

Chapter 150

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Bolton 2-5-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Stormwater management - See Ch. 125.

Zoning - See Ch. 200.

ARTICLE I

Declaration of Policy

~ 150-1. Policy.

By the authority of the resolution of the Town Board of the Town of Bolton, adopted on December 6, 1988, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Bolton is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the County and to conditionally approve preliminary plats, within that part of the Town of Bolton outside the limits of any incorporated city or village. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger of health, or peril from fire, flood, or other menace; that proper provision shall be made for drainage, water supply, sewage, and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade, and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Town of Bolton Land Subdivision Regulations" have been adopted by the Planning Board on ..... and approved by the Town Board on .....

~ 150-2. Clearing of land.<sup>1</sup>

<sup>1</sup> Editor's Note: For clearing regulations, see Ch. 200, Zoning, ~ 200-51.

Whenever any subdivision of land is proposed to be made which is subject to review hereunder and before any part thereof is made, and before any land is cleared or vegetation removed or

timber harvested (except vegetation removed in connection with required surveying, engineering tests and inspection) and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall make application for and receive final approval of such proposed subdivision in accordance with the Town of Bolton Land Subdivision Regulations. No parcel of land may be subdivided which has been clear-cut within the previous five years.

## ARTICLE II Definitions

~ 150-3. Definitions and word use.

A. For the purpose of these Subdivision Regulations, words used in the present tense include the future, the plural includes the singular, the word "lot" includes the word "plot," the word "building" includes the word "structure," the word "shall" is intended to be mandatory, the word "occupied" includes the words "designed for occupancy" or "intended to be occupied."

B. As used in this chapter, the following terms shall have the meanings indicated:

**AREA REGULATIONS** -- The regulation of building size, setbacks or yards, parking and loading requirements, or similar regulations which are not related to a specific land use, but excluding performance standards.<sup>2</sup>

**BOND** -- A written agreement issued by a qualified agent which guarantees either the performance of a certain agreed upon activity or an equivalent consideration if the activity is not completed as required.

**BUILDING** -- Any structure covered by a roof, supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.

**BUILDING INSPECTOR** -- Individual empowered by the town to administer the provisions of these Regulations except as specified otherwise herein.

**CENTRAL PRIVATE UTILITY** -- A sewage or water system which serves a subdivision and which is paid for with nonpublic funds and without special district taxation.

**CLERK OF THE PLANNING BOARD** -- That person who shall be designated to perform the duties of the Clerk of the Planning Board for the purposes of these regulations. The Zoning Administrator is hereby designated to perform such duties.

**CLERK, TOWN** -- The duly elected Clerk of the town who shall act as Clerk of the Planning Board in the absence of the Zoning Administrator.

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<sup>2</sup>Editor's Note: Schedules of area regulations for the various zoning districts in the town are included at the end of Ch. 200, Zoning.

**CLUSTER DEVELOPMENT** -- A planned development in which lots are platted with less than the minimum lot size and dimension requirements cited in the area regulations for each zone in Article IV of the Zoning Chapter for the Town of Bolton,<sup>3</sup> but which have access to common open space that is part of the overall development plan approved by the Planning Board.

**COMMON OPEN SPACE** -- A parcel or parcels of land or an area of water, or a combination of land and water designated and intended for the private or public use or enjoyment of the space and may include such appurtenant structures that are necessary to allow the enjoyment of the space.

**CONDOMINIUM** -- A multifamily project of one-family dwelling units which may consist of one, a part, or more than one building, wherein the real property title and ownership are vested in an owner, who has an undivided interest with others in the common usage areas and facilities which serve the development. The means of administration and maintenance of common areas are mutually entered into by the respective owners.

**CONDOMINIUM DEVELOPMENT - DETACHED UNITS** -- A condominium that involves the use of detached units, single-family or two-family. The total available land for use of the entire project must equal the sum of the permitted lot sizes of the total number of units in the zone(s) within which the project is located.

**CROSSWALK or WALKWAY** -- An accessway designed for pedestrian traffic and dedicated to public use.

**EASEMENT** -- Deeded authorization by a property owner for the use by another of any part of his property.

**ENGINEER or LICENSED PROFESSIONAL ENGINEER or EXEMPT LAND SURVEYOR**-- A person licensed as a professional engineer by the State of New York.<sup>4</sup>

**LETTER OF CREDIT** -- A letter presented to the town by the owner from a bank which guarantees the town that a specific amount of money will be kept available for the completion of subdivision construction, to be drawn on only by the town.

**LOT** -- A parcel of land having a distinct and defined boundary as described in a separate deed, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as are required by these regulations and having frontage on an existing or proposed road.

**LOT, CORNER (DOUBLE FRONTAGE)** -- A lot with two sides abutting existing or proposed streets.

**MOBILE HOMES** -- Any self-contained dwelling unit that is designed to be transported to its site on its own wheels or those of another vehicle, may contain the same water supply, sewage disposal and electric system as immobile housing and is used exclusively for either permanent or seasonal occupancy. A dwelling unit that is constructed in sections and transported to and assembled on the site is not considered a mobile home.

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<sup>3</sup>Editor's Note: See Ch. 200, Zoning.

<sup>4</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

OFFICIAL MAP -- The map established by the Town Board pursuant to ~ 270 of the Town Law.

PLANNING BOARD or BOARD -- The Planning Board of the town.

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

PLAT, PRELIMINARY -- A drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision, as specified in these regulations, submitted to the Planning Board for purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PLAT, SKETCH or SKETCH PLAN -- A sketch of a proposed subdivision showing the information specified in these regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

REGIONAL SUBDIVISION -- Any Class A Regional Subdivision or Class B Regional Subdivision defined in Appendices A and B.<sup>5</sup>

(1) CLASS A REGIONAL SUBDIVISION -- A subdivision which is classified as a Class A Regional Project in Section 810 of the Adirondack Park Agency Act, as set out in Appendix A.

(2) CLASS B REGIONAL SUBDIVISION -- A subdivision which is classified as a Class B Subdivision Project in Section 810 of the Adirondack Park Agency Act and set out in Appendix B.

REQUIRED IMPROVEMENTS -- Any activities or improvements required by these regulations, except as may be waived by the Planning Board, including but not limited to streets and roads, curbs, utility installations, road ditches, drainage facilities and culverts, monuments and revegetation operations.

SERVICE DISTRICT -- Any private or public entity which provides a public service to residents of all or any part of the town to include, among others, fire departments, water districts and sewer districts.

STREET -- A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, cul-de-sac, place or however otherwise designated and includes the entire area within the right-of-way.

(1) ARTERIAL STREETS AND HIGHWAYS -- Those used or destined to be used primarily for fast or heavy traffic, whether existing or proposed.

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<sup>5</sup>Editor's Note: Appendices A and B are included at the end of this chapter.

(2) **COLLECTOR STREETS** -- Those which carry traffic from minor streets to the major system of arterial streets and highways. Collectors may also serve as secondary arteries to carry some through traffic. A street which is the outlet toward an arterial street for more than 100 acres or is a main entrance to a residential development shall be considered a collector street.

(3) **LOCAL STREETS** -- Those which are used primarily for access to the abutting properties.

(4) **MARGINAL ACCESS STREETS** -- Minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

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

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

**STREET WIDTH/RIGHT-OF-WAY (ROW)** -- The width of right-of-way, measured at right angles to the center of the street.

**SUBDIVIDER** -- Any person, firm, corporation, partnership or association, or successors in interest to any such parties, who own land to be subdivided or their authorized agent and who shall lay out any subdivision or part thereof as defined herein.

**SUBDIVISION** -- A division of any parcel of land into two or more lots, blocks, or sites, with or without streets or highways, for the purpose, whether immediate or future, of lease, sale or transfer of ownership or development, including the creation of, and all changes in, street or lot lines, whether by a survey and preparation of a plat or by lease or transfer by metes and bounds and including any grading, road construction, installation of utility or other improvements or land use or development preparatory or incidental to such division; provided, however, that division of land for agricultural purposes, in parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted, and provided, further, that this shall not apply to the sale of a small amount of land to correct the boundary of a lot if such sale or exchange does not create additional lots. For the purpose of these regulations, a condominium shall be reviewed as a subdivision. No parcel shall be subdivided which has been clear-cut within the previous five years.

(1) Any development of a parcel of land which involves the installation of streets and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for the purpose of conveyance, transfer or sale.

(2) The term "subdivision" includes resubdivision, and as appropriate in these regulations shall refer to the process of subdividing land or to the land subdivided.

**MAJOR SUBDIVISION** -- Any subdivision not classified as a minor subdivision, including, but not limited to, five or more lots, or any size subdivision requiring any new street or extension of municipal facilities. Major subdivision shall include any subdivision of a lakeshore parcel whereby a lot is created with a 10% or more deficiency in either minimum lot width or density. [Amended 12-7-1999]

MINOR SUBDIVISION -- Any subdivision containing not more than four lots not in conflict with any provisions or portion of the Official Map, Zoning Ordinance,<sup>6</sup> or these regulations.

(3) Notwithstanding any initial division of a parcel of land as a minor subdivision, any further division of either the original parcel or any subdivided parcel by either the original property owner or a subsequent owner which results in the creation of an aggregate total of more than four lots from the original parcel within the preceding 10 years shall constitute a major subdivision. [Added 10-2-2001 by L.L. No. 4-2001]

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

TOWN -- The Town of Bolton in New York State.

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

ZONING ORDINANCE -- The duly enacted Zoning Ordinance of the Town of Bolton.<sup>7</sup>

### ARTICLE III

#### Procedures for Filing and Review of Subdivision Applications

~ 150-4. Approval of application required.

Whenever any subdivision of land is proposed to be made and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall make application for and receive final approval of such proposed subdivision in accordance with the following procedures.

~ 150-5. Sketch plan.

#### A. Submission of sketch plan.

(1) Prior to any subdivision of land, the subdivider shall submit to the Clerk of the Planning Board at least 14 days prior to a meeting of the Board 10 copies of a sketch plan of the proposed subdivision, complying with the requirements of Article VI, ~ 150-23, for the purpose of classification and preliminary discussion. [Amended 10-2-2001 by L.L. No. 2-2001]

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<sup>6</sup>Editor's Note: See Ch. 200, Zoning.

<sup>7</sup>Editor's Note: See Ch. 200, Zoning.

(2) Where applicable, the Planning Board shall require the subdivider to submit an alternate sketch plan with lots meeting the minimum requirements under Article III, ~ 150-12, Cluster development.

B. Discussion of requirements and classification.

(1) After submission of a sketch plan, the subdivider shall meet with the Planning Board to discuss the requirements of these regulations, including those relating to street design and construction, placement of utilities, drainage, sewage, water supply, fire protection, and parks and open space areas, as well as the availability of existing services and other pertinent information.

(2) Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in ~ 150-6 and 150-10 of this article. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in ~ 150-7, 150-8, 150-9, 150-10 and 150-11 of this article. The Board shall also determine at this time whether the subdivision shown by the sketch plan is a regional subdivision and thereby subject to the special requirements of Article V.

C. Planning Board recommendations. The Planning Board shall study the sketch plan in conjunction with the individual and composite Resource Limitations Map to determine if the proposed subdivisions are in areas where there are severe limitations to development. The Planning Board shall make advisory recommendations.

~ 150-6. Review of minor subdivision plats.

A. Application and fee.

(1) Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for minor subdivision plat approval within six months after classification of the subdivision shown by the sketch plan as a minor subdivision by the Planning Board, and the Board's recommendations thereon. Failure to do so within such time period may require resubmission of the sketch plan to the Planning Board. The application shall be on a form provided by the Clerk of the Planning Board, and shall include the elements described in Article VI, ~ 150-24 hereof, and the plat shall conform to the layout shown on the sketch plan, reflecting any recommendations made by the Planning Board.

(2) All applications for minor subdivision plat approval shall be accompanied by a fee of \$40, plus \$10 for each lot over two lots. [Amended 10-2-2001 by L.L. No. 2-2001]

B. Number of copies. Ten copies of the application for minor subdivision plat approval shall be presented to the Clerk of the Planning Board at the time of submission of the subdivision plat. [Amended 10-2-2001 by L.L. No. 2-2001]

C. Planning Board meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.

D. Date of official submission. The date of the submission of the subdivision plat shall be considered to be the date on which both a completed application for minor subdivision

plat approval and the required fee have been filed with the Clerk of the Planning Board. A certificate of the Clerk shall be issued to the subdivider, certifying the official date of submittal. The Clerk shall include as part of the minor subdivision application the minor subdivision checklist. [Amended 4-17-1985]

E. Public hearing. A public hearing shall be held by the Planning Board within 45 days from the date of official submission of the subdivision plat approval. Such hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing. As per Section 807-2-g of the Adirondack Park Agency Act, the Planning Board may waive the public hearing, except that a subdivision may not be disapproved without a public hearing.

F. Action on minor subdivision plat.

(1) Not more than 45 days after the completion of the public hearing, the Planning Board shall, by resolution, conditionally approve, disapprove, or grant final approval and authorize the signing of the minor subdivision plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure of the Planning Board to act within such a time shall constitute final approval of the plat. A certificate of the Clerk certifying failure to take action (hence approval) shall be issued to the subdivider on demand. The grounds for a disapproval, or conditional approval, shall be explicitly set forth in the Board's decision.

(2) In making its decision, the Board shall apply the standards and requirements set forth in Article IV, General Requirements and Design Standards insofar, as those standards are pertinent to the proposed subdivision. The Board at its discretion may require the subdivider to satisfy the provisions of ~ 150-9 of this article with respect to any required improvements associated with the proposed subdivision.

(3) Upon granting conditional approval of the plat, the Planning Board shall empower a duly designated officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in his 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 deemed to have received final approval, and such administrator shall sign the plat accordingly. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. 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 under the circumstances, for one or two additional periods of 90 days each.

~ 150-7. Review of major subdivision preliminary plats.

A. Application and fee.

(1) Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for preliminary plat approval within six months after classification of the subdivision shown by the sketch plan as a major subdivision. The

application shall be on a form provided by the Clerk of the Planning Board and shall include the elements described in Article VI, ~ 150-25 hereof, and the plat shall conform to the layout shown on the sketch plan, reflecting any recommendations made by the Planning Board.

(2) The application for preliminary plat approval shall be accompanied by a fee of \$25, plus \$5 per lot.

B. Number of copies. Five copies of the application for preliminary plat approval shall be presented to the Clerk of the Planning Board at the time of submission of the preliminary plat.

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

D. Date of official submission. The date of submission of the preliminary plat shall be considered to be the date on which both a completed application for preliminary plat approval and the required fee have been filed with the Clerk of the Planning Board. A certificate of the Clerk shall be issued to the subdivider certifying the official date of submittal.

E. Study of preliminary plat. The Planning Board shall study the preliminary plat, taking into consideration the provisions of these regulations, the requirements of the community, and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and design of streets, and their relation to topography, water supply, sewage disposal, drainage, lot sizes and arrangement, the placement of utilities, the future development of adjoining lands as yet unsubdivided, and the requirements of the Land Use Plan and the Zoning Ordinance.<sup>8</sup>

F. Action on preliminary plat.

(1) Within 45 days after the date of official submission of the preliminary plat, the Planning Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Within 45 days after the completion of such hearing the Planning Board shall approve, with or without modification, or disapprove such preliminary plat. This time period may be extended by written agreement of the subdivider and the Planning Board. The grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When approving a preliminary plat, the Planning Board shall state in writing such modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of such preliminary plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in the Clerk's office, a certified copy mailed to the owner, and a copy forwarded to the Town Board. Failure of the Planning Board to act within such 45 days or otherwise agreed upon period shall constitute approval of the preliminary plat. A certificate of the Clerk of the Planning Board certifying failure to take action (hence approval) shall be issued to the subdivider on demand.

(2) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to (1) the modifications to the preliminary

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<sup>8</sup>Editor's Note: See Ch. 200, Zoning.

plat, (2) the character and extent of any required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefor which it will require as prerequisite to subdivision plat approval. 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, and as a guide to the preparation of the subdivision plat.

~ 150-8. Review of major subdivision final plat.

A. Application. Unless otherwise agreed by the Planning Board and the subdivider, the subdivider shall submit an application for major subdivision plat approval within six months after preliminary plat approval. Failure to do so within such time period may require resubmission of the preliminary plat to the Planning Board. The application shall be on a form provided by the Clerk of the Planning Board, and shall include the elements described in Article VI, ~ 150-26, hereof, and the plat shall conform to the preliminary plat, as modified by the Planning Board if such preliminary plat was approved with modifications.

B. Number of copies. Five copies of the application for major subdivision plat approval shall be presented to the Clerk of the Planning Board at the time of submission of the subdivision plat.

C. Date of official submission. The date of submission of the final subdivision plat shall be considered to be the date on which a completed application for approval of the subdivision plat, including any endorsements required by Subsection D of this section, have been filed with the Clerk of the Planning Board. A certificate of the Clerk shall be issued to the subdivider certifying the official date of submittal. The Clerk shall include as part of the major subdivision application the major subdivision checklist. [Amended 4-17-1985]

D. Endorsement of state and county agencies. Evidence shall be supplied that any proposed water supply and sewage disposal facilities associated with the subdivision plat requiring approval by the Department of Environmental Conservation and/or New York State Department of Health have received at least preliminary approval(s) of such facilities.

E. Additional or second public hearing. Within 45 days of the date of official submission of the subdivision plat for approval, the Planning Board shall require a public hearing. This hearing shall be advertised at least once in a newspaper of general circulation in the town at least five 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 ~ 150-7 of this article, and modified in accordance with requirements of such approval, if such preliminary plat was approved with modification, the Planning Board may waive the requirement for such public hearing.

F. Action on major subdivision plat.

(1) Within 45 days of the date of official submission of a subdivision plat, if no hearing is held, or in the event a hearing is held, not more than 45 days after the completion of such hearing, the Planning Board shall by resolution conditionally approve, disapprove, or grant final approval and authorize the signing of such plat. This time period may be extended by written agreement of the subdivider and the Planning Board. Failure to take action on a final plat

within such time period shall constitute final approval of the plat. A certificate of the Clerk of the Planning Board certifying failure to take action (hence approval) shall be issued to the subdivider on demand.

(2) Upon granting conditional approval of the final plat, the Planning Board shall empower a duly designated officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of such resolution the plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in his 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 final plat. Upon completion of such requirements to the satisfaction of the duly designated officer of the Planning Board, the plat shall be deemed to have received final approval, and such officer shall sign the plat accordingly. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. 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 one or two additional periods of 90 days each.

~ 150-9. Required improvements.

A. Provisions for recreation.

(1) Before the approval by the Planning Board of a plat showing lots, blocks or sites, with or without streets or highways, such plat shall also show in proper cases and when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes. If the Planning Board determines that a suitable park or parks of adequate size can not 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 a sum to be determined by the Town Board, which sum shall constitute a trust fund to be used by the town for a neighborhood park, playground, or recreation purposes or other municipal improvements including the acquisition of property.

(2) The subdivision of land under ~ 200-55, Gifts, devices and inheritances, of the Town of Bolton Zoning Chapter shall be excused from requirements of this section of Article III of the Subdivision Regulations, the provision for recreation, land or fees.

(3) In the event that the utilization of this section results in a plat showing lands available for park, recreation or other municipal purposes directly related to the plat, or in a plat showing lands to be retained in open space in order to comply with the average density of lots or dwelling units that is permitted in the zoning district wherein such lands lie, the Planning Board may establish in the case of lands for park, recreation or other municipal purpose, such conditions on the ownership use and maintenance of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement, or other conservation restriction to the town, or other appropriate means against development of land use inconsistent with their retention.

B. Improvements and performance bond. Before the Planning Board grants final approval of a major subdivision plat, the subdivider shall follow the procedure set forth in Subsection B(1) and in either Subsection B(2) or (3) below:

(1) The subdivider shall file with the Building Inspector a schedule of construction of all improvements and cost estimates for those improvements. The Building Inspector shall then request costs for inspection services of all improvements from a professional engineer, surveyor, architect, or landscape architect. The subdivider will then deposit with the Town Clerk a certified check for the cost of those inspection services related to the construction of all improvements for the subdivision. These moneys will be set in a special account from which inspection services will be paid. At regular intervals during active project construction, the professional engineer, surveyor, architect, or landscape architect will visit the site and provide construction reports to the Building Inspector. These construction reports shall detail construction progress and note observed deviations, changes or discrepancies from the approved plans.

(2) The subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements, a letter of credit defined herein sufficient to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of ~ 277 of the Town Law and further, shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three years shall be set forth in the bond or letter of credit within which required improvements must be completed.

(3) The subdivider shall complete all required improvements to the satisfaction of the Zoning Administrator who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a certified check, letter of credit or performance bond covering the cost of satisfactorily completing such improvements. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.

(4) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Zoning Administrator and a map has been submitted to the Planning Board indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection B(2), then this map shall be submitted prior to final approval of the plat. If the subdivider elects to provide a bond, letter of credit or certified check for required improvements as specified in Subsection B(1) and (2), such bond shall not be released until such a map is submitted.

C. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Zoning Administrator that unforeseen conditions make it necessary or desirable to modify the location or design of such required improvements, the Zoning Administrator may, upon approval by a previously delegated member of the Planning Board, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not amount to a waiver or substantial alteration of any improvements required by the Board. The Zoning Administrator shall issue any authorization under this subsection in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

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

E. Waiver of security. The Planning Board, after consultation with the Town Board and the Town Attorney, may waive the requirements for a performance bond or certified check covering the cost of required improvements in the proposed subdivision. The Town Board and Town Attorney shall issue a response to the Planning Board in writing within 30 days of the request.

~ 150-10. Filing of approved subdivision plat.

A. Final approval and filing.

(1) Upon receiving final approval pursuant to ~ 150-6 or ~ 150-8 of this article and being properly signed by the duly designated officer of the Planning Board or upon receiving a certificate from the Town Clerk as to the Planning Board's failure to act within the prescribed time period, a subdivision plat may be filed or recorded in the office of the Clerk of Warren County.

(2) Any subdivision plat not so filed or recorded within 60 days of the date of such final approval shall become null and void. In addition to such filing or recording, in the case of a Class B Regional Subdivision, a copy of the permit issued under Article V shall be recorded by the subdivider within 60 days in the Adirondack Park Agency Regional Project Permit Book in the office of the Clerk of Warren County.

B. Plat void if revised after approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and a duly designated officer thereof has signed the plat, unless such plat is first resubmitted to the Planning Board and such Board approves in writing any modifications. In the event that any such modified or revised subdivision plat is recorded without complying with this requirement, such recording shall be null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

~ 150-11. Public streets, parks and recreation areas.

A. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, or other open space shown on such subdivision plat. Under no circumstances shall any proposed right-of-way be accepted by the town without the prior written approval of both the Town Highway Superintendent and the County Commissioner of Public Works.

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

~ 150-12. Cluster development.<sup>9</sup>

Whereas, pursuant to a resolution of the Town Board, the Planning Board has been empowered to modify the minimum lot area and minimum lot width requirements of the Zoning Ordinance<sup>10</sup> in accordance with the provision of ~ 278 of the Town Law, in order to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the standards and procedures:

A. Standards:

(1) No such modification by the Planning Board shall result in a greater overall density of lots or dwelling units than is permitted in the zoning district wherein such lands lie, as specified in the Zoning Ordinance.<sup>11</sup>

(2) The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the Zoning Ordinance.<sup>12</sup>

(3) The minimum acreage to which this section may be applicable shall be five times the minimum lot area for the zoning district involved.

(4) Cluster development or condominiums in zones contiguous to Lake George and Trout Lake shall meet a two-hundred-fifty-foot minimum housing unit setback from the shoreline, and the density shall be the same as single detached units in that zone. [Amended 4-17-1985]

B. Procedures:

(1) Request by Planning Board. A cluster design alternative shall be required if the characteristics of the site include any of the following:

(a) A significant wildlife or plant habitat exists on the site or may be impacted by the development of the site.

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<sup>9</sup>Editor's Note: See also Ch. 200, Zoning, Art. XIV, Cluster Provisions.

<sup>10</sup> Editor's Note: See Ch. 200, Zoning.

<sup>11</sup>Editor's Note: The Schedule of Area, Bulk and Height Regulations is included at the end of Ch. 200, Zoning.

<sup>12</sup>Editor's Note: The Schedule of Use Regulations is included at the end of Ch. 200, Zoning.

- (b) Wetlands occupy over 25% of the site or where streams are crossed by the development of the site.
- (c) Slopes greater than 15% occupy over 50% of the site.
- (d) Slopes greater than 25% occupy over 25% of the site.
- (e) Soils with a percolation rate of less than .06 inches or greater than six inches per hour occupy over 25% of the site.
- (f) Soils with depth to bedrock at 18 inches or less occupy over 25% of the site.
- (g) Soils with depth to seasonal high water table of 40 inches or less occupy over 25% of the site.
- (h) Sites exposed to views from Lake George.

(2) Request by subdivider. A subdivider may request the use of this section simultaneously with or subsequent to the submission of the sketch plan, as described in Article III, ~ 150-5. Any submission subsequent to preliminary approval of a plat shall require a resubmission of the sketch plan.

(3) Alternate sketch plan. A subdivider shall present along with a proposal utilizing the provisions of this section, an alternate sketch plan, with lots meeting the minimum lot area, minimum lot width, and minimum shoreline lot width requirements of the Zoning Ordinance.<sup>13</sup>

(4) Plat submission. Upon determination by the Planning Board that the sketch plan utilizing the provisions of this section is suitable, the procedures attendant to and subsequent to the sketch plan submission, as set forth in this article, shall be followed in regular order.

(5) Local filing, notation on Zoning Map. Any subdivision plat finally approved which involves modifications as provided for in this section shall be filed, in addition to the filing required by Article III, ~ 150-10 hereof, with the Town Clerk, who shall make appropriate notation and reference thereto on the Town Zoning Map.<sup>14</sup>

~ 150-13. Fees.

A. Application fees. The application for sketch plan review, minor subdivision plat review, major subdivision preliminary plat review and major subdivision final plat review shall be accompanied by a fee figured according to the schedule determined by the Town Board.

B. Professional review fees. In addition to the other fees provided for herein, the Zoning Administrator or Planning Board may charge an additional fee to developers of projects

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<sup>13</sup>Editor's Note: See the Schedule of Area, Bulk and Height Regulations included at the end of Ch. 200, Zoning.

<sup>14</sup>Editor's Note: See Ch. 200, Zoning, Art. III.

requiring legal and/or technical review. The fee charged to the project developer shall reflect the actual costs of reasonable and necessary legal and technical assistance.

#### ARTICLE IV General Requirements and Design Standards

~ 150-14. Adherence to standards and requirements.

In considering applications for subdivision of land, the Planning Board shall adhere to and be guided by the requirements and standards hereinafter set forth. Such standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

~ 150-15. General.

A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes or other uses without danger to health or peril from fire, flood or other menace, while minimizing impacts on existing natural or public resources.

B. Conformity to land use plan. Subdivisions shall be in harmony with the Town of Bolton Land Use Plan.

C. Specifications for required improvements. All required improvements shall be constructed or installed in accordance with town specifications, which may be obtained from the Planning Board.

D. Fire protection. The Planning Board may require necessary improvements to ensure adequate protection from fire hazard. Where a public water supply system is utilized, the Planning Board may require the installation for fire hydrants.

E. Subdivision review criteria. When reviewing any subdivision within the Town of Bolton the Planning Board shall consider the provisions of Article V, ~ 150-19.

~ 150-16. Layout of streets and roads.

A. Relationship to natural features.

(1) All streets and roads shall be logically related to the existing topography, soils, vegetation, and other natural features, and shall be coordinated into a logical and efficient system. Grades of roads shall conform as closely as possible to the original topography, except that in all cases the provisions concerning road grades in Subsection C of ~ 150-17 of this article shall be observed.

(2) Installation of utility distribution and service lines shall be planned at the time road layout is determined. For these purposes, areas with steep slopes, shallow soils, soils with a water table at or near the surface, and soils that are highly susceptible to erosion or slippage shall be avoided.

(3) Road layout shall minimize stream crossings perpendicular to the road and traversing existing slopes exceeding 25% measured perpendicular to the road.

B. Intersections.

(1) In general, all streets and roads shall intersect so that for a distance of at least 100 feet each street is approximately at right angles to the street it joins. Minor street intersections with collector streets or arterial highways shall be separated by at least 300 feet.

(2) Wherever possible, new intersections shall be laid out so that streets are opposite one another. Alternate spacing between intersections is discussed in Subsection C of ~ 150-17 of this article.

C. Special treatment along arterial highways. When a subdivision abuts or contains an arterial highway, the Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or other such treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

D. Minor streets. Minor streets shall be laid out so that their use by through traffic will be discouraged.

E. Dead-end streets. Dead-end or loop residential streets will be permitted wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, the Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street, when the Board in its discretion feels such easement is necessary or desirable. Where possible and desirable, subdivisions containing 20 lots or more shall have at least two street connections with existing public streets.

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

G. Other required streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

H. Resubdivision of large lots. Where a tract is subdivided into two or more times as large as the minimum size required in the zoning district in which a subdivision is located, the

Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations and the Zoning Ordinance.<sup>15</sup>

~ 150-17. Design standards.

A. Introduction.

(1) These standards are issued as guides for design and construction of facilities by private developers. They are formulated so that all facilities may eventually be accepted for maintenance by the town. With this objective, adequate design life, ease of operation and maintenance, and standardization have been given primary consideration. Each facility shall be designed and constructed as part of a future complete system.

(2) Any standard or specification referred to shall be understood to be the current version of that standard or specification. The Board may require higher standards, where it believes they are justified. The Board will also consider approval of a design or construction method which is not included in these standards.

(3) The list of approved materials is under constant review by the Board and submission of requests for inclusion of such new material is encouraged. Such requests should be substantiated by test results, specifications and other data. Listing of a material or component in the list of approved materials or approval of a new material does not prevent the Board from requiring inspections or tests deemed by the Board to be necessary before such material or component is installed.

(4) In general, the subdivision plat, development map, and the plan/profiles included in the final submission shall include enough detail to show compliance with design standards. The Board may require the submission of design calculations for review by the Board's Engineer. In some cases, at the discretion of the Board, construction methods shall also be shown.

(5) Compliance with construction standards, approved materials list and the approved final submission shall be required during construction. Final approval of the development construction and release of the letter of credit shall be dependent upon such compliance. Construction methods shall conform to manufacturer's recommendations, unless otherwise specified in these standards.

B. Surveying and mapping.

(1) General. Procedure shall include temperature and slope corrections to distance measurements; adjustment of closed baseline traverses; presentation of all necessary data clearly and completely; and the use of proper methods to obtain the required standards of accuracy.

(2) Surveying accuracy. The position closure of a traverse after distribution of azimuth errors shall not exceed 1:5,000. Discrepancies in levels between forward and backward runs shall not exceed 1/10 of a foot, times the square root of the length of section in miles.

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<sup>15</sup>Editor's Note: See Ch. 200, Zoning.

(3) Mapping accuracy. The limits of error in any map shall not exceed 1/10 inch between points as scaled on the original map. The elevation error shall not exceed 1/2 the contour interval.

(4) Monuments and bench marks.

(a) Monuments shall be located in sufficient number to control the subdivision but at minimum they shall be located at every point of tangency, point of curvature, point of deflection, and all intermediate points necessary to provide visibility between adjacent monuments along one right-of-way line of each street. All easements shall be similarly monumented. Iron pipes shall be located at all lot corners and shall be located by reference to monuments.

(b) Bench marks shall be set and marked with USGS elevation, unless an assumed datum is allowed by the Board. One bench mark shall be required for every 25 acres developed.

(c) Monuments and bench marks shall be carried from existing monuments or bench marks and their origin noted on the subdivision plat. Suitable primary control points shall be shown on the plat and all other dimensions, bearings, angles, and similar data shall be referred to them.

(5) Certification. The following certification accompanied by the imprint of the New York Registration Seal of the land surveyor or engineer and his name, shall be included on the subdivision plat: "I hereby certify this map to be substantially correct and in accordance with the accuracy required by the Town of Bolton Subdivision Regulations."

C. Streets. All streets and roadways shall be constructed in accordance with the design standards set forth in Appendix F. [Amended 4-17-1985]

(1) General.

(a) Streets shall follow low land, excepting wetlands, whenever feasible. When a subdivision street intersects an existing street, the Board may require the owner to improve the existing street as necessary to meet the requirements of these regulations for intersection design.

(b) For the purpose of this section, culs-de-sac shall be considered as marginal access roads.

(c) All subdivision proposals shall include proposed road construction, and all proposals shall be submitted to the Bolton Fire Company for review. [Added 2-20-1997]

(2) Street width.

(a) Subdivisions shall be laid out to provide the following street and roadway widths, unless otherwise shown on the Bolton Land Use Plan - Transportation Supplement. [Amended 2-20-1997]

**Street Type**

**ROW Width**

**Roadway Width**

Collector	50'	24'
Local and marginal access	*	**

\* A 40' ROW width may be used at the discretion of the Planning Board where topographical and other natural conditions warrant it. Under such circumstances, power lines and community water and sewer facilities may have to be located in separate easements and/or rights-of-way.

\*\* The roadway width for local and marginal access streets shall be determined by the Planning Board.

Widths: The minimum road surface should be 18 feet and the maximum should be 26 feet.

(b) Roadways shall be centered in the right-of-way, except in unusual cases where topographical or other natural conditions make it impractical. Under no circumstances shall a road be terminated without a properly designed turnaround.

(3) Street alignment.

(a) A curve shall be required whenever a collector or local street deflects more than 10°. A curve shall be required for any deflection in an arterial street. Minimum center line radius for horizontal curves shall be as follows:

Street Type	Minimum Radius
Collector	300'
Local	250'
Marginal access	200'

(b) A tangent of at least 150 feet shall be required between reverse curves, except where the topographical conditions of the site being subdivided would require a lesser radius or tangent without disturbing major portions of unexcavated soil and foliage.

(4) Street grades.

(a) Maximum street grades shall be as follows:

Street Type	Maximum Grade
Collector	8%
Local	10%
Marginal access	12%

(b) Street grades shall not be less than 0.5%. Grades at street intersections shall be held to a maximum of 3% for a distance of 100 feet from the edge of pavement of the intersected street. Vertical parabolic curves shall be introduced at changes of

grade exceeding an algebraic difference of 1% and shall provide the following minimum sight distances:

<b>Street Type</b>	<b>Minimum Sight Distance</b>
Collector	250'
Local	100'
Marginal access	100'

(5) Street intersection.

(a) T-intersections shall be used in residential areas where practical. Intersections of more than two streets shall be prohibited. Intersecting streets shall be laid out so as to intersect at 90°. Any change in street alignment to meet this requirement shall be at least 100 feet from the pavement edge of the intersected street.

(b) Street right-of-way lines and roadways at intersections shall be rounded with a radius determined from the following table by the higher type of street in the intersection.

<b>Street Type</b>	<b>Minimum ROW</b>	<b>Radius/Minimum Roadway Radius</b>
Arterial	Varies	Varies
Collector	28'	40'
Local	10'	25'
Marginal access	5'	20'

(c) Intersections with arterial streets shall be held to a minimum and preferably spaced at least 1,000 feet apart.

(d) Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between the center lines of streets entering local or collector streets and 300 feet for streets entering onto arterials.

(6) Dead-end streets. Dead-end streets shall not be longer than 1,000 feet and shall be provided with a turnaround at the closed end, having a street right-of-way diameter of at least 140 feet and an outside edge of pavement diameter of at least 100 feet. If an island is left in the turnaround it shall be nearly level to facilitate snow plowing, and there shall be no curbs around the island. The turnaround pavement shall slope to the outside of the circle. The pavement radius at the entrance to the turnaround shall be at least 50 feet for symmetrical turnarounds and greater for offset turnarounds. When a street is extended beyond an intersection to make provision for its future extension, a temporary turnaround shall be provided at the end of the streets unless no lots are served by the extension. The temporary turnaround shall meet the requirements for a permanent turnaround.

(7) Street access. Access to arterial streets shall be restricted as far as practicable.

(8) Street setbacks. Setbacks from existing streets shall be in accordance with the Zoning Law.<sup>16</sup>

(9) Fill slopes.

(a) Where streets are constructed on new fill, the side slopes of the fill shall be as follows:

Fill height: 0' - 6'

Slope - vertical to horizontal: 1 to 4 or flatter.

Fill height: 6' - 12'

Slope - vertical to horizontal: side slopes shall not exceed 1 on 3 or flatter.

Fill height: above 12'

Slope - vertical to horizontal: not permitted

(b) The width of the top of embankment shall be at least 20 feet wider than the width of roadway.

(10) Cut slopes. Side slopes of cuts shall not exceed 1 on 3.

(11) Retaining walls. When side slopes are unable to reach original grade within the street right-of-way, retaining walls may be used in combination with grades at the slopes indicated in Subsection C(9) and (10) above. In no case shall retaining walls exceed six feet in height.

(12) Guard railing. Where streets are constructed on fills of greater than six feet in height, guard railing shall be installed along the side of the road, eight feet from the edge of the roadway.

D. Storm drainage.<sup>17</sup>

(1) General.

(a) A storm drainage plan must be approved by the Planning Board encompassing all drainage elements for the drainage of the subdivision, areas feeding the subdivision, and areas downstream from the subdivision.

(b) In designing for storm drainage, the Water Pollution Control Federation Manual of Practice on Design and Construction of Sanitary and Storm Sewers (MOP-9) shall be used as a guide. The procedures of the Manual are not binding and other good engineering practices may be accepted by the town.

(2) Design criteria. All components shall be designed for runoff from the entire contributing watershed, taking future development into account. In addition, the design

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<sup>16</sup>Editor's Note: See the Schedule of Area, Bulk and Height Regulations included at the end of Ch. 200, Zoning.

<sup>17</sup>Editor's Note: See Ch. 125, Stormwater and Erosion Control.

shall be considered as part of a larger storm drainage system and shall provide drains to the limits of the subdivision. The following criteria shall be used in designing for storm drainage:

(a) Rational method shall be used for all drainage areas smaller than 100 acres. An approved method shall be used for larger areas.

(b) Runoff co-efficient of not less than 0.35.

(c) Inlet time not greater than 20 minutes from the farthest point to the first inlet.

(d) Rainfall-intensity-duration-frequency curves of the U.S. Weather Bureau for the Albany area shall be used:

- ten-year storm for local and collector streets and residential districts.

- twenty-five-year storm for arterial highways, potentially highly developed commercial or industrial districts, and culverts carrying major streams.

(e) Surface flow on streets shall be limited to 350 feet. Discharge shall be from street drainage across open areas or collected in a retention basin for slow discharge into a stream with bed and banks. In no case shall water be discharged from the site in a greater intensity than existed prior to construction.

(f) Gutter profiles may be required at intersections which involve steep grades.

(3) Pipe. Required pipe sizes shall be determined by use of the Manning Formula. Full pipe velocities shall not be less than three feet per second. Full pipe velocities greater than 10 feet per second shall be avoided whenever possible. If such velocities are unavoidable, measures shall be taken to protect pipe from scour. The minimum size of pipe to be used shall be 12 inches. All pipe shall be installed with a minimum of three feet of cover. Pipe shall be designed for the overburden and live loads it will be subject to. Type and class of pipe and bedding conditions shall be specified. All pipe junctions shall be in manholes or catch basins. Storm drainage shall be designed to the limits of the subdivision and the upper end shall terminate at a catch basin or manhole.

(4) Catch basins and manholes. Catch basins, manholes, frames, covers, and grates shall conform to town standards.

(5) Trash racks. Trash racks may be required where the intake of branches or debris to the storm system may clog the line. The design of the trash rack shall be based on conditions and requirements of each particular case.

(6) Grading.

(a) Lots shall be graded so that runoff from roofs, drives and other impervious surfaces flows toward a street, except that such runoff may flow to the rear where a watercourse abuts the rear of a lot. If it is not practicable to direct runoff to the street, a grading plan for the area may be required by the Board. Such grading plan shall show grading designed to prevent ponding in and around buildings, streets or lawn areas and either sheet drain water away from the developed areas of the site or direct water to a drainage system.

(b) Lots having driveways sloping away from streets shall have driveways paved, so as to provide a high point at or near the ROW. It is intended that this high point prevent street runoff from entering the lot.

E. Sanitary sewage.

(1) General. No housing unit may be occupied unless the sanitary sewage system is approved by the New York State Department of Health.

(2) Sanitary sewers. Where an existing sanitary sewer is within 500 feet of the subdivision, the developer shall extend it to accommodate the proposed subdivision. All elements of the system must be approved by both the Sewer Districts of Warren County and the Town of Bolton.

(3) Individual household wastewater treatment facilities will be allowed where sanitary sewers are not available to the proposed subdivision. Said facilities shall conform to the Sanitary Sewage Disposal Ordinance for the Town of Bolton. Secondly, said facilities must be approved by and receive permits from the New York State Department of Health and/or the New York State Department of Environmental Conservation, whichever is appropriate.

F. Water system.

(1) General.

(a) All components of the water system shall meet the requirements of the Bolton Water Department or the Rural Water Supply manual of the New York State Department of Health.

(b) Waterlines, valves and hydrants shall, in addition, meet the Recommended Water System Design Standards of the New York Fire Insurance Rating Organization. The design shall provide that additions to the system can be constructed without interrupting normal service or decreasing fire flows. All components shall be designed to provide present and future service as required by the Town Plan and/or any water system plan adopted by the Town of Bolton. Subdivision water systems shall be connected to the town system if feasible. All community water systems shall be approved by the New York State Department of Health.

(2) Water supply. A source of supply shall be developed which will yield 100 gallons per resident in approximately 16 hours over a prolonged period of time without disturbing the normal groundwater reserve.

(3) Water quality. Water supplies for Community Water Systems shall meet all requirements of the New York State Public Drinking Water Standards.

(4) Hydro-pneumatic pressure system. Pumps, tanks and accessory equipment shall provide adequate pump capacity and pressure with one-day storage.

(5) Water mains. Pipe and fittings shall be of approved materials and class. Class of pipe and type of material shall be specified according to ground conditions, external loading using specified bedding, and internal pressure as determined by immediate conditions and Town of Bolton Water System Plans. Main sizes shall be as required by the town in

accordance with town Water System plans with no main less than six-inch size. Dead-end mains shall be avoided whenever feasible. When permitted, however, a blow-off or hydrant shall be installed. A six-inch main loop longer than the maximum length permitted by the Recommended Water System Design Standards may be permitted, provided it is temporary and final construction drawings show intersecting mains conforming to these design standards.

(6) Valves. Valves shall be AWWA gate valves of a type approved by the town. Valves shall be installed on every branch of an intersection, at every stub provided for future expansion and as required by the New York Fire Insurance Rating Organization, Recommended Water System Design Standards. The owner may be allowed to omit the valve on one branch line at intersections of lines of minor importance. Valve boxes shall be installed for each valve.

(7) Hydrants. Hydrants shall be of a type approved by the town and shall be installed as required by the New York Fire Insurance Rating Organization's Recommended Water Design Standards.

(8) Services. Services shall be of approved material with at least a 3/4" inside diameter.

G. Tree clearing and street tree planting.

(1) General. Subdivision shall be encouraged to retain existing natural features and vegetation. Clearing shall be kept to a minimum. Existing vegetation shall be retained within the right-of-way wherever possible. Clearing for construction of buildings, sanitary and water facilities, other utilities and driveways shall be limited to the area required for construction and the public health, safety and welfare. Whenever possible, the location of utilities shall be located within other areas which have been cleared in order to minimize the removal of trees.

(2) Clearing for roadways. Clear-cutting shall be limited to those areas disturbed by grading for the construction of the roadway, drainageways and side slopes, as specified in this section.

(3) Buildings. Clearing for the construction of a building shall be limited to that space occupied by the foundation of the building and the distance of up to 20 feet beyond the foundation.

(4) Wells. Clearing for drilling of individual wells and service to the residence or building shall be limited to a right-of-way 14 feet wide to permit access for machinery to drill the well and lay the water pipe to the building.

(5) Sanitary systems. Clearing for sanitary systems (i.e., septic tanks and fields, seepage pits or storage tanks), shall be limited to the area occupied by the elements of these systems and an area 10 feet to 15 feet (depending on soil type) beyond the limits of these systems.

(6) Driveways. Clearing for a driveway shall be limited to a sixteen-foot right-of-way.

(7) Street tree planting.

(a) Whenever trees are removed from the road right-of-way, street trees shall be planted at a rate of one tree for every 50 feet of cleared right-of-way.

(b) Street trees shall be indigenous to the area, nursery stock, 3 inches to 3 1/2 inches caliper and deciduous. The location and spacing of the street trees shall minimize the visual impact of the roadway clearing from visually sensitive land use areas and travel corridors as priority locations.

(c) Trees shall be located no closer than 50 feet to an intersection to allow proper site distances.

## ARTICLE V Regional Subdivision

~ 150-18. Additional provisions.

A. When a proposed subdivision is a regional subdivision, the provisions of this article shall apply in addition to all other provisions of these regulations. For the purpose of these regulations, if a subdivision constitutes both a Class B Regional Subdivision and a Class A Regional Subdivision, it shall be deemed to be a Class A Regional Subdivision, but only as to those identifiable areas within the proposed subdivision forming the jurisdictional basis for a determination as a Class A Regional Subdivision. [Amended 12-7-1993]

B. All Class A uses allowed by the Zoning Chapter for the Town of Bolton are listed as Type I, Site Plan Review on the zoning schedules in ~ 200-13 of that chapter. All Class B use types are listed as Type II, Site Plan Review on the same zoning schedules.<sup>18</sup>

~ 150-19. Special review for Class B Regional Subdivisions.

When a proposed subdivision is a Class B Regional Subdivision, the Planning Board shall not render any approvals unless the Board first determines that the subdivision would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the town or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision. In making this determination, the Planning Board shall consider the following:

- A. Water resources:
  - (1) Existing water quality.
  - (2) Natural sedimentation of siltation.
  - (3) Eutrophication.
  - (4) Existing drainage and runoff patterns.

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<sup>18</sup>Editor's Note: See Ch. 200, Zoning.

- (5) Existing flow characteristics.
- (6) Existing water table and rates of exchange.

B. Land resources:

- (1) Existing topography.
- (2) Erosion and slippage.
- (3) Floodplain and flood hazard.
- (4) Mineral resources.
- (5) Viable agricultural soils.
- (6) Forest resources.
- (7) Open space resources.
- (8) Vegetative cover.
- (9) The quality and availability of land for outdoor recreational purposes.

C. Air quality.

D. Noise levels.

E. Critical resource areas:

- (1) Rare plant communities.
- (2) Habitats of rare and endangered species and key wildlife habitats.
- (3) Wetlands.
- (4) Unique features, including gorges, waterfalls, and geologic formations.

F. Fish and wildlife.

G. Scenic vistas and travel corridors.

H. Historic sites or structures.

I. Site factors, such as:

- (1) Geology.
- (2) Slopes.

- (3) Soil characteristics.
- (4) Depth to groundwater and other hydrological factors.
- (5) Adjoining and nearby land uses.
- (6) Adequacy of site facilities.

J. Governmental considerations:

- (1) Ability of government to provide facilities and services.
- (2) Municipal school or special district taxes or special district user charges.
- (3) Conformance with other governmental controls.

~ 150-20. Special permit for Class B Regional Subdivisions.

When the Planning Board renders final approval of a Class B Regional Subdivision, the Board shall issue a permit authorizing the subdivider to undertake the subdivision in accordance with any terms and conditions set forth therein. The Planning Board, in conjunction with its approval of any Class B Regional Subdivision, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to ensure that guidelines as to intensity of development as provided in the Zoning Ordinance<sup>19</sup> shall be respected, and the imposition of reasonable conditions to ensure that the subdivision will be adequately supported by services and improvements made necessary thereby, and to ensure that the subdivision will be completed in accordance with the terms of the approval and permit.

~ 150-21. Special procedure for Class B Regional Subdivisions.

When a proposed subdivision is a Class B Regional Subdivision, within 10 days following receipt of a completed application under Article III, the Planning Board shall furnish the Adirondack Park Agency a copy of the application and plat, together with such further pertinent information as the Agency may deem necessary. The Planning Board shall also mail a copy of the notice of public hearing on the subdivision to the Agency at least five days before such hearing. The Agency shall be a full party in interest with standing to participate in the hearing and other proceedings pursuant to this section relative to Class B Regional Subdivisions.

~ 150-22. Special procedures for Class A Regional Subdivisions.

As soon as possible after the Planning Board has received notice that a Class A Regional Subdivision has been filed with the Adirondack Park Agency, the Planning Board or its designee, shall consult with the Agency to determine whether the subdivision meets the

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<sup>19</sup>Editor's Note: See Ch. 200, Zoning.

requirements of the Town Land Use Program. Not later than 30 days following this notice, the Planning Board shall provide the Agency with its determination whether the subdivision meets the requirements of the Town Land Use Plan. The Adirondack Park Agency shall not approve a Class A Regional Subdivision, unless it first determines, after consultation with the Planning Board, that the subdivision would comply with all the requirements of the Town Land Use Plan.

## ARTICLE VI Application Requirements

~ 150-23. Sketch plan.

A. The sketch plan shall consist of a drawing(s) which illustrates the proposed subdivision and the issues which are inherent to the site and complexity of the subdivision as follows:

(1) Minor subdivision. The sketch plan can be based on Tax Map information or some other similarly accurate base map at a scale of no more than 200 feet to the inch to enable the entire ownership of the subdivider to be shown on one sheet, and be accompanied by a vicinity map at a scale of 800 feet to the inch.

(2) Major subdivision. The sketch plan shall be at a scale of 100 feet to the inch, including topographic information at a minimum of five-foot contour intervals and be accompanied by a vicinity map at a scale of 800 feet to the inch.

B. Both minor and major subdivision shall show the following:

(1) The location of that portion of the subdivider's ownership, which is to be subdivided in relation to the whole, and the location of nearby streets and roads.

(2) All existing structures, wooded areas and permanent and intermittent watercourses within the portion to be subdivided and within 200 feet thereof.

(3) The name of the owner(s) of the property to be subdivided and of all adjoining property owners, as disclosed by the most recent municipal tax records.

(4) The Tax Map sheet, block and lot numbers, if available.

(5) All available utilities and streets which are either proposed, mapped or built.

(6) The proposed lot layout, street layout, all watercourses and wetlands and any proposed recreation or open space areas depicted by metes and bounds, distances, lots numbered in sequence, lot area, North arrow and scale indication, and other specifications as the Zoning Administrator or the Planning Board may reasonably require to facilitate Code compliance. [Amended 8-2-2005]

(7) All existing restrictions on the use of land, including easements or covenants.

(8) Sketch drainage plan (can be incorporated on layout plan).

- (9) Sketch landscape plan (can be incorporated on layout plan).

~ 150-24. Minor subdivision plat.

An application for minor subdivision plat approval shall include:

A. The plat to be filed with the County Clerk, printed upon a plastic or Mylar polyester material. The size of the sheet upon which the plat is drawn shall be either 20 inches by 20 inches or 20 inches by 40 inches and shall show:

(1) Proposed subdivision name, name of the town and county in which it is located, and the names of all adjoining property owners.

(2) North point, map scale, name and address of the subdivider, the owner(s) of record and engineer or surveyor, if any, including license number and seal.

(3) The boundary lines of the tract and for each of the lots therein offered for sale to the public, if any, the boundary lines of such lots by actual field survey, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor, and bearing the date of the completion of the survey. The corners of whatever part or parts of the tract may be offered for sale to the public shall also be located on the ground and marked by monuments as approved by the Planning Board and shall be as shown on the plat.

(4) The specific description and expiration date of any outstanding variances granted for the lots, structures, vegetative cutting or other aspects of the subdivision. [Added 9-5-2000]

B. Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the State Department of Health and the Town Sanitary Code. Approvals of all sanitary facilities proposed for each lot, including the location of a proposed well (if public water supply is not being used) and the location of the percolation test pits and extent of proposed sanitary facilities (if public sewer is not available). Approval of each lot for sanitation disposal by the Building Inspector or other appropriate regulatory agency is required prior to approval of a minor subdivision.

C. A copy of the deed(s) relating to the property to be subdivided, and such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

~ 150-25. Major subdivision preliminary plat and accompanying data.

A. An application for preliminary plat approval shall include:

(1) The preliminary plat, clearly marked "preliminary plat," at a scale of not more than 100 but not less than 50 feet to the inch, which shall show:

(a) Proposed subdivision name or identifying title, name of town and county in which it is located, and the names of all adjoining property owners.

(b) North point, map, scale, name and address of subdivider, owner(s) of record, engineer or surveyor, including license number and seal.

(c) The boundary lines of the tract as determined by actual field survey, giving complete descriptive data by bearings and distances, made and certified to be a licensed land surveyor and bearing the date of the completion of the survey. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Planning Board and shall be shown on the plat.

(d) Topographic contours at intervals of two feet, including elevations on existing roads an appropriate grading plan to include areas around typical lot layouts, as described in Subsection A(1)(l) in this section.

(e) Location of existing structures, easements, permanent and intermittent watercourses, wetlands, rock outcrops, wooded areas and other significant existing features for the proposed subdivision and adjacent property.

(f) Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

(g) The width and location of any streets or roads within the area to be subdivided and the width, location and grades of all streets or roads proposed by the subdivider.

(h) The proposed lot lines with approximate dimensions and area of each lot.

(i) The approximate location and size of all proposed waterlines, valves, hydrants and sewer lines, fire alarm boxes and connections to existing lines. Alternate means of water supply or sewage disposal and treatment shall be indicated.

(j) Storm drainage plan indicating the approximate location and size of proposed lines or ditches and their profiles, connections to existing lines or ditches and any alternate means of drainage.

(k) Preliminary design of any proposed bridges or culverts.

(l) Typical lot layout(s), with building and on-site sewage disposal system sites, well locations, driveways and tree clearing.

(m) Typical clearing and grading cross-section for construction of roads and installation of utilities.

(n) Proposed recreational or open space areas, including parcels of land proposed to be dedicated to public use.

(o) Typical erosion control measures to be used before, during and after construction of the subdivision.

(p) The specific description and expiration date for any outstanding variances granted for the lots, structures, vegetative cutting or other aspects of the subdivision.  
[Added 9-5-2000]

(q) When more than one sheet is required, an additional index sheet of the same size shall be submitted showing to scale the entire subdivision with lot and block numbers clearly legible.

(2) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing all existing streets, an outline of the platted area with its proposed streets, and an indication of the probable future street and drainage system (if any) in the remaining portion of the tract with its grades and drainage.

(3) Design of all proposed on-site sanitation and water supply facilities, meeting the minimum specifications of the State Department of Health and Town Sanitary Code.

(4) A copy of such proposed covenants or deed restrictions, as may be intended to apply to the property in whole or in part.

B. If the proposed subdivision is a regional subdivision, the subdivider may also be required to submit an analysis with supporting data of the ability of the public to provide supporting services and facilities which can reasonably be anticipated to be required, following the approval of the project, and analysis with supporting data of any benefits that might derive from the project, and plans the applicant may have for future development related to the project and information describing the applicant, evidence of his or its financial capacity to complete the project and the professional names of advisors or consultants engaged in respect to the project.

C. A copy of the deed(s) relating to the property to be subdivided, and such proposed covenants or deed restrictions as may be intended to apply to the property in whole or in part.

D. Timber harvesting/reforestation plan. When a subdivider plans to harvest timber from a site to be subdivided in such a manner as not to be considered clear-cutting, or when a subdivider plans to submit plans for a site which has been harvested within the previous two years, such subdivider shall submit, as part of the preliminary plat application, a timber harvesting and/or reforestation plan as follows:

(1) Timber harvesting plan: The timber harvesting plan shall be prepared by a professional forester and shall include a plan of the proposed subdivision site at a scale consistent with the preliminary plat plan. Such plan shall include:

- (a) The location of the property lines of the site to be subdivided.
- (b) Topographic contours at ten-foot intervals.
- (c) Areas to be timbered.
- (d) Areas greater than 25% slope.
- (e) Wetlands, streams, drainageways.
- (f) Location of logging roads, staging areas, proposed subdivision roads and building sites.

(g) Anticipated basal area to be removed.

(h) Anticipated basal area to remain.

(i) Description of the general approach to timbering the site, i.e., equipment to be used, cutting systems: i.e., selective cutting and shelterwood seed-tree as they may apply to different areas of the site and measurements to be taken to protect more sensitive areas of the site, i.e., wetlands, steep slopes, drainageways, streams and water bodies.

(2) Guidelines for timber harvesting plan.

(a) The timber harvesting plan shall generally comply with the following standards:

[1] Protection of standing timber and young trees from fire and other destructive forces.

[2] Prevention of damage to trees during logging operations.

[3] Provision for replanting the cleared land after logging.

[4] Partial cutting or selective logging shall be the general standard of forest practice.

[5] A minimum of 80 square feet to 100 square feet of basal area per acre shall remain.

[6] Sensitive areas such as drainageways, slopes over 25%, wetlands and scenic areas should be avoided.

(b) To this end the following adjustments may be made during logging operations:

[1] Timber destroyed by felling or damaged or destroyed by skidding will require an adjustment of the quantity of timber selected to remain to maintain minimum basal area.

[2] All quantities of timber for harvesting and remaining shall be based on vigorous healthy material. Unhealthy or damaged timber cannot be included in the basal area of the timber remaining.

(3) Reforestation plan. When the Planning Board feels that the site will be timbered to the extent that the general character of the site has been altered, i.e., seed tree system, the subdivider may be required to submit a reforestation plan. Such plans shall be prepared by a professional forester or a licensed landscape architect and shall include:

(a) The location of the property lines of the site to be subdivided.

(b) Topographic contours at ten-foot contour intervals.

(c) Areas to be reforested.

- (d) Location of proposed subdivision roads and building sites.
- (e) The method of reforestation, including tree species, spacing and time schedule.

(4) Guidelines for reforestation plan: The reforestation plan shall generally comply with the following standards:

- (a) Plants to be used shall be nursery stock.
- (b) New plants shall be spaced no greater than eight feet apart, nor closer than three feet apart.
- (c) New plantings shall be vigorous and healthy two years after installation on the site.

(5) Implications of extensive timber harvesting: When areas have been extensively harvested, other than the proposed subdivision road and housing sites, or when sensitive areas have been harvested exposing the site to erosion, siltation or scenic degradation, the reforestation of those areas shall be considered the first phase of the subdivision plan. Phase 2 shall be approved only after reforestation measures are established as vigorous and healthy, two years after installation of the plants.

~ 150-26. Major subdivision plat and accompanying data.

A. An application for major subdivision plat approval shall include:

(1) The plat to be filed with the County Clerk at a scale no smaller than 100 feet to the inch, printed upon plastic or Mylar polyester material. The size of the sheet upon which the plat is drawn shall be either 20 inches by 20 inches or 20 inches by 40 inches and shall show:

(a) Proposed subdivision name or identifying title, name of town and county in which it is located and names of all adjoining property owners.

(b) North point, map scale and name and address of subdivider, owner(s) of record, engineer or surveyor, including license number and seal.

(c) The location of all boundary lines, easements, right-of-ways, proposed street lines (their names and exact boundary locations) and lot lines, as determined by actual field survey, including the length and bearings of straight lines and length of radii of all curves. All dimensions shall be shown in feet and decimals thereof. Such survey shall be made and certified to by a licensed land surveyor or engineer and the plat shall bear the date of the completion of the survey. Referenced on the plat shall be:

[1] Monuments set at all corners and angle points of the boundaries of the original tract to be subdivided, all street intersections, angles in the street lines, points of curve and such other points as may be required by the Planning Board;

[2] Monuments shall be substantial granite posts, with a cross section on top, or concrete posts, four inches square. Monuments shall be accurately set, not less than three feet in the ground; and

[3] Permanently lodged lot corner markers of at least 24 inches in length, located in the ground to existing grade. Stakes shall be rigid metal.

(d) A list of all conditions related to the use of the land, including conservation easements, remaining development rights, and any special conditions as may be required by the Planning Board.

(e) A statement that the plan is in compliance with the Zoning Ordinance of the town.<sup>20</sup>

(f) A statement reading as follows: Approved under authority of a resolution adopted ..... by the Planning Board of the Town of Bolton, New York. ...., Chairman.

(g) The specific description and expiration date for any outstanding variances granted for the lots, structures, vegetative cutting or other aspects of the subdivision. [Added 9-5-2000]

(2) Construction drawings to be prepared at a scale approved by the Building Inspector or as indicated below, shall show the following:

(a) The stationing and tie-in of the center line distances of streets with monuments and other points.

(b) The locations and widths of all streets, pavements, curbs, sidewalks or sidewalk areas, easements, parks and other open spaces, the proposed names of all streets and the radii of all curves in street lines.

(c) Topographic contours, at intervals of two feet or as required by the Board, including elevations on existing roads and final grading plan.

(d) Location of existing structures, easements, permanent and intermittent watercourses, wetlands, rock outcrops, wooded areas, single trees with a diameter of 24 inches or more as measured at a height 41/8 feet above the ground at the base of the tree, and other significant existing features for the proposed subdivision and 50 feet outside the perimeter of the property to be subdivided.

(e) Location of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades and direction of flow.

(f) The location and size of all proposed water lines, valves, hydrants and sewer lines, fire alarm boxes and connections to existing lines.

(g) The location and species of street trees if retained within the right-of-way or proposed to be planted by the subdivider.

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<sup>20</sup>Editor's Note: See Ch. 200, Zoning.

(h) Storm drainage plan indicating the location and size of proposed lines or ditches and their profiles and connections to existing lines and ditches, and method of disposal of the collected stormwater.

(i) Any other proposed underground utilities.

(j) Final design of any proposed bridges or culverts.

(k) All recreational or open space areas, including parcels of land proposed to be dedicated to the town.

(l) Typical lot layout(s) with building and on-site sewage disposal sites, well locations and driveways.

(m) Typical clearings and grading cross sections for construction of roads, including full right-of-way width showing character, width and depth of subbase, location of utilities, character and dimension of sidewalk and curb (if any), drainageways and side slope grading.

(n) Cross sections of intersections and other special sections showing details of surface drainage.

(o) Title under which the proposed subdivision is to be recorded, with the names of the owner, engineer and land surveyor, together with seal and license number of the engineer and land surveyor.

(p) Date, north point and scale of drawings.

(q) Profiles showing original ground surface and finished street surface at center lines of all streets, percentage of grades of streets, stationing and elevations of all PC's, PI's, PT's and of proposed sewers, drains, culverts, manholes and other features. Invert elevations and slopes of sewers and drains, and both surface and invert elevations of manholes shall be indicated. Profiles shall be drawn to a scale of four feet to one inch vertical and 40 feet to the inch horizontal. The stationing shall show accurate center line distances. The elevations of original ground surface shall be to the nearest tenth of a foot and of fixed points to the nearest hundredth of a foot. All elevations shall be based on the USGS datum.

(r) Design of all proposed on-site sanitation and water supply facilities meeting the minimum specifications of the State Department of Health and the Town Sanitary Code.

(s) Each lot shall locate the proposed well (if public water supply is not used), and the location of the percolation test pits and extent of proposed sanitary facilities (if public sewer is not available). Approval of each lot for sanitary disposal system by the Building Inspector or the appropriate regulatory agency is required prior to final approval of a major subdivision.

(3) A clearing plan to be prepared at a scale approved by the Building Inspector shall show the following details:

- (a) Existing vegetation prior to any clearing of the site for site investigation purposes.
  - (b) Areas of vegetation removed from the site for investigation purposes.
  - (c) Location of roadways, underground or overhead utilities not in roadways, limits of grading, proposed location of any buildings, septic systems, wells and driveways and any other improvements which might require clearing.
  - (d) Areas where slopes are greater than 25%.
  - (e) Limits of proposed clearing of trees.
  - (f) Measures to be taken to protect remaining trees, including details.
- (4) An erosion control plan to be prepared at a scale approved by the Building Inspector shall show the following:
- (a) A generalized grading and drainage plan. (Does not require spot grades or slope designation).
  - (b) Any phasing of tree removal and/or construction.
  - (c) Proposed erosion control measures, including scheduling and phasing during the site preparation, site construction and post construction.
  - (d) Details of all erosion control measures.
- (5) Reports and additional information:
- (a) Drainage report demonstrating that no increased runoff will be generated by construction of the subdivision, including any proposed buildings.
  - (b) Copies of all easements or rights-of-way agreements required by the Planning Board.
  - (c) If the subdivision is to be managed by a homeowners association or condominium, copies of their regulations and agreements indicating any restrictions required by the Planning Board. If the subdivision is to be sold fee simple, copies of deeds indicating any restrictions required by the Planning Board.
  - (d) If recreation land is to be dedicated to the town, a copy of the agreement or deed transferring such land, such offers, deed agreements or other documents shall bear the approval of the Town Attorney, as to their legal sufficiency.
  - (e) Construction schedule and agreement with the town for inspection of all public improvements.

(f) Any reports or documents pertaining to approvals by other agencies.

(g) Prior to final approval, all fees, bonds, special accounts and other monies shall be transmitted to the Town Clerk.

## ARTICLE VII

### **Waivers**

~ 150-27. Waiver of requirements.

Where the Planning Board finds, due to the special circumstances of a particular plat, that meeting a certain requirement of these regulations is not requisite in the interest of the public health, safety and general welfare, it may waive such requirements subject to appropriate conditions, provided that in no case shall any of the provisions of Article V (Regional Subdivisions) be waived.

~ 150-28. Imposition of conditions.

In granting waivers, the Planning Board shall impose such conditions as will substantially assume that the objectives of the standards or requirements so waived are met.

~ 150-29. Denial of access to municipal services.

If the Planning Board finds that due to special circumstances, it is inappropriate to extend municipal services to the proposed subdivision, access to said municipal services may be denied.

## ARTICLE VIII

### **Enforcement**

[Added 8-2-2005]

~ 150-30. Fines; penalties for offenses.

A. It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building, structure or premises, or portion thereof, in violation of any provision of the Town of Bolton Land Subdivision Regulations, or to construct, alter or use and occupy any building, structure or premises in a manner not permitted by or inconsistent with a permit, approval or variance issued pursuant to the aforementioned, or fail to comply with a notice, directive or order of the Zoning Administrator or agents thereof.

B. Any person who owns, controls or manages any building, structure or premises, and who shall fail to comply with a written directive, including a stop-work order of the Zoning Administrator or an agent thereof within the time fixed for compliance, and any owner, builder, architect, contractor, subcontractor, construction superintendent or their agents, or any other person assisting in the construction or use of any building or structure, or in the land disturbance on or use of any premises who knowingly violates any of the applicable provisions of the Town

of Bolton Land Subdivision Regulations, or any lawful order, notice, directive, permit, certificate, approval or variance issued hereunder shall be punishable as follows:

(1) Criminal sanctions.

(a) Criminal sanctions are as follows:

[1] First offense: fine not exceeding \$350 or six months' imprisonment, or both.

[2] Second offense: fine of not less than \$350 or more than \$700, or up to six months imprisonment, or both.

[3] Third offense or subsequent offense (if committed within five years of first offense): fine of not less than \$700 or more than \$1,000, or up to six months imprisonment, or both.

(b) Every such person shall be deemed guilty of a separate offense for each week such violations, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "person" for the purposes of this article.

(c) The Zoning Administrator or agent may commence criminal proceedings in the justice court by issuing an appearance ticket to any alleged violator and/or by filing an information and supporting deposition pursuant to the New York Criminal Procedure Law. Alternatively, the Zoning Administrator or agent, or the Town Board may request the District Attorney to prosecute the violation or to appoint the Town Attorney as a special district attorney for that purpose.

(2) Civil penalties.

(a) As an alternative to criminal sanctions, the Town may institute proceedings for civil penalties in the amounts stated herein for each such violation:

[1] First violation: civil penalty not exceeding \$350.

[2] Second violation (if committed within five years of first offense): civil penalty of not less than \$350 or more than \$700.

[3] Third violation or subsequent offense (if committed within five years of first offense): civil penalty of not less than \$700 or more than \$1,000.

(b) Such fines or penalties may be compromised or released by the Town Board as a part of any disposition.

~ 150-31. Alternative or additional remedy.

In the case of any violation or threatened violation of any provisions hereof, or the terms and conditions imposed by any permit, approval, variance or order issued pursuant to the provisions

hereof, in addition to other penalties and remedies herein provided, the Town may institute any appropriate action or proceedings against the owner of the premises and/or any other responsible person to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct or abate such violation, to prevent or restrain the occupancy of such building, structure or land, to compel compliance with the provisions hereof and any permit, approval, variance, order or directive issued pursuant to it, and to prevent, restrain, correct or abate any illegal act, conduct, business or use in or about such premises. The alternative or additional remedy specified herein may be taken in addition to a proceeding for criminal sanctions or civil penalties. The Town Board may negotiate appropriate remediation and restoration measures by entering into an enforceable settlement agreement or consent order with any violator and/or owner, which may include payment by the violator and/or owner of a monetary penalty which may include exemplary or punitive damages, plus recovery of actual costs incurred by the Town in connection with the enforcement proceeding, including actual attorneys' fees, disbursements and, in appropriate cases, reimbursements for the actual costs to be incurred in rectifying any circumstance or condition necessary to restore the premises into compliance, all and any of which may, if not voluntarily paid by the violator and/or owner, constitute the basis of a lien charge attachable to the premises as a special assessment or charge assessable and collectable on the tax bill associated with the subject premises.

~ 150-32. Stop-work order.

A. The Town Board for the Town of Bolton hereby grants the Zoning Administrator plenary administrative responsibility to immediately suspend any continuing violations by posting a stop-work order on the premises wherein the violation has occurred.

B. Whenever the Zoning Administrator has reasonable grounds to believe that work on any building, structure or development of any premises is being undertaken or continued in violation of the provisions of the applicable building laws or the provisions hereof, or other ordinances, rules or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a permit was issued, or not in conformity with the terms or conditions of a permit, approval or variance, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work, and such persons shall forthwith stop such work and suspend all building and development activities until the stop order has been rescinded or superseded by a court order. Such order and notice shall be in writing, shall state the conditions under which the work or development may be resumed, and may be served upon a person to whom it is directed, either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building or premises where the work or development is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission for the construction of such building or development of such premises.

C. Obtaining relief or release from any stop-work order may be obtained in the proper circumstances as follows:

(1) If all provisions hereof, together with all other reasonable conditions specified by the Zoning Administrator or agent, are satisfied, and thereafter by resolution of the Town Board, upon the advice of the Planning Board or Zoning Board of Appeals as the circumstances of each case may require, an authorization of release or lifting of a stop-work order may occur.

(2) Except in matters pertaining to violations of requirements imposed by site plan review, if a variance is granted by the Zoning Board of Appeals granting permission to maintain violations specified on a stop-work order and to continue such circumstances as thereafter allowable, the administrative determination of the Zoning Administrator or agent shall conform or terminate the stop-work order in accordance with the requirements mandated by the Zoning Board of Appeals.

~ 150-33. Suspension of administrative review.

Processing and review of any application pursuant to the provisions hereof may be suspended and the application deemed incomplete with written notice to the applicant if a stop work order has been issued by the Zoning Administrator or agent, other written notice of an alleged violation has been delivered to the property owner or applicant, or a criminal or civil criminal action commenced against the property owner, applicant or other responsible person for alleged violations of law related to the activity for which the permit is sought or for alleged violation of the provisions hereof related to the site. Such suspension of application processing may remain in effect pending final resolution of any enforcement action by an order of court or by a negotiated settlement of the pending violations between the responsible parties and the Town Board. In any appropriate case, the Zoning Administrator or agent, Planning Board or Zoning Board of Appeals, in their respective roles as reviewing authorities, may suspend review of an application.

~ 150-34. Misrepresentation.

Any permit, variance or approval granted under the provisions hereof which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This section shall not be construed to diminish the penalties and remedies available to the Town under any enforcement provisions hereof.

**ARTICLE VIII**  
**Severability**  
[Amended 8-2-2005]

~ 150-35. Provisions severable.

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

**APPENDIX A**  
**CLASS A REGIONAL SUBDIVISIONS**

A. Hamlet areas:

(1) All subdivisions of land involving wetlands.

(2) All subdivisions of land involving 100 or more residential lots, parcels or sites.

B. Moderate intensity use areas:

(1) All subdivisions of land located in the following critical environmental areas:

(a) Within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation.

(b) Involving wetlands.

(c) At elevations of 2,500 feet or more.

(d) Within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.

(2) All subdivisions of land involving 75 or more residential lots, parcels or sites.

C. Low intensity use areas:

(1) All subdivisions of land located in the following critical environmental areas:

(a) Within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation.

(b) Involving wetlands.

(c) At elevations of 2,500 feet or more.

(d) Within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.

(2) All subdivisions of land involving 35 or more residential lots, parcels or sites.

D. Rural use areas:

(1) All subdivisions of land located in the following critical environmental areas:

(a) Within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation.

- (b) Involving wetlands.
  - (c) At elevations of 2,500 feet or more.
  - (d) Within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
  - (e) Within 150 feet of the edge of the right-of-way of federal or state highways.
  - (f) Within 150 feet of the edge of the right-of-way of county highways designated by rule or regulation of the Agency adopted pursuant to Subdivision 14 of Section 809 of the Adirondack Park Agency Act, as major travel corridors by the Agency.
- (2) All subdivisions of land involving 20 or more residential lots, parcels or sites.

E. Resource management areas:

- (1) All subdivisions of land involving two or more lots, parcels or sites.

**APPENDIX B**  
**Class B Regional Subdivisions**

A. Moderate intensity use areas:

- (1) Subdivision of land (and all land uses and development related thereto) involving 15 or more, but less than 75 lots, parcels or sites, other than subdivisions of land involving mobile homes.
- (2) Subdivisions of land (and all land uses and development related thereto) involving less than 15 lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria:
- (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 25,000 square feet in size and complies with all of the provisions of the shoreline restriction.
  - (b) In the case of such subdivisions not involving land having shoreline, each lot, parcel, or site is at least 40,000 square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project, where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceed 14.

- (3) Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.

(4) Subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in these regulations.

(5) Subdivisions of land within 1/2 mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

B. Low intensity use areas:

(1) Subdivisions of land (and all land uses and development related thereto) involving 10 or more, but less than 35 lots, parcels or sites, other than subdivisions of land involving mobile homes.

(2) Subdivisions of land (and all land uses and development related thereto) involving less than 10 lots, parcels or sites which do not meet the following criteria:

(a) In the case of such subdivision involving land having shoreline, each lot, parcel or site is at least 50,000 square feet in size and complies with all of the provisions of the shoreline restrictions.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 120,000 square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project, where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceed nine.

C. Rural use areas:

(1) Subdivisions of land (and all land uses and development related thereto) involving five or more, but less than 20 lots, parcels or sites, other than subdivisions of land involving mobile homes.

(2) Subdivisions of land (and all land uses and development related thereto) involving less than five lots, parcels or sites which do not meet the following criteria:

(a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 80,000 square feet in size and complies with all of the provisions of the shoreline restrictions of the plan.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 320,000 square feet in size.

Any subdivision or subsequent subdivision of land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project, where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceed four.

(3) Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.

(4) Subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in these regulations.

(5) Subdivisions of land within 1/2 mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

### **APPENDIX C DEVELOPMENT OBJECTIVES FOR USE IN REVIEW OF REGIONAL SUBDIVISIONS**

#### **A. Soils:**

(1) Soils, general: Objective: Prevent accelerated soil erosion and the potential for earth slippage.

General guideline: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas, limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

(2) Agricultural soils: Objective: Conserve viable agriculture soils.

General guideline: Avoid activities on Class I and Class II agricultural soils presently in agricultural service, which would diminish or preclude continuing use thereof for agricultural purposes.

#### **B. Topography objective: minimize topographic alterations.**

General guideline: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

#### **C. Surface water.**

(1) Water quality and eutrophication: Objective: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

General guideline: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

(2) Surface drainage: Objective: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

General guideline: Minimize alterations to existing drainage patterns and drainage courses; preserve drainageways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of stormwater runoff if development includes a significant area of impervious surface.

(3) Floodplains: Objective: Maintain the storage capacity of floodplains and their existing ability to convey water downstream; and avoid activities in floodplains which will result in dangers to life, safety and property if subjected to flooding.

General guideline: Avoid the placement of buildings intended for human habitation, commercial use and industrial use within floodplains; avoid the use of fill to create elevated sites; and within any floodway special zoning district and any floodway fringe special zoning district, conform all development plans to the floodplain regulations contained in Section 4.7 hereof.

D. Groundwater: Objective: Preserve quality, infiltration rate and levels of groundwater.

General guideline: Comply at a minimum with applicable governmental water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to groundwater quality in proximity to major aquifers and aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

E. Shorelines:

Objective: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

General guideline: Comply at a minimum with applicable governmental shoreline restrictions, minimize construction or development of any kind near or on the shorelines; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

F. Mineral resources:

Objective: Conserve existing known mineral resources.

General guideline: Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

G. Air quality objective: Maintain or enhance existing air quality.

General guideline: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices, and reduce dust levels caused by construction activities.

H. Noise levels objective: Limit additions to noise levels.

General guideline: Adhere at a minimum to applicable governmental noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

I. Wetlands: Objective: Preserve the hydrologic, wildlife, vegetational, aesthetic, educational, open space and recreational values of wetlands.

General guideline: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

J. Aquatic communities: Objective: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

General guideline: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat launching facilities, and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

K. Terrestrial vegetation:

(1) Vegetation, general: Objective: Preserve or quickly restore terrestrial vegetation.

General guideline: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

(2) Rare and endangered terrestrial plant species: Objective: Preserve rare and endangered terrestrial plant species.

General guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

(3) Productive commercial forest land: Objective: Conserve productive forest lands.

General guideline: Avoid impairment of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

L. Fragile ecosystems at higher elevations: Objective: Minimize disturbance of fragile ecosystems at higher elevations.

General guideline: Avoid development at elevations of 2,500 feet or more.

M. Terrestrial wildlife:

(1) Terrestrial wildlife, general:

Objective: Maximize the preservation of terrestrial wildlife species.

General guideline: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

(2) Rare and endangered terrestrial wildlife species: Objective: Preserve rare and endangered terrestrial wildlife species.

General guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

N. Aesthetics:

(1) Aesthetics, general: Objective: Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

General guideline: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

(2) Scenic vistas: Objective: Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

General guideline: Avoid visibility of buildings and other development and land use alterations generally from vistas by employment of vegetative screening, existing topography, and careful siting methods.

(3) Travel corridors: Objective: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

General guideline: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alterations.

O. Open space:

(1) Open space, general: Objective: Maintain the open space character of the project site, adjacent land and surrounding areas.

General guideline: Preserve vegetative screening and existing topography and employ clustering and careful siting methods where appropriate to minimize the impact of development activities and land use alterations on open space; and preserve undeveloped areas as large as possible in view of project objectives.

(2) Outdoor recreation: Objective: Maintain the quality and availability of land for outdoor and open space recreational purposes.

General guideline: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross-country skiing trails, as well as trailbike, jeep, all-terrain-vehicle and horse trails, playgrounds, picnic areas, campgrounds, parks, beaches and similar uses.

P. Adjoining and nearby land uses:

(1) Surrounding land uses, general:

Objective: Minimize incompatibility of new development with the character of adjoining and nearby land uses.

General guideline: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

(2) Adjacent state land: Objective: Preserve the wild and natural character of adjacent state lands designated as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

General guideline: Minimize development activities which would materially impair the wilderness attributes of these state lands; design and construct development that is located within 1/8 mile of these state lands, so as to minimize its visual and audial impact in these wilderness-like areas, thereby ensuring the continued compatibility of state and private types of ownership.

Q. Wild, scenic and recreational study rivers:

Objective: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the state's wild, scenic or recreational river system.

General guideline: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within 1/4 mile of such rivers; minimize alterations to such rivers and their banks; and preserve the free-flowing character of such rivers.

R. Historic sites:

Objective: Protect archaeological sites, historic sites, and unique historical structures for their educational and cultural value to the area, region or state.

General guideline: Preserve and restore archaeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

S. Special interest areas: Objective: Preserve special interest areas, such as unique natural features and their surrounding environs.

General guideline: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features, such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

T. Government considerations:

(1) Service and finance:

Objective: Fully explore and assure the ability of government to provide governmental services and facilities made necessary by the project.

General guideline: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible, the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability of the government to provide services and facilities.

(2) Regulation:

Objective: Conform development activities to all applicable governmental rules and regulations.

General guideline: Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Department of Health and Environmental Conservation, and the Adirondack Park Agency.

U. Public utilities and community resources:

Objective: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

General guideline: Avoid excessive demands on the capabilities of public utilities, such as electricity and communication services; and avoid necessity for major uncompensated increases in community services and activities, such as recreational facilities, social, cultural and health services, and transportation facilities.

The principal development activities associated with a subdivision to be considered in connection with the determination required by Section 8.2 and referred to in Section 8.4.04, together with representative means for avoiding undue adverse impact include the following:

(1) Streets and roads:

Objective: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

General guideline: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

(2) Siting and construction of buildings:

Objective: Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

General guideline: Blend buildings with existing topography and their surrounding environs; avoid steep slopes, minimize grade alterations; and avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

(3) Sewage disposal:

Objective: Select, design and locate sewage disposal system to provide adequate treatment of effluent and to avoid contamination of surface or ground water.

General guideline: Comply with all state and local health standards, adhere at a minimum to the Adirondack Park Agency Act's setback requirements for water bodies; employ proven design criteria for sewage disposal system in proper working order.

(4) Storm drainage: Objective: Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrological effects.

General guideline: Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainageways for handling stormwater runoff; and preserve all natural surface water retention areas, such as wetlands, bogs and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

(5) Water supply: Objective: Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage patterns.

General guideline: Comply with all state and local health standards with regard to the design, location, construction and maintenance of water supply systems.

(6) Solid waste disposal:

Objective: Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water and visual pollution and in a manner which will not create hazards to the health and welfare of people or wildlife.

General guideline: Comply with all applicable state and local standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well drained soils and at sufficient distances from water bodies, so as to prevent contamination thereof; and avoid locating disposal areas on steep slopes.

(7) Pesticides and herbicides:

Objective: Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.

General guideline: Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

(8) Shoreline development:

Objective: Design and construct development along shorelines, so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

General guideline: Adhere at a minimum to the shoreline restrictions of the Adirondack Park Agency Act and the provisions of the Environmental Conservation Law and all local laws; maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize construction of docks and boathouses on shorelines; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

(9) Noise:

Objective: Minimize noise insofar as practicable.

General guideline: Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

(10) Signs:

Objective: Avoid signage that detracts from aesthetic and scenic qualities.

General guideline: Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man-made travel corridors, and of signs containing moving parts or flashing lights.

(11) Utilities:

Objective: Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

General guideline: Locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have adverse environmental impacts on terrestrial and aquatic ecosystems.