and cars.

**B. RESIDENTIAL AND FARM ACCESS ROAD** – This road, used mostly by cars, small trucks and farm vehicles, provides access solely to residences or to residences and farm areas. Traffic on this road is light, but it may include occasional large trucks, school buses and farm equipment.

**C. PRIVATE ROAD** – This is a paved or unpaved road that serves a limited number of single-family residences or a recreational area. Private roads can be maintained by local highway departments or by a private homeowner association.

**D. CUL-DE-SAC or DEAD-END STREET** - A minor street with one (1) end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround.

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

**STREET WIDTH** - The distance between property lines.

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

**SUBDIVISION** - The division of any parcel of land into two (2) or more lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale or building development and includes resubdivision.

**TOWN BOARD** - The Town Board of the Town of Anywhere.

**TOWN ENGINEER** - The duly licensed professional engineer or registered architect of the Town of Anywhere or, if there is no such official, a licensed professional engineer or registered architect employed by the Town Board for this purpose.

**VIEWSHED** – A viewshed is an area that is visible from a public roadway or public trail which encompasses natural landforms such as valleys, ridges, farm lands and open spaces which may have inherent rural qualities and/or aesthetic values as determined by those who view it.

**WATER BODY** - A water body is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the water body are considered part of the water body.

**WATERCOURSE** – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

**WETLAND** – An area of land that is inundated or saturated by surface water or groundwater as defined by the rules, regulations, and policies of the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers, and/or the Town of Anywhere.

**APPENDIX A: FORMS**

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## Form A: Resource Analysis Assessment

(To be initially reviewed and completed by applicant in preparation for review and completion by Planning Board)

Date filled in: \_\_\_\_\_

Name of subdivision: \_\_\_\_\_

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

Specific Site Considerations	Yes	No	Not Sure
1. Are there streams, wetlands, water bodies or watercourses that might require protective buffer areas? Refer to Hudsonia guidelines.	___	___	___
2. Is this parcel adjacent to a Rail Trail or a public recreational area?	___	___	___
3. Is there active or inactive farmland on the parcel(s)?	___	___	___
4. Will the farmland be preserved?	___	___	___
5. Is there active farmland on adjacent parcel(s)?	___	___	___
6. Is this an Agricultural Exempt parcel(s)?	___	___	___
7. Can land contiguous to the adjacent farmland be preserved?	___	___	___
8. Is this parcel within an aquifer resource area?	___	___	___
9. Are there ridgelines and mountaintops that the Town desires to be kept clear of development?	___	___	___
10. Are there stone walls or rock outcrops on the site? If yes, indicate walls on land use sketch.	___	___	___
11. Could development significantly alter the viewshed from public lands?	___	___	___
12. Could development alter the quality of public viewsheds?	___	___	___
13. Is the parcel adjacent or within an officially designated historic site or district?	___	___	___
14. Are there special cultural and historic features that should be preserved?	___	___	___
15. Are there high-quality trees and significant groups of trees that should be preserved?	___	___	___
16. Are there, or is there the potential for significant wildlife habitats or wildlife migration areas? (consult Hudsonia Ltd. study).	___	___	___
17. Do any of these significant natural areas (forests, wildlife habitats, etc) extend into abutting properties?	___	___	___
18. Can the development be connected to a public water supply?	___	___	___
19. Are there prime soils or soils of statewide importance located on the property?	___	___	___

## Form B. Adherence to Community Values

Yes    No  
 \_\_\_\_\_

1. Applicant has reviewed The Town of Anywhere's Development Objectives.

2. In accordance with the Development Objectives, the following assessment reflects the Planning Board's preliminary analysis of the applicant's planned subdivision:

WC – Well considered, C - Considered, NC – Not Considered, NA – Not applicable.

	WC	C	NC	NA
a. Preserve the rural character of the area:	_____	_____	_____	_____
b. Preserve scenic views and resources:	_____	_____	_____	_____
c. Maintain the option for continuation and diversification of agricultural activities:	_____	_____	_____	_____
d. Protect natural resources:				
• water	_____	_____	_____	_____
• soil	_____	_____	_____	_____
• wildlife	_____	_____	_____	_____
e. Housing options for a mix of housing types:	_____	_____	_____	_____
f. Recognize --- as the primary center of the community:	_____	_____	_____	_____
g. Support the maintenance and expansion of community resources:				
• historic	_____	_____	_____	_____
• cultural	_____	_____	_____	_____
• recreational and social	_____	_____	_____	_____

Compliance with Town's Development Objectives:

Completely / Partially / Not Satisfactorily

• Preservation of agricultural lands	_____	_____	_____
• Conservation of contiguous open space	_____	_____	_____
• Preserving natural resources	_____	_____	_____
• Sensitive siting of building envelopes	_____	_____	_____
• Maintaining integrity of viewsheds	_____	_____	_____
• Restricting development from steep slopes	_____	_____	_____
• Introducing efficient, effective and sensible rural road network	_____	_____	_____

Planning Board:

Accepts Resource Analysis \_\_\_\_\_  
 Accepts RA with agreed upon modifications \_\_\_\_\_  
 Rejects RA \_\_\_\_\_  
 Calculation of lot count submitted \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX B: DESIGN AND HOUSE SITING GUIDELINES**  
**(Source for House Siting: Planning and Siting Your House, A Guidebook,**  
**Dutchess Land Conservancy)**

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## Design Guidelines:

1. Identify important natural features and locate the building envelope that will minimize the clearing of vegetation and preserve important natural features.
2. The building envelope should not include the tops of ridge lines, wetlands, floodplains, or areas with slopes in excess of 25%.
3. Look at the property from off site. Try not to alter the area's visual character from off site dramatically.
4. Site the house to cause the least amount of change to the landscape and to protect the property's most valuable assets.
5. Limit the areas of disturbance to prevent fragmentation of wildlife habitats.
6. Retain stone walls, hedgerows and other rural landscape elements.
7. Place homes and access roads in treelines, on mildly sloping ground, or along the edges of fields: avoid construction in open fields to preserve the field's future agricultural potential, views, and to shelter the housesite.
8. Locate structures and septic systems more than 100 feet from streams or ponds to protect water quality.
9. Re-use farm roads or country lanes whenever possible, rather than constructing new wide roads.
10. Limit access drives to at most one per parcel unless a traffic analysis or unique conditions fully justify another curb cut. Share access with neighbors whenever possible.
11. Driveways should follow the natural contour of the land.
12. Do not over-clear a site. Start small and clear only what you must.

**APPENDIX C: SELECT GREENWAY GUIDES**

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